

# 12 THINGS EVERY LAW STUDENT SHOULD KNOW ABOUT JUDICIAL CLERKSHIPS

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## 1 WHAT IS A JUDICIAL CLERKSHIP?

The term “judicial clerkship” refers to a number of positions within the federal and state court systems that are available to law school graduates. The most traditional type of judicial clerkship involves working closely with an individual judge. Other courts hire staff attorneys who serve the court rather than a specific judge. The majority of judicial clerkships are limited to terms of one or two years. Staff attorney positions can have open-ended terms.

## 2 WHY SHOULD I CONSIDER ONE?

A judicial clerkship is an excellent first step in a legal career. A clerkship provides a unique opportunity to learn from a skilled jurist and to experience the behind-the-scenes workings of the judicial system. As a judicial clerk, you will have the opportunity to develop and refine your research and writing skills, learn the intricacies of trial or appellate procedure, and gain exposure to the bar that practices before that court. A clerkship can also further one’s career goals. Because such positions are so limited, they are viewed as very prestigious and valued, and many clerks have an edge in competing for subsequent jobs with both private and public sector employers.

## 3 WHAT TYPES OF CLERKSHIPS ARE AVAILABLE?

As you might expect, there are different types of clerkships. For instance, in the federal court system, judicial law clerks work for individual judges on the U.S. Supreme Court, the U.S. Circuit Courts of Appeals, and the U.S. District Courts. In addition, clerks are often hired to work with bankruptcy judges, federal magistrates, and judges on the specialty courts such as the U.S. Tax Court, the U.S. Court of Federal Claims, the U.S. Court of International Trade, the U.S. Court of

Appeals for the Armed Forces, the U.S. Court of Veterans Appeals, and the Native American Indian Courts of Law.

There are also many opportunities at the state level. Clerkships are available at the state supreme court, intermediate appellate court and the trial court level. In addition to the individual clerks who serve each judge, some state appellate courts have a central clerkship staff. At the state level, however, the majority of the judicial clerkship opportunities are found in the trial courts. In Florida, for example:

- *Florida Supreme Court* - Apply directly to the 7 individual Justices. Application materials should include a cover letter, resume, 2 letters of recommendation, an unofficial transcript and a writing sample.
- *Florida District Court of Appeals* - Apply directly to the individual DCA judges or to the Marshall’s Office in each of the 5 districts.
- *Florida Circuit Courts* - Apply to the Office of the Trial Court Administrator in each of the 20 circuits. Some clerks work as part of a pool, serving more than one judge.

## 4 WHAT KIND OF WORK WOULD I BE DOING?

The nature of a clerk’s duties varies from judge to judge and from court to court. It is safe to say that legal writing and research will likely be at the core of your duties as a judicial clerk. You may be responsible for assisting in the legal research and writing associated with the judge’s daily caseload as well as facilitating conferences between judge and attorneys. As a clerk, you may also be involved in drafting bench memoranda outlining the issues in any given case to prepare the judge for oral argument, researching specific issues, conferring with the judge on pending matters, and/or drafting proposed opinions for the judge’s review.

## 5 WHAT QUALIFICATIONS ARE REQUIRED?

Strong academic performance is important; however, the clerkship application process is not focused *exclusively* on grades and law review. Nevertheless, it is a very competitive process so you need to be realistic about your application strategy. Judges typically give considerable weight to academic record and evidence of an applicant's writing ability. To this end, membership on a law journal can be a great advantage and for some judges it is even a requirement. If you are not on a law journal, you should seek other opportunities to develop and display your writing skills, such as moot court, and take courses that require papers or briefs. Also, working as a research assistant for a professor is a very good idea.

Moreover, judges often pay particular attention to the character and work ethic of their applicants. They are searching for candidates with demonstrated maturity, integrity and judgment that can come from a wide range of sources, including, but not limited to, prior work experience, law school activities, advanced degrees, and/or strong interest in social issues or public service work. Personality is also an important consideration and judges often look carefully at the personalities of their candidates since compatibility is essential within the close confines of the chambers.

Finally, many judges affirmatively encourage applications from women and minority candidates. Some judges look for candidates who are interested in practicing in the Community where the judge sits while others look for applicants who are from that geographic area.

