



JUDICIAL CLERKSHIP MANUAL

2014

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What Is a Judicial Clerkship?

A judicial clerkship can be one of the most interesting positions in one's career. Former judicial clerks typically rave about their experience and universally say that the work was important, intensive and engaging. Fundamentally a research and writing position, clerks typically read briefs, attend proceedings, write bench memoranda analyzing the arguments advanced by the parties, advise judges on the disposition of the case, draft opinions and in the case of trial courts, attend meetings with counsel and perform case management functions.

Typically a one- or two-year position in the chambers of a judge, clerkships are available in most courts throughout the U.S. and its territories. They may be found in federal and state courts of general and limited jurisdiction, at the trial and appellate levels. Typically individuals begin their clerkships immediately following their law school graduation but in recent years there has been an increase in individuals pursuing clerkships at other points in their careers. In addition, some judges hire permanent or career law clerks.

Positions with individual judges are known as elbow clerks. Federal circuit courts and some federal district courts also have positions as staff attorneys and pro se clerks. These positions work for the whole court or panels of judges for one- or two- years and perform many of the same tasks as elbow clerks.

Why Clerk?

Judicial clerkships are regarded as extremely beneficial professional experiences, regardless of one's ultimate career plans. Reasons to clerk include:

- To hone research, writing, and legal skills
- To work closely with leaders of the legal profession and to form professional and personal relationships with a judge and other clerks
- To learn how to think about legal disputes from a judge's perspective
- To provide exposure to and make contacts in a legal community
- To open doors that might otherwise be closed directly after law school
- To obtain practical training in litigation, trial strategy and techniques, and other legal skills
- To obtain exposure to a variety of legal issues and areas of law or to a particular area of law
- To take an intellectually stimulating interim job between law school and a longer term work commitment
- To add another respected credential to a resume.

Think about applying for a judicial clerkship regardless of whether your career goals include corporate law, litigation, teaching, government or public interest work.

Where Are Clerkships Available?

Clerkship opportunities in the U.S. are available at many different levels:

Federal

- U.S. Supreme Court. Typically individuals apply after they have obtained another clerkship, usually a federal appellate clerkship.
- U.S. Court of Appeals
- U.S. District Courts, including bankruptcy courts and magistrate judges
- Special federal courts including Court of Federal Claims, Court of International Trade, Tax Court, and Court of Veterans Appeals. Administrative law judges in some federal agencies also have judicial law clerks.

State

- Supreme Courts
- Intermediate Appellate Courts
- Trial Courts

Some foreign courts also offer clerkship opportunities.

IS A JUDICIAL CLERKSHIP FOR YOU? CONSIDER...

(A Self-Assessment)

- A. Type of clerkship
 - 1. Trial or appellate
 - 2. State, federal, or international
- B. Reasons for seeking a clerkship
 - 1. Research and writing; practical training
 - 2. Work closely with a judge; gain a mentor
 - 3. Gain insight into the legal system
 - 4. See different attorneys' styles of practice
 - 5. Gain exposure to variety of legal issues and areas of the law
 - 6. Resume credential
- C. To focus clerkship search consider:
 - 1. Geography
 - 2. Family Ties
 - 3. Place(s) you want to practice law
 - 4. Personal preferences for judges (specialized court, status, etc.)
- D. Potential strengths and weaknesses in your application:
 - 1. Law School Experience
 - a. Academic Record
 - b. Journal experience or other significant legal writing
 - c. Moot Court
 - d. Clinic
 - e. Leadership activities
 - f. Research assistant
 - 2. Other academic experiences
 - a. Advanced degree
 - b. Undergraduate degree
 - 3. Nonacademic experience and interests
 - a. Jobs (paid and volunteer)
 - b. Languages
 - c. Interesting, distinguishing items (to show skills, or interesting, well-rounded personality)
 - 4. Writing Sample
 - a. Law school work
 - b. For employer (have employer permission and redact)
 - 5. Recommendations (2 – 4, depends on judges requirements)
Address writing/analytical skills, intellect, work habits, character, etc.
 - a. Law faculty
 - b. Legal employers

To How Many Judges Should I Apply?

Selecting specific judges is the most difficult and time-consuming part of the judicial clerkship search. More is not necessarily better and a carefully targeted approach, which gives fair consideration to your preferences, selection criteria specified by judges, and your credentials will ensure the best results. Remember that many judges expect applicants to accept an offer once given so applying to a judge in whom you are not particularly interested may compromise your chances of getting a clerkship with a judge whom you much prefer. Travel to interviews is at your own expense, so this may impact the number of geographical areas to which you apply. Applying to judges outside of the competitive geographic areas (e.g., New York, Chicago) increases your odds of getting a clerkship, but do not apply to regions in which you are not willing to work.

Review the list of research resources in Appendix B. Do not rely on one resource to the exclusion of the others.

Choosing Judges To Apply To

Unfortunately there is no magic formula for calculating your prospects of securing one as the hiring process is idiosyncratic. A judge's selection of a law clerk is a highly personal decision and many factors influence his or her hiring decision. Grades and journal membership are important components of the process but should not be exclusively relied upon in making decisions about where to apply. We encourage you to consider the following factors in deciding whom to apply to.

