

JUDICIAL CLERKSHIPS

Judicial clerkships are generally one- or two-year positions that involve working closely with one or more judges or with a pool of law clerks to conduct research, write memoranda, draft decisions, and discuss the merits of ongoing cases with judges and other clerks. Clerkships also mean observing the daily life of the court—you may observe oral arguments or trials and interact with lawyers, witnesses, and court personnel. A clerkship makes a particularly good foundation for a career in litigation or academia. Clerkships are also enjoyable for those graduates who like research, writing, and the intellectual stimulus of arguing and debating issues.

Clerkships can be your only chance to see the workings of the court from the judge's side of the bench. Some judicial clerks draft final opinions while others have extensive input into judicial opinions. You can hone your research and writing skills and experience different fields of law before making a long-term commitment. Clerkships provide many contacts with members of the bar and give you the opportunity to form relationships with judges and others who may provide career advice.

THE CHOICES

Consider where you would like to clerk, both in terms of the type of court and its geographic location. Options include federal circuit and district courts, special federal courts (bankruptcy, tax, the U.S. Court of Appeals for Veterans Claims, the U.S. Court of Appeals for the Armed Forces), state supreme, appellate, and trial courts, and some specialized state courts, such as the land court.

While over 2,000 clerkships may be available each year, you may want to keep your number of applications to a manageable size. The application process is time consuming and you are responsible for the cost of getting to interviews.

We recommend you speak with one or more of your professors if you are considering applying for clerkships. Many members of the faculty have clerked and they can provide valuable information about the application process. You will need a letter of recommendation from a faculty member to apply.

Competition for clerkships varies greatly and depends on the perceived prestige and location of a court. It may be entirely reasonable for you to apply to a number of different types of courts in which you are truly interested. Judges will certainly look hard at your academic record, but few final decisions will be based wholly on grades or class rank. The quality of your writing sample will be crucial; if it is very good, your writing sample may outweigh another applicant's better grades. In addition, courts often view very favorably applications that are from students in diverse geographic areas.

EVALUATING OPPORTUNITIES

Concentrate on what each court does, on its style and pace, and on the specific judge for whom you may be clerking, to see how these variables fit with your career goals and work style. Some criteria to use when evaluating whether you want to work for a particular judge are:

- **Philosophy** - If a clerk and judge are separated by strong ideological differences, the year can be one of constant tension; on the other hand, you and the judge may have a more interesting

experience if you are constantly testing each other's ideas in an atmosphere of challenging growth.

- **Personality** - The only person you may work with closely during the year is the judge, with the possible exception of other co-clerks. If you and the judge do not get along with one another, the experience will be disheartening.
- **Working Relationship** - Some judges maintain a businesslike, impersonal relationship with their clerks; others play a "parental" role and spend a great deal of time with them. The interview can give you a sense of this potential relationship. Talk with the judge's current or former clerks about the judge's work style with them.
- **Judge's Status** - The caseloads of judges who have assumed senior or retired status vary substantially. Some carry close to a regular caseload; others hear only a few cases each year. Some judges on senior status hire only one clerk; and in these cases, the clerk's workload is substantially equivalent to the workload of a clerk to a judge with a regular caseload who hires more than one clerk.

PREPARATION

Resume: Even if you have revised it recently, you might choose to update your resume and give added emphasis to your writing experience. Prepare a separate list of references, including names, business titles, addresses, emails, and telephone numbers.

Transcript: At some point, you will need to provide a transcript as a part of your application. Send an original, raised seal copy of your transcript if the court requires an official one. The Registrar's Office requires two business days for an official transcript request. You can get a copy your grade report online, which is acceptable as an unofficial transcript.

Writing Samples: Most courts and judges require a writing sample as a part of the initial application. At a minimum, you will need a sample of your legal research and writing ready for the interview. If your work was done in connection with a job or for a client, be sure that names, case numbers, and other identifying information are changed or redacted to preserve client confidentiality.

Some courts specify that they want a brief writing sample (10 pages or less); where a page limit is not specified, you have some flexibility (though you would not want to send a writing sample of more than 20 pages). A longer writing sample may be appropriate at the appellate level, where judicial clerks normally deal with only four or five legal issues a month and have more time to research and write memoranda. For an application to a trial court, where clerks may deal with four or five different issues a day, shorter writing samples may be more appropriate. Please see the information on writing samples at the end of this publication.