## 6 WHEN SHOULD I APPLY?

Unfortunately, from a planning standpoint, there are no standard procedures or time guidelines for post-graduate clerkship applications. Recent hiring trends over the past several years do suggest one guiding principle when it comes to application deadlines: ***if you think that you may be interested in a judicial clerkship, you need to start investigating the opportunities early in your law school career.*** Many judges are making hiring decisions earlier than ever before.

For federal clerkships and state appellate and trial clerkships, you should be preparing for the process *during the fall semester of your second year.* This means refining your resume and cover letters and meeting with those you have asked to provide you letters of recommendation. Many (but not all) federal courts conduct interviews in the fall of a student's third-year.

Most clerkships begin after administration of the July bar exam, usually between August 1<sup>st</sup> and

September 1<sup>st</sup>. Occasionally, judges will need clerks at other times of the year, but these opportunities are difficult to predict. Keep an eye out for e-mails and postings by the Career Placement Office for clerkship announcements and notices from judges who are interested in FSU law graduates. This is especially the case with Florida appellate courts.

## 7 HOW DOES THE APPLICATION PROCESS WORK?

October 2000 marked the launch of the ***Federal Law Clerk Information System*** at [www.uscourts.gov](http://www.uscourts.gov). This database, developed by the Administrative Office of the US Courts, is a comprehensive resource that allows federal judges to input information concerning their application requirements and hiring plans for law clerks. Applicants are able to search by geographic area, by court, or by judge's name to find clerkship vacancies and application details.

Application information for many judicial clerkships can also be found in the *NALP Federal and State Judicial Clerkship Directory*. This print resource, located in the Career Placement Office resource room, contains approximate deadlines for many federal (and some state) judges and also includes information on the materials they require applicants to submit. You will also find judges' hiring criteria and the names and law schools of current clerks.

Now, what should you include in your application package? Initially, a resume, cover letter, unofficial law school transcript and letters of recommendation are sufficient to send as an application. Make sure that your resume includes your GPA and some indication of class rank. If you already know what your employment will be for next summer, include that information as well.

Your cover letter is of critical importance. So be sure to take the time to craft a letter that will speak to the judge's needs and emphasize your research and writing skills. Letters of recommendation from law school faculty are also essential. Faculty members from whom you have taken more than one course, done well, and you have come to know are best situated to provide an optimal letter.

At some point in the process you will be asked to provide a writing sample. Feel free to ask the advice of a faculty member for help in finding and preparing an appropriate writing sample. Don't be overly concerned about the length of the piece - the judge will read as much or as little as he/she wants.

## 8 HOW DO I DEVELOP AN

### EFFECTIVE CLERK SEARCH STRATEGY?

First, do your homework. Think about the type of court (federal vs. state) and the geographic location where you want to work. Carefully research the courts and the judges to identify those positions that interest you. Take advantage of the resource materials available to you in the Career Placement Office and the law library to help you consider if a clerkship is right for you. In addition, contact members of the faculty here at FSU who have held clerkships. Here is a list of those faculty members with clerkship experience:

- **Curtis Bridgeman** Judge Gilbert Meritt, Sixth Circuit Court of Appeals
- **Robin Craig** Judge Robert E. Jones, United States District Court for the District of Oregon
- **Janeia Daniels** Judge Philip J. Padovano, Florida First District Court of Appeal
- **Brian Galle** Judge Robert Katzmann, U.S. Second Circuit Court of Appeals; Judge Stephen Orlofsky, District of New Jersey
- **Tahirih Lee** Judge David Sentelle, D.C. Circuit Court of Appeals
- **Wayne Logan** Judge Louis B. Meyer, N.C. Supreme Court; Robert R. Merhige, Jr., U.S. District Court for the Eastern District of Virginia
- **Mark Seidenfeld** Judge Patricia Wald, D.C. Circuit Court of Appeals
- **Charlee Taylor** Judge Robert Benton, First District Court of Appeal; Justice Harry Anstead; Florida Supreme Court
- **Lesley Wexler** Judge Thomas Reavley, Fifth Circuit Court of Appeals; Justice William Wayne, Eastern District of Texas

Target those clerkship positions that interest you and send your application materials out as soon as possible to ensure that your application gets timely consideration. You should then have an organized plan for handling follow-ups and responses when they come in. For example, you may want to keep a tickler file or a master list of all judges/courts to whom you sent applications. As responses come in, you can note them on your list for appropriate follow-up. Keep separate files for incoming correspondence: rejection letters; interview invitations; “we’ll let you know” letters; and requests for additional information. Whatever system you use, the key is to be organized so that when a judge calls, you will be able to quickly locate the information necessary to identify the judge, his or her court and location, and the status of your application.