The Strength of Your Credentials

It is not uncommon for a federal judge to receive 200+ applications for clerkships each year and many judges receive 500+ applications. Many of the judges screen applications based on the law school the applicant attends, academics, journal experience, work experience, and recommendations. Most will also look at other factors including advanced degrees, volunteer work experience, military experience, an individual's hobbies, languages, and sometimes ideological fit and anything else that is important to the judge. In short, you never quite know what will "catch the eye" of a particular judge.

Aim for clerkships that are within reach based on the credentials the judges request and the advice you receive from faculty.

U.S. Supreme Court: Most Competitive

The likely candidate will be the individual who is first in his or her class and who also offers extraordinary or interesting credentials. In addition, the individual may secure a clerkship with "feeder" judges (certain appellate court judges, a list of whom is available at <http://www.law.umich.edu/currentstudents/careerservices/pdf/Appendixd.pdf>). Or, the individual may develop a strong relationship with a faculty member(s) who has a strong relationship with a Justice (e.g., as a research assistant or through a seminar) who makes a recommendation.

U.S. Courts of Appeals (Part I): Highly Competitive

There is a hierarchy among circuit court clerkships based upon a number of factors, including the attractiveness of the location in which the judge or court sits, the number of law schools in a given area competing for local clerkships, and a particular judge's reputation as a jurist or "feeder" to the Supreme Court. The most sought after and difficult clerkships are those with the D.C. Circuit, the Second Circuit, and the Ninth Circuit, and a smattering of judges in other circuits.

U.S. Court of Appeals (Part II): More Competitive

To secure a federal appellate court clerkship, other than the most difficult ones to obtain, one generally needs strong academics (Top 15 – 20% of the class), journal membership, and enthusiastic recommendations. Again, individuals who seek these clerkships should develop strong relationships with faculty members who have relationships with federal appellate judges. A previous federal district court clerkship can also strengthen one's candidacy for a federal appellate clerkship.

U.S. District Courts: Competitive

The difficulty in securing a federal district court clerkship depends upon the reputation of the judge and the location. Students enhance their chances of obtaining a clerkship if they apply to judges in smaller cities and mid-size cities (e.g., the St. Louis metro area, Wilmington, DE, Philadelphia, Sacramento, CA, Portland, OR, Atlanta, Phoenix, Kansas City). Magistrate and bankruptcy judges are also good possibilities.

Specialty Federal Courts: Competitive

Highest State Courts: Competitive

The competitiveness of several of the specialty federal courts and the highest courts of certain states is on par with the federal district courts. All of these judges receive a great number of applications, but they usually cannot demand the credentials sought by federal appellate court judges.

Clerking for an excellent state supreme court justice can be a worthwhile idea. This holds especially true if you clerk on the highest court in the state in which you intend to practice.

Appellate Judges and/or Trial Judges; Federal and/or State Courts

Trial and appellate court work differs which, for some individuals, creates a preference for one type of clerkship over the other.

Trial Court

Overall trial court clerkships provide direct exposure to more stages of civil and criminal litigation, and allow clerks to observe courtroom proceedings and have greater contact with counsel. Clerks at the trial court level typically research and write bench memoranda, draft orders and opinions for motions, plea memoranda, and jury instructions. They also analyze briefs, review evidence, discuss issues with the judge, cite check, and proofread. In some courts they may attend trials, oral argument on motions, sentencing, jury charges, status conferences, and evidentiary hearings. Others may also be involved in case management including scheduling, handling requests for extensions and responding to counsel inquiries about case status and the judge's procedures.

Appellate Court

Appellate clerkships focus more on the sustained analysis of legal issues and the preparation of opinions. Judicial clerks at the appellate court level research and write bench memoranda, draft opinions, summary orders, and voting memoranda; comment on and edit other clerks' draft opinions; and cite check and proofread. They make recommendations on petitions for rehearing and suggestions for rehearing en banc. They also read briefs and transcripts; brief the judge on cases, individual issues, and recommended outcomes; help the judge prepare for oral argument; and attend oral argument.

Type of Judge

Chief Judge: For most federal courts, chief judges are selected based on seniority, and serve for seven years or until attaining the age of 70, whichever occurs first. Chief judges handle a large number of administrative duties for the court which often results in a lower caseload for the chambers. Some judges have their law clerks assist with the administrative duties. State Court chief judge selection procedures vary. For example, some are determined by seniority, others by gubernatorial appointment.

Senior Status Judges (Federal): Upon reaching age 65, and having met certain time-in-service requirements, a district or circuit judge may elect senior status. One should not, however, draw any negative inferences from this status – it just means that the judge has greater control over his or her workload. Many remain at a full or near-full caseload. And many travel a great deal, sitting by designation in courts throughout the country, with their law clerk traveling with them.

Specialized Courts: Most individuals clerk for “generalist” judges. Some courts deal with a specialized area of the law which may be attractive to you if you have a strong interest in a particular area. These courts include:

- U.S. Court of Appeals for the Federal Circuit (appellate jurisdiction on patents and non-exclusive jurisdiction on trademarks)

- U.S. Court of International Trade
- U.S. Claims Court (claims against the government)
- U.S. Tax Court
- U.S. Bankruptcy Court
- State specialty courts including tax courts, business related courts (e.g., Delaware Court of Chancery which is the preeminent court for corporate law issues), family courts, probate courts, and others.

Location

Geography is an important consideration in determining where to target your clerkship applications. For some, it is a personal decision to be in a particular area for family or other reasons important to them. For others, it is a strategic decision to be in the geographic area in which they want to ultimately practice so that they can get to know its legal community and the nature of the practice. And, for others it is the desire to have the clerkship experience and “playing the odds” of applying to judges in less competitive geographic areas.

Ideology

For most students judicial ideology need not play a role in your choice of judges. Judges do not expect their clerks to have the same views as they do – in fact some judges look for clerks with a different outlook as they enjoy the spirited debates that can occur. If you determine that this is an important factor for you, review the judge’s opinions, publications, or speeches, and also look at their political affiliation and who appointed them to the bench to ascertain his or her ideological leanings.

One- v. Two-Year Clerkships

Most clerkships typically last one year, but some district court clerkships are two-year commitments. It is a personal preference whether to exclude two-year clerkships from consideration. Information on the length of a clerkship for a particular judge may be found in the Federal Law Clerk Information System (FLCIS).

Application Procedures

Federal Judges – Application Process

There are two ways one can apply to federal judges - online through the Online Systems for Clerkship Application and Review (OSCAR) and via paper applications. Judges choose the method and you must follow whichever process they select.

Throughout this process we encourage you to make arrangements for an individual advising/counseling session.

Non-Oscar Judges accept applications via mail, fax, or email. Requested application materials, application timelines and application methods (i.e., mail vs. email) may vary and you will have to check their specific requirements.

OSCAR Judges use the online system as their exclusive means of sorting, screening, and managing clerkship applications.

Each student applying for federal clerkships must go to the OSCAR website at <https://oscar.symlicity.com/>, create a profile, upload application materials, select the judges on his or her list who are using OSCAR and submit the application materials to each judge. Judges using OSCAR may offer positions at any time according to their own schedules. Judges individually decide their clerkship offer terms and post their hiring preferences and practices in their OSCAR judge profiles. OSCAR releases the applications at the time that the applicants finalize their applications to the judge. Rising second-year law students can begin researching clerkship openings and uploading their application materials (i.e., resume, cover letters, etc.) on June 1 and submit electronic applications in OSCAR on August 1.

To create a profile or sign-in to OSCAR, go to <https://oscar.symlicity.com/>. If you are creating a profile, click the “Applicant Registration” tab and complete the form. If you are a returning user, sign-in under the ‘OSCAR Sign-in’ tab with your username and password. All applicants are advised to thoroughly read the applicant user’s guide for detailed instructions on using OSCAR (http://oscar.dcd.uscourts.gov/OSCAR_Applicant_User_Guide_Version-2.pdf).

Be certain to select the list of recommender names to EACH JUDGE, ONE JUDGE AT A TIME as letters of recommendation cannot be posted until this has been done.

State Courts – Application Process

There is no uniform schedule for state court hiring and no online source listing clerkship vacancies in the state courts. Judges in some state courts require students to apply in the spring of their second year or during the summer between second and third year. Others seek applicants during the fall of the third year.

The 2014 Guide to State Judicial Clerkship Procedures at http://www.vermontlaw.edu/Job_Search_Resources/Judicial_Clerkship_and_Internship_Resources.htm provides general information regarding the hiring practices of the courts of each state. Please contact the Career Services Office for a username and password. Individual state court websites are also helpful in determining application deadlines.

As with federal clerkships, always determine the judges' application requirements and hiring deadlines. Some states have a state-wide centralized hiring process (e.g., New Jersey); some state courts post deadlines for applications for the entire court although one applies to individual judges (e.g., New Hampshire); and in many jurisdictions each judge hires on his/her own timeline.

It is always best to check with the courts in which you are particularly interested to learn the specific requirements.

Application Materials

Judicial Clerkship applications typically include a cover letter, resume, transcript, writing sample, and letter(s) of recommendation. A good rule of thumb - always submit whatever the judge wants, and in the manner she or he requests (i.e., paper v. email v. online).

Cover Letter

Your judicial clerkship cover letter is the first example of your writing that a judge will see. For many federal applications, the letter will be simple and direct – a transmittal letter – stating who you are, the position/term you are applying for, the contents of your application packet, the names of the individuals who will be providing letters of recommendation (if coming under separate cover), and your contact information. For other applications your letter will be more detailed including an explanation of why you are interested in that particular judge and/or court, your connection to the geographic area in which the judge sits, a specific strength that is not obvious from your application, or other information. *Note: if you are applying to a specialized court you should mention any relevant experience or coursework (e.g., patent courses or work for the U.S. Court of Federal Claims).* Regardless of which type of letter, your cover letter should be clear, concise, error-free, and no longer than one page.

Pay particular attention to the proper salutation. All judges are referred to as “The Honorable” followed by the judge’s full name in the address portion of the letter and on the envelope (i.e., The Honorable Catherine Perry). In addition, you should use the appropriate title (e.g., Judge, Chief Judge, Justice, Chief Justice, Magistrate Judge, etc.) followed by the judge’s last name (e.g., Dear Judge Perry). *Note: Senior judges are still designated as “Judge”; they are not referred to as “Senior Judge “x”*

Resume

The general resume guidelines apply to clerkship applications. Be certain your resume is current reflecting your activities for the current academic year, your 2L summer position (if an offer is extended prior to your clerkship applications indicate “offer extended” by this employer) and the title of your Note or comment, if you are writing one. Emphasize your writing experience, legal and non-legal. It can be helpful to include a list of your interests and skills such as foreign languages, experiences and your community service or extracurricular activities. And, unlike resumes for other positions it is not critical that your resume be confined to one page.

Transcript

An unofficial law school transcript is sufficient at the application stage, unless a judge specifies that he or she wants an official transcript. Transfer students should also include a transcript from their prior law school.

For your online applications through OSCAR, you must prepare and upload a grade sheet. The system cannot accommodate official or unofficial transcripts.

Some judges may require transcripts from your undergraduate college, and if applicable, your graduate school(s). You need to obtain these directly from the institutions, so plan accordingly.

Writing Sample

Most judges require a writing sample. It should showcase your ability to analyze and explain legal issues and to defend your conclusions. It should be 10 – 15 pages in length and may be an excerpt from a longer document. Legal memoranda and briefs can be used as a writing sample. Research papers and published pieces may also be used. If you submit a writing sample that was prepared for an employer, be certain that you have obtained permission to do so and redact any necessary information.

It is recommended that you create a cover sheet for your writing sample versus including a brief description in your cover letter. The cover sheet can serve as an introduction and allows one to provide brief background information (e.g., memorandum prepared for a summer employer), explain any excerpts or redactions, provide a summary of facts or arguments that would be helpful in understanding the piece, and if it is a work-product note that it is used with the employer's permission.

Letters of Recommendation

Most judges require three letters of recommendation and some require two or four letters. It is preferable that all of your letters or recommendation be from Texas A&M faculty members. At a minimum, two of your letters of recommendation should be faculty recommendations. In the case of transfer students, the recommendation letters should be from a professor at either Texas A&M or your prior law school. The other letter(s) may be from a legal employer or other person familiar with your legal work. (Note: generally nonlegal employers should not be used as they typically are not in a position to comment on your legal reasoning and writing abilities.)

Choosing Your Recommenders

As when you were applying to law school, detailed, personal recommendations from someone who knows you and your work well are more effective than generic recommendations. Why? Judges look for clerks who will fit into their chambers and want to know something about your personality, your ability to get along with others, your discretion, and sense of humor in addition to your legal abilities.

Ask yourself the following questions:

1. Who can comment positively and in detail on my ability
 - To think and reason?
 - To recognize and analyze legal issues?
 - To express myself well orally and in writing?
 - To meet deadlines?
 - To be a team player?
 - To get along well with others?
 - To deal with complex facts and legal doctrines?

- To multitask?
 - To keep confidences?
2. Were you a Research Assistant or have you taken a seminar wherein the professor has gained familiarity with your writing and who you are as a person?
 3. Which courses have I performed well in?
 4. Is this individual a former judicial law clerk him or herself? Does he or she have connections to any judges?
 5. Is this person writing recommendation letters on behalf of other students to any of the judges to whom I am applying?

Note: Please be aware that some individuals may refuse to write a letter of recommendation for you. Some faculty members may have a policy of sending letters only to a specific number of judges, or only to specific judges. Some judges have a policy of not writing letters of recommendation on behalf of former judicial interns but are willing to provide oral recommendations. Respect these policies.

Inform your recommenders about yourself! Ask to meet with your potential recommenders to discuss your clerkship aspirations, career plans, background and experience. Provide them with a resume, transcript, and any other materials they may request or that may be helpful for them to have, and a list of all judges you would like them to write on your behalf. Ask whether they feel comfortable writing a strong, positive recommendation.

For OSCAR judges, your recommenders will upload their letters. Make sure they understand the process and deadlines for uploading their letters. *Remember, OSCAR allows you to check on the status of your recommendation letters.*

Clerkships and Public Interest Fellowships

The timing of the clerkship process has raised questions about how to coordinate that process with a public sector job search. The National Association for Law Placement (NALP) has developed resources that may be helpful to you should you also be seeking fellowships. Go to www.nalp.org/assets/48_clerkpub.pdf for more information.

Non-U.S. Citizens and Judicial Clerkships

If you are not a citizen of the U.S. you may be eligible to apply for a clerkship in the federal courts. There are restrictions on the use of federal funds to pay federal salaries to non-U.S. citizens. However, these restrictions do not apply to employment outside the continental U.S. This means that non-U.S. citizens may pursue a federal clerkships in Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands. Other exceptions may also be applicable, both statutory and by treaty, with certain countries. It is important to verify your eligibility for employment under current law. Consult the U.S. Office of

Personnel Management website at <http://www.opm.gov/employ/html/noncit.htm> or call the Office of General Counsel at the Administrative Office of the U.S. Courts at 202.502.1100. If you are not a U.S. citizen you should bring this to the attention of the chambers in which you are seeking employment so that the judge can ascertain whether you are eligible for consideration.

Individuals interested in clerking in a state court should contact that court's Clerk or Administrator directly as the requirements vary by state law.

INTERVIEWS AND OFFERS

Leverage interviews – Not Offers

Judges typically limit the number of candidates they interview so do not expect your applications to generate large numbers of interviews. And, it is important that you recognize that your acceptance of an interview, for many judges, is a tacit understanding that you will accept an offer if extended. Therefore **only accept an interview if you would accept an offer**. If, after the interview, you decide that you do not wish to work for that judge immediately withdraw your application.

Scheduling Interviews

If you are invited to interview, congratulations! Treat it as a precious commodity as the competition for clerkships is so keen.

Timing is a critical consideration if and when you receive calls for interviews. Unlike most positions, judges do not interview all of the candidates they have contacted and then make a decision. Many judges make hiring decisions as they interview and will then cancel other scheduled interviews. Therefore, you need to have a clear sense, before judges are likely to call, about your preferences in clerkships. You do not have control over which judges will call, or when they will call, but you can attempt to control when your interviews are scheduled. It is usually best to schedule interviews sooner rather than later but you can try to “push back” interviews by a few days for judges who are “lower on your list.” There is a risk though as your top choice judges may not call you for an interview and the other judge(s) who have called you may already make a choice prior to the date of your interview. Strategize but be realistic so that you do not miss out on opportunities.

Typically the judge, or a member of the judge’s staff, calls to invite you for an interview (they will leave a message on your voicemail if you are not there.) If you have been contacted by several judges on the same day return the calls in your order of preference of judge to schedule the interviews. **Always return calls within 24 hours, but sooner is better**. If you have applied to several judges in the same city or geographic area in which you will be interviewing, consider contacting the other chambers and asking whether those judges would be interested in meeting with you, but only after you have scheduled your interview . (And, remember that judges speak to one another so only pursue this strategy when you have received an offer to interview.)

NOTIFY COURTNEY KEY AS SOON AS YOU SCHEDULE AN INTERVIEW VIA EMAIL AT ckey@law.tamu.edu.

The Interview

Plan on one to two hours for your interview but ask about the interview structure when scheduling your interview. Typically you will meet with the judge and you will also meet with the judge’s law clerks and administrative staff. The latter are very important in the evaluation process. At this stage it is a question of “fit.”

Interview styles vary amongst judges. Some will ask questions about your personal life and habits, family life, or views on social, political or legal issues. For example, you may be asked about your favorite books or about a particular interest you have listed on your resume. Others will focus on your background, work experience, and your reasons for wanting to clerk. And others will attempt to have substantive discussions about a legal topic (e.g., an issue raised in your writing sample.) Although the styles vary, all are attempting to decide whether you are the right person for the close working relationship between themselves and their clerks. To prepare we recommend the following:

- Know your application materials inside-out. You may be asked in detail about any information you submitted, including issues raised in your writing sample.
- Know the judge. Consult the *Almanac of the Federal Judiciary* and *The American Bench* for biographical information. Review via Lexis or Westlaw the judge's most recent cases and decisions, as well as articles and publications. Also perform a legal news search via Lexis or Westlaw for more information about the judge. Speak with individuals who may have clerked for the judge or who know the judge. Alumni, faculty members, former colleagues, and others may be helpful resources.
- Know something about the local area and what is happening in the world. Read the local paper and a national newspaper the morning before your interview. It is possible that the judge may ask you a question about an article from the morning paper.
- Know your talking points. It is important to know your strengths and points you want to convey to the judge. This may include analytical skills, research and writing abilities, interpersonal/team skills.
- Anticipate questions.

Questions you may be asked by a judge or clerk

Why do you want to clerk, why this particular court, and/or why this city (state, region)?

Why are you interested in clerking for me?

Why do you believe you are the best candidate for this position?

What are your short- and/or long-term legal career goals?

What aspect of law interests you the most?

What do you hope to learn from this clerkship? How do you anticipate this experience will influence or impact your future goals?

What interests do you have outside of the law?

Describe your work experience.

Describe the work you have completed for your law journal.

Describe your experience with [courses, professors, etc.] in law school.

What do you consider your greatest strengths and weaknesses?

How would you approach this particular issue, case or problem?

Do you prefer to work with others or independently?

Describe a situation in which you have juggled competing deadlines and priorities.

If you and I disagree about a certain issue, would you have any problems drafting an opinion incorporating my viewpoint?

What is the biggest challenge you have faced in your life?

What do you do to keep abreast of the latest development in the law?

To which other judges/courts have you applied? Why did you choose them?

Note: Federal judges are exempt from liability under federal employment statutes such as Title VII so it is possible that they may ask about your personal plans.

Questions you may want to ask the judge and/or clerks

(some are more appropriate for trial judges; others for appellate)

What is the nature of your docket? Do certain types of cases predominate? How is work divided among the clerks?

What is a typical day like?

How is a typical case handled from start to finish?

How involved are clerks in preparing drafts of the Judge's opinions? What other documents do clerks draft?

Do clerks assist in administrative work or other projects for the Judge?

Are clerks involved with the screening docket (appellate cases are screened to determine whether or not to be placed on oral argument calendar)? Do clerks attend oral arguments?

Does the Judge sit in other cities? Do clerks travel with the Judge?

Do clerks interact with lawyers? To what extent?

Do you allow your clerks to look for post-clerkship positions during the clerkship term?

Describe your relationship with the judge. How much opportunity is there for the Judge to discuss the cases and the law with clerks?

What do you like best/least about your position?

What are the Judges greatest strengths and/or weaknesses?

Accepting Offers

General rule of thumb – you do not say no to a Judge's offer. Most judges expect a quick response once they have made an offer. Some judges may ask you hypothetically whether you would accept an offer, others may ask for an answer on the spot and others will extend offers to 4 people and say the first 2 to respond have the position. But there are some judges who will give you a few days or a longer period of time in which to consider the offer. In most instances it is poor form to ask a judge for more time to make a decision – you run the risk of having the offer withdrawn.

If you do have time in which to make a decision, it is acceptable to call judges with whom you have already interviewed to see whether they can reach a decision or to interview with other judges. Once you accept an offer, immediately telephone any other judge who has extended you an offer and graciously decline.

Upon accepting a clerkship, cancel any other interviews you may have scheduled. Send a withdrawal letter to chambers in which your applications are still pending. In addition, notify your recommenders and also Courtney Key in the Career Services Office.

Steps to Take If You Do Not Receive Any Offers

- Continue to check the FLCIS to see if the judges have completed hiring. If you currently have an application pending, reiterate your interest. Or, if it is a new position, forward your application materials.
- Tell everyone that you are seeking a clerkship. They may know of or hear of openings.
- Check regularly for new clerkship opportunities on the FLCIS and the Jobs tab on Symplicity.
- Apply to newly confirmed judges.
- Consider applying after graduation.

APPENDIX A

**Federal and State Courts –
Summary Descriptions**

States Within the United States Courts of Appeals

**Excerpts from *The United States Government Manual 2006/2007*
Concerning the Structure and Jurisdiction of the Various Federal Courts**
(From the Government Manual Online via GPO Access wais.access.gpo.gov)

Overview of the State Court Structure and Jurisdiction

http://www.ncsconline.org/D_Research/Ct_Struct/Index.html - for detailed diagram of each court system
(as of 2004)

STATES WITHIN THE UNITED STATES COURTS OF APPEALS¹
(Numbers in parentheses indicate total active and senior circuit judges as of Fall 2006)

DISTRICT OF COLUMBIA CIRCUIT

District of Columbia

FIRST CIRCUIT

Maine
Massachusetts
New Hampshire
Puerto Rico
Rhode Island

SECOND CIRCUIT

Connecticut
New York
Vermont

THIRD CIRCUIT

Delaware
New Jersey
Pennsylvania
Virgin Islands

FOURTH CIRCUIT

Maryland
North Carolina
South Carolina
Virginia
West Virginia

FIFTH CIRCUIT

Louisiana
Mississippi
Texas

SIXTH CIRCUIT

Kentucky
Michigan
Ohio
Tennessee

SEVENTH CIRCUIT

Illinois
Indiana
Wisconsin

EIGHT CIRCUIT

Arkansas
Iowa
Minnesota
Missouri
Nebraska
North Dakota
South Dakota

NINTH CIRCUIT

Alaska
Arizona
California
Guam
Hawaii
Idaho
Montana
Nevada
Northern Mariana Islands
Oregon
Washington

TENTH CIRCUIT

Colorado
Kansas
New Mexico
Oklahoma
Utah
Wyoming

ELEVENTH CIRCUIT

Alabama
Florida
Georgia

¹ The Court of Appeals for the Federal Circuit (16) has no geographic jurisdiction. It hears patent appeals from U.S. District Courts and appeals from the U.S. Court of Federal Claims, the U.S. Court of International Trade, and the Court of Veterans Appeals

THE SUPREME COURT OF THE UNITED STATES

Article III, section 1, of the Constitution of the United States provides that "[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The Supreme Court of the United States was created in accordance with this provision and by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). It was organized on February 2, 1790. Article III, section 2 of the Constitution defines the jurisdiction of the Supreme Court.

The Supreme Court is comprised of the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress, which is currently fixed at eight (28 U.S.C. 1). The President nominates the Justices with the advice and consent of the Senate.

Article III, section 1, of the Constitution further provides that "[t]he Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

Court officers assist the Court in the performance of its functions. They include the Administrative Assistant to the Chief Justice, the Clerk, the Reporter of Decisions, the Librarian, the Marshal, the Director of Budget and Personnel, the Court Counsel, the Curator, the Director of Data Systems, and the Public Information Officer.

Appellate Jurisdiction

Appellate jurisdiction has been conferred upon the Supreme Court by various statutes under the authority given Congress by the Constitution. The basic statute effective at this time in conferring and controlling jurisdiction of the Supreme Court may be found in 28 U.S.C. 1251, 1253, 1254, 1257-1259, and various special statutes. Congress has no authority to change the original jurisdiction of this Court.

Rulemaking Power

Congress has from time to time conferred upon the Supreme Court power to prescribe rules of procedure to be followed by the lower courts of the United States.

Court Term

The term of the Court begins on the first Monday in October and lasts until the first Monday in October of the next year. Approximately 8,000 cases are filed with the Court in the course of a term, and some 1,000 applications of various kinds are filed each year that can be acted upon by a single Justice.

Access to Facilities

The Supreme Court is open to the public from 9 a.m. to 4:30 p.m., Monday through Friday, except on Federal holidays. Unless the Court or Chief Justice orders otherwise, the Clerk's office is open from 9 a.m. to 5 p.m., Monday through Friday, except on Federal legal holidays. The library is open to members of the bar of the Court, attorneys for the various Federal departments and agencies, and Members of Congress.

For further information concerning the Supreme Court, contact the Public Information Office, United States Supreme Court Building, One First Street NE., Washington, DC 20543. Phone, 202-479-3211. Internet, <http://www.supremecourtus.gov>.

LOWER COURTS

Article III of the Constitution declares, in section 1, that the judicial power of the United States shall be invested in one Supreme Court and in "such inferior Courts as the Congress may from time to time ordain and establish." The Supreme Court has held that these constitutional courts ". . . share in the exercise of the judicial power defined in that section, can be invested with no other jurisdiction, and have judges who hold office during good behavior, with no power in Congress to provide otherwise."

United States Courts of Appeals

The courts of appeals are intermediate appellate courts created by act of March 3, 1891 (28 U.S.C. ch. 3), to relieve the Supreme Court of considering all appeals in cases originally decided by the Federal trial courts. They are empowered to review all final decisions and certain interlocutory decisions (18 U.S.C. 3731; 28 U.S.C. 1291, 1292) of district courts. They also are empowered to review and enforce orders of many Federal administrative bodies. The decisions of the courts of appeals are final except as they are subject to review on writ of certiorari by the Supreme Court.

The United States is divided geographically into 12 judicial circuits, including the District of Columbia. Each circuit has a court of appeals (28 U.S.C. 41, 1294). Each of the 50 States is assigned to one of the circuits. The territories and the Commonwealth of Puerto Rico are assigned variously to the first, third, and ninth circuits. There is also a Court of Appeals for the Federal Circuit, which has nationwide jurisdiction defined by subject matter. At present each court of appeals has from 6 to 28 permanent circuit judgeships (179 in all), depending upon the amount of judicial work in the circuit. Circuit judges hold their offices during good behavior as provided by Article III, section 1, of the Constitution. The judge senior in commission who is under 70 years of age (65 at inception of term), has been in office at least 1 year, and has not previously been chief judge, serves as the chief judge of the circuit for a 7-year term. One of the justices of the Supreme Court is assigned as circuit justice for each of the 13 judicial circuits. Each court of appeals normally hears cases in panels consisting of three judges but may sit en banc with all judges present.

The judges of each circuit (except the Federal Circuit) by vote determine the size of the judicial council for the circuit, which consists of the chief judge and an equal number of circuit and district judges. The council considers the state of Federal judicial business in the circuit and may "make all necessary and appropriate orders for [its] effective and expeditious administration . . ." (28 U.S.C. 332).

The chief judge of each circuit may summon periodically a judicial conference of all judges of the circuit, including members of the bar, to discuss the business of the Federal courts of the circuit (28 U.S.C. 333). The chief judge of each circuit and a district judge elected from each of the 12 geographical circuits, together with the chief judge of the Court of International Trade, serve as members of the Judicial Conference of the United States, over which the Chief Justice of the United States presides. This is the governing body for the administration of the Federal judicial system as a whole (28 U.S.C. 331).

United States Court of Appeals for the Federal Circuit

This court was established under Article III of the Constitution pursuant to the Federal Courts Improvement Act of 1982 (28 U.S.C. 41, 44, 48), as successor to the former United States Court of Customs and Patent Appeals and the United States Court of Claims. The jurisdiction of the court is nationwide (as provided by 28 U.S.C. 1295) and includes appeals from the district courts in patent cases; appeals from the district courts in contract, and certain other civil actions in which the United States is a defendant; and appeals from final decisions of the U.S. Court of International Trade, the U.S. Court of Federal Claims, and the U.S. Court of Appeals for Veterans Claims

The jurisdiction of the court also includes the review of administrative rulings by the Patent and Trademark Office, U.S. International Trade Commission, Secretary of Commerce, agency boards of contract appeals, and the Merit Systems Protection Board, as well as rulemaking of the Department of Veterans Affairs; review of decisions of the U.S. Senate Select Committee on Ethics concerning discrimination claims of Senate employees; and review of a final order of an entity to be designated by the President concerning discrimination claims of Presidential appointees.

The court consists of 12 circuit judges. It sits in panels of three or more on each case and may also hear or rehear a case en banc. The court sits principally in Washington, DC, and may hold court wherever any court of appeals sits (28 U.S.C. 48).

United States District Courts.

The district courts are the trial courts of general Federal jurisdiction. Each State has at least one district court, while the larger States have as many as four. Altogether there are 89 district courts in the 50 States, plus the one in the District of Columbia. In addition, the Commonwealth of Puerto Rico has a district court with jurisdiction corresponding to that of district courts in the various States.

At present, each district court has from 2 to 28 Federal district judgeships, depending upon the amount of judicial work within its territory. Only one judge is usually required to hear and decide a case in a district court, but in some limited cases it is required that three judges be called together to comprise the court (28 U.S.C. 2284). The judge senior in commission who is under 70 years of age (65 at inception of term), has been in office for at least 1 year, and has not previously been chief judge, serves as chief judge for a 7-year term. There are altogether 645 permanent district judgeships in the 50 States and 15 in the District of Columbia. There are 7 district judgeships in Puerto Rico. District judges hold their offices during good behavior as provided by Article III, section 1, of the Constitution. However, Congress may create temporary judgeships for a court with the provision that when a future vacancy occurs in that district, such vacancy shall not be filled. Each district court has one or more United States magistrate judges and bankruptcy judges, a clerk, a United States attorney, a United States marshal, probation officers, Court reporters, and their staffs. The jurisdiction of the district courts is set forth in title 28, chapter 85, of the United States Code and at 18 U.S.C. 3231.

Cases from the district courts are reviewable on appeal by the applicable court of appeals.

Territorial Court

Pursuant to its authority to govern the Territories (art. IV, sec. 3, clause 2, of the Constitution), Congress has established district courts in the territories of Guam and the Virgin Islands. The District Court of the Canal Zone was abolished on April 1, 1982, pursuant to the Panama Canal Act of 1979 (22 U.S.C. 3601 note). Congress has also established a district court in the Northern Mariana Islands, which presently is administered by the United States under a trusteeship agreement with the United Nations. These Territorial courts have jurisdiction not only over the subjects described in the judicial article of the Constitution but also over many local matters that, within the States, are decided in State courts. The district court of Puerto Rico, by contrast, is established under Article III, is classified like other "district courts," and is called a "court of the United States" (28 U.S.C. 451). There is one judge each in Guam and the Northern Mariana Islands, and two in the Virgin Islands. The judges in these courts are appointed for terms of 10 years.

For further information concerning the lower courts, contact the Administrative Office of the United States Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE., Washington, DC 20544. Phone, 202-502-2600.

United States Court of International Trade

This court was originally established as the Board of United States General Appraisers by act of June 10, 1890, which conferred upon it jurisdiction theretofore held by (19 U.S.C. ch. 4). The act of May 28, 1926 (19 U.S.C. 405a), created the United States Customs Court to supersede the Board; by acts of August 7, 1939, and June 25, 1948 (28 U.S.C. 1582, 1583), the court was integrated into the United States court structure, organization, and procedure. The act of July 14, 1956 (28 U.S.C. 251), established the court as a court of record of the United States under Article III of the Constitution. The Customs Court Act of 1980 (28 U.S.C. 251) constituted the court as the United States Court of International Trade.

The Court of International Trade has jurisdiction over any civil action against the United States arising from Federal laws governing import transactions. This includes classification and valuation cases, as well as authority to review certain agency

determinations under the Trade Agreements Act of 1979 (19 U.S.C. 2501) involving antidumping and countervailing duty matters. In addition, it has exclusive jurisdiction of civil actions to review determinations as to the eligibility of workers, firms, and communities for adjustment assistance under the Trade Act of 1974 (19 U.S.C. 2101). Civil actions commenced by the United States to recover customs duties, to recover on a customs bond, or for certain civil penalties alleging fraud or negligence are also within the exclusive jurisdiction of the court.

The court is composed of a chief judge and eight judges, not more than five of whom may belong to any one political party. Any of its judges may be temporarily designated and assigned by the Chief Justice of the United States to sit as a court of appeals or district court judge in any circuit or district. The court has a clerk and deputy clerks, a librarian, court reporters, and other supporting personnel. Cases before the court may be tried before a jury. Under the Federal Courts Improvement Act of 1982 (28 U.S.C. 1295), appeals are taken to the U.S. Court of Appeals for the Federal Circuit, and ultimately review may be sought in appropriate cases in the Supreme Court of the United States.

The principal offices are located in New York, NY, but the court is empowered to hear and determine cases arising at any port or place within the jurisdiction of the United States.

For further information, contact the Clerk, United States Court of International Trade, One Federal Plaza, New York, NY 10278-0001. Phone, 212-264-2814.

SPECIAL COURTS

The Supreme Court has held that ". . . Article III [of the Constitution] does not express the full authority of Congress to create courts, and that other Articles invest Congress with powers in the exertion of which it may create inferior courts and clothe them with functions deemed essential or helpful in carrying those powers into execution." Such courts, known as legislative courts, have functions which ". . . are directed to the execution of one or more of such powers and are prescribed by