RECOMMENDATIONS

Most judges want two letters of recommendation, although some request three. At least one or two must be from a law school professor who knows you and your analytical skills well. You may want to have an extra recommender to ensure that your application is complete in the event that a recommender does not send a letter on time. Secure your recommenders by the spring of your 2L year at the latest.

Select your recommenders carefully. They should be able to write convincingly and supportively of you. They should know you and your work well, and be able to write specifically about your strengths. You may find that the recommender will have useful suggestions about how to prepare your application and about additional judges to whom you might apply.

Make an appointment to meet with your recommenders to discuss your coursework, interests and experiences, and to ensure that the letter they write has the correct "focus." Before you approach a recommender, have a tentative list of judges to whom you are applying, your resume, and transcript. Some may want to see your writing sample. A professor may be willing to be your

reference for certain judges and not for others. Request a letter of reference far in advance of any applications deadlines you may have. It is your responsibility to follow up with your recommenders. Determine a reasonable deadline for completing the reference, taking into account your recommender's schedule and your application deadlines.

Have your recommenders email their letters to Career Services laura.fisher@law.wne.edu. Career Services prepares and distributes WNE judicial clerkship faculty recommendations.

THE TIME AND PROCEDURES TO APPLY

The Federal System: Individual judges do their own hiring. Some federal judges, but not all, use the online program, OSCAR - <https://oscar.symplicity.com/index.php>. Federal judges are listed in OSCAR and many judges specify their preferred method of application in it.

State Courts: Carefully research the deadlines of the particular states in which you are interested. In a few instances, deadlines can be as early as the spring of your second year. **Most deadlines are in the summer before your final year of law school.** Some courts will require you to submit applications to each judge in the court while others will require you to submit one set of materials and to specify the particular judges with whom you wish to clerk. Submit your applications for state clerkships as early as possible after the application period begins. If you wait until later in the period, even though the deadline date has not passed, you may be closed out of the process. There are no hard and fast rules about when judges or courts will respond to applications.

THE INTERVIEW PROCESS

There are as many different interviewing styles and procedures as there are judicial clerkships and judges. There are, however, a number of things to keep in mind.

The Interview: Before the interview, you should research the court and the individual judge with whom you will interview. Research the judge in *Who's Who*, check *LEXIS* and *WESTLAW* for sample opinions, and speak to current or former clerks who can give you firsthand information. At the end of this guide is a list of alumni who are clerking or have clerked in various courts and a list of our professors who have been judicial law clerks.

Review the writing sample you submitted. Be prepared to discuss both its content and some of its broader ramifications. You may be asked how long you took to prepare it, whether it was edited by anyone else, and what function it served (whether it was used on a job, in a course, etc.)

Interviews can be as short as 15-20 minutes or can last an hour or longer. Most judges will not ask you substantive legal questions beyond your writing sample, but if your resume or cover letter expresses any interest in a particular area of the law, you should be prepared to discuss that subject. You cannot overemphasize your interest in research and writing—this is the essence of any clerkship. Questions about law school, specific courses, past work experience and outside legal activities are common. Be prepared to explain your career plans and why you want to clerk. Feel free to question a judge about working conditions and the division of responsibility. If the judge fails to ask, point out your writing experience.

The judge may ask where your "home" is, where you plan to practice, and in which jurisdiction you plan to take the bar. Judges are not necessarily looking for local talent, but they take an interest in your future plans and often like to hire someone who will become a part of their legal community.

The judge may review your transcript with you. Do not be surprised if the judge has questions about particular grades, your class rank, or your choice of courses. The judge may also wish to know what sort of specialty you have in mind. Do not feel compelled to invent a specialty, but the interview may be more interesting if you have some ideas in mind.

The discussion may also include your references. Presumably, the judge will already have received one or two references by mail; however, you may be asked for additional references.

In most of your interviews, you will also meet with the current law clerks. Discussion with them may seem very informal, but they represent an important part of the evaluation process; the judge may assume that an applicant will be more candid when speaking with a clerk than with a judge. Though the conversations may seem casual, take them seriously and act professionally.

Sometimes clerkship interviews are conducted by a panel of judges or law clerks. This is particularly true if the clerkship is one in which you would be working in a pool of law clerks.

See the Career Services handout, Interviews, for pointers on the interview process.

Offer and Acceptance: Unlike situations with larger employers (government agencies, corporations, or large firms), there is no time to sit back and compare offers or to postpone a decision while you wait to hear from your first choice. There is a great deal of pressure to accept the first offer and almost everybody succumbs. This means that you should never apply for clerkships that, if offered, you are not prepared to accept. You may sometimes ask for a little time to consider an offer, particularly if other interviews have been scheduled, and there is an obligation to keep them (such as when the interview is later that day or the next morning and it is too late to cancel). If you have received an offer, you may notify other judges of the deadline for acceptance or refusal. **Once you accept an offer, you must withdraw any outstanding applications. Please let Career Services know as soon as possible if you have accepted a clerkship.**

SOURCES OF INFORMATION

<https://oscar.symplicity.com>. The Federal Judiciary's System for Clerkship Application and Review (OSCAR) is a system for applicants to research all federal judges and, in many cases, apply to participating federal judges. The application method for each judge is noted in OSCAR.

http://www.ustaxcourt.gov/lc_program.htm: Tax Court Clerkships. Students who wish to apply for a clerkship with the United States Tax Court should submit their application for prospective vacancies as soon as possible. Most positions will be filled by the end of September. The Judges and Special Trial Judges recruit law clerks as vacancies occur. Most vacancies will occur in the summer months. Vacancies average 20 to 25 positions annually. The period of employment is normally two years.

United States Bankruptcy Court:

Judicial clerks at the Bankruptcy Court are responsible for reviewing cases, writing memoranda of law, and answering attorney questions regarding court procedures and policies.

A list of bankruptcy judges with clerkships is available on OSCAR.

The official website of the Federal Judiciary: Users will find general information on federal courts and links to individual court sites at www.uscourts.gov.

Information and advice on judicial clerkships: www.judicialclerkships.com.

The Guide to State Judicial Clerkship Procedures provides information, state by state, (call Career Services for password or check the welcome message in Symplicity) on applying for state clerkships and on the courts within those states. Available on line at:

<http://forms.vermontlaw.edu/career/guides/>

Some states have the judicial clerkship application information on line. Each state has a court site with lists of their various courts and judges. You might need to use the site index or search button to find clerkship information.

- MA: www.mass.gov/courts/
- CT: www.jud.state.ct.us
- RI: <http://www.courts.ri.gov/>
- NJ: <https://www.judiciary.state.nj.us/public/lawclerks.html>

The Law Library has legal directories from several states including Connecticut, Maine, Massachusetts, New Hampshire, and New York in its reference and ready reference collection:

2d Circuit Redbook (Ref./KF/8752/A2/F4)

New York Red Book (Ref./JK/3431/.N4)

The American Bench: Judges of the Nation (Ready Ref/KF/190/A43)

- Combines biographical information on current judges from all levels of both federal and state courts and is a comprehensive source for biographical information.

Almanac of the Federal Judiciary (Ready Ref./KF/8700/A19/A46)

- Provides detailed biographical information on members of the federal judiciary, noteworthy rulings and lawyers' evaluations of judges, magistrates, and other court officials. *Lawyer's Almanac* (Ref/KF/297/L389)

- Provides federal and state court information including the names, addresses, and telephone numbers of all of the federal judges and chief justices of each state's highest court.

Judicial Staff Directory

- Contains names, addresses, telephone numbers, and biographies of federal judges and staff. Indexes judges by name, year of appointment, and appointing president. Has sections on the Justice Department, covers some administrative law judges, lists names of judicial nominees, and includes biographies of judges.

Federal-State Court Directory

- An address and telephone directory for all federal and state courts. Includes charts of the state and federal judicial systems.

Judicial Yellow Book: Who's Who in Federal and State Courts

- Provides biographical data on federal and state judges.

BNA's Directory of State and Federal Courts, Judges, and Clerks

- Provides a description of the court structure for each state and a state-by-state listing of the judiciary. No biographical data is included.

Computer-Assisted Legal Research: Using LEXIS and WESTLAW, you can locate opinions authored by a particular judge by searching "segments" or "fields" of cases in a particular jurisdiction. The handbooks for each system explain how to draft these search requests or queries. The Law Library Reference Desk and the student representatives employed by both WESTLAW and LEXIS also offer assistance. LEXIS and WESTLAW conduct on-campus training programs. These programs are helpful for students seeking judicial clerkships.

Law Clerks: The best and most accurate sources of information will be current clerks. They can comment on "their" judge and give advice about successful strategies and planning your clerkship search.

Students and Graduates: At the end of this handout is a list of faculty, students and graduates who have had clerkships. The list is divided into separate sections for state and federal courts and administrative agencies, and gives the jurisdiction together with names of the courts and/or judges. Faculty, students and alumni are excellent sources of information.

Practicing Attorneys: Lawyers in a judge's geographical area often have information about the judge and are happy to share it. Invariably, they will have practiced before your judge or know someone who has. Attorneys almost always have opinions about judges, though you may sometimes do well to "consider the source" and to get the opinion of more than one lawyer.

Career Services: The staff can help you with information, resources, and advice, and can arrange a mock judicial clerkship interview for you. Call 413-782-1416 or stop by set up an appointment.

Clerkship Cover Letter

35 Rocky Road
Los Angeles, CA
September x, 20XX

The Honorable Patricia Smith*
Associate Justice
New Hampshire Superior Court
1234 New Courthouse
Ludlow, NH 43210

Dear Judge Skaza:

In May 20XX, I will graduate from Western New England University School of Law and I would like to be considered for a position as your law clerk for the 20XX – 20XX terms. I have enclosed for your review my resume, transcript and writing sample. Under separate cover, you will receive letters concerning my candidacy from Professors Albert Van Houten and Gail Marie Alderman.

(If there is one special item you wish to bring to the judge’s attention, do it here. For example: “Because I was raised in Ludlow and intend to return home to practice law, I am particularly interested in clerking with you.” Or “Because I wrote a Law Review Note on your dissenting opinion in Blankensop.”) you can also use this paragraph to highlight academic accomplishments or prior work experience that would be relevant to the clerkship.

I am available for an interview at your convenience, and I look forward to hearing from you. Please do not hesitate to contact me at (949) XXX-XXXX if you require any additional application materials. Thank you for your consideration.

Sincerely yours

Allen D. Lincoln

Enclosures

*While judges in state and federal lower and intermediate appellate courts may be addressed as Dear Judge (insert last name), the Chief and Associate Justices of the United States Supreme Court and the highest court in each state receive special salutations. In some states, this special salutation is also used at the intermediate appellate court level. Chief Justices are addressed as Dear Chief Justice (insert last name). Associate Justices in the higher courts would be addressed as Dear Justice (insert last name).

WNE UNIVERSITY FACULTY MEMBERS WHO HAVE HELD JUDICIAL
CLERKSHIPS

- Professor **Peter Adomeit** clerked for Judges James R. Browning and J. Warren Madden of the United States Court of Appeals for the Ninth Circuit.
- Professor **William Baker** clerked for Judge Andrew Siracuse of the New York State Supreme Court.
- Professor **Erin Buzuvis** clerked for Judge Thomas L. Ambro of the United States Court of Appeals for the Third Circuit.
- Clinical Professor of Law **Tina Cafaro** clerked for Justice Kent B. Smith of the Massachusetts Appeals Court.
- Associate Dean for Academic Affairs, Professor and Director of Legal Research and Writing **Beth Cohen** clerked for Magistrate Judge Michael Ponsor in the United States District Court for the District of Massachusetts (First Circuit).
- Professor **Harris Freeman** clerked for Magistrate Judge Michael Ponsor in the United States District Court for the District of Massachusetts (First Circuit).
- Professor **Jeanne Kaiser** clerked for Justice Elizabeth Porada of the Massachusetts Appeals Court.
- Dean and Professor Emeritus **Howard I. Kalodner** served as Law Clerk to Justice Felix Frankfurter of the U.S. Supreme Court.
- Professor Emeritus **Arthur Leavens** clerked for Judge John F. Dooling, United States District Court for the Eastern District of New York (Second Circuit).
- Professor **Jennifer Levi** clerked for Judge Michael Boudin of the United States Court of Appeals for the First Circuit.
- Professor Emeritus **Robert Lusardi** clerked for Judge Edward W. Day, United States District Court for the District of Rhode Island (First Circuit).
- Director of Academic Success Programs & Associate Professor **Myra G. Orlen** clerked for the Justices of the Massachusetts Superior Court, as well as for Judge Alexander O. Bryner, Chief Judge of the Alaska Court of Appeals.
- Professor **René Reich-Graefe** clerked for the Berlin Court of Appeals in Germany.
- Professor **Frederick Royal** served as law clerk to United States Tax Court Judge William M. Drennan in Washington, D.C.
- Associate Professor **Julie E. Steiner** served as law clerk to the the Honorable Peter W. Kilborn at the Massachusetts Land Court.
- Professor **Arthur D. Wolf** clerked for New Jersey Superior Court Judge Theodore Botter.