## 9 WHAT IF I GET AN INVITATION

### TO INTERVIEW?

When you receive an interview invitation, be prepared to travel at your own expense since the federal and most state governments do not have funds for reimbursement. If you are scheduled for an interview, you can call other judges in that area to whom you’ve applied. Tell them that you will be in town interviewing with Judge X and ask if they would be interested in meeting you since you will already be in the vicinity.

Be prepared! Talk to as many people as you can who have interviewed with judges. You will quickly find that the length and nature of interviews vary from judge to judge. Take the time to do some research on the judge (and any noteworthy recent decisions if applicable). Be prepared for the judge to ask specific questions designed to see if you are strong enough to defend a position contrary to that of the judge.

You may also have an opportunity to talk with the current clerks during the interview. If you do, keep in mind that the clerks’ opinions will likely carry significant weight in the hiring decision. Current clerks can be great sources of information so take advantage and don’t be shy about asking them questions since you have only limited time to determine if you would feel comfortable working closely with the judge. What sort of responsibilities do the clerks have? What do they like/dislike about clerking? What are the judge’s expectations? Look for nonverbal clues as well. Does the clerk seem stressed? Enthusiastic? Bored? How does he/she interact with the judge?

## 10 WHAT ARE THE RULES FOR OFFERS AND ACCEPTANCES?

Unlike with law firms, there are no NALP guidelines to govern the timing of offers and acceptances of judicial clerkships.

As a rule, you should not apply to a judge unless you are certain that you would be willing to accept his or her offer promptly B sometimes on the spot. Many judges expect answers within 24 hours. And, once you accept an offer, you will be expected to honor it. Therefore, do your homework at the outset to avoid applying to a judge for whom you would not want to clerk if asked.

If you do find yourself in the position of being made an offer that you do not desire to accept, do so with extreme care. Keep in mind that your actions will reflect on your school as well as yourself.

# 11 WHAT OTHER OPPORTUNITIES

## MIGHT I TAKE ADVANTAGE OF IF I'M INTERESTED IN JUDICIAL CLERKSHIPS?

The Law School offers an extensive judicial externship program, allowing students to earn academic credit while learning to assume the role of a judicial clerk in various state and federal courts. Externships are available to eligible students who have completed 48 credits of law studies. Interested students should speak to Professor Sally Gertz, faculty supervisor for clinical programs.

# 12 WHERE CAN I GET MORE

## INFORMATION?

We offer a number of resources to assist you in learning more about judicial clerkships. Stop by Room 206 to find out more about these exciting post-graduate opportunities. Other resources include:

***NALP Federal and State Judicial Clerkship Directory*** provides information on the judicial clerkship hiring criteria and practices of 600+ judges in both federal and state courts.

***Federal Law Clerk Information System*** This newly created database contains information about federal law clerk vacancies and available applicants. The system allows chambers personnel to post information (including application deadlines) about upcoming or existing law clerk vacancies and also provides data for judges on which applicants have accepted jobs.

***The Florida Bar Journal Directory*** contains names and addresses for all federal judges on the U.S. Court of Appeals for the Eleventh Circuit, the U.S. District Courts in Florida, and state judges at all levels.

***LEXIS/NEXIS*** and ***WESTLAW*** both include judicial opinions, bibliographies, articles and information about judicial clerkships. ***LEXIS' JCLERK*** contains information including application requirement, selection criteria and preferences, first interview dates, and past and current clerks.

***The American Bench*** includes comprehensive biographical information on federal and state judges.

### ***Web Sites***

- ***The Federal Law Clerk Information System*** (<https://lawclerks.ao.uscourts.gov/>). This site allows prospective applicants to search a national database of federal law clerk vacancies and also provides information about the U.S. Courts and federal clerkships.
- ***U.S. Federal Courts*** ([www.uscourts.gov](http://www.uscourts.gov)). This is the homepage for the U.S. Federal Judiciary. The site provides information as well as links to the U.S. Federal Courts.
- ***The National Center for State Courts*** (<http://www.ncsconline.org/>). This site provides links to State Court websites, as well as limited employment information and links to federal and international courts.
- ***Who Has Court Jobs*** (<http://www.whohascourtjobs.com>). This site provides job listings for judicial clerkships and internships for students in a select number of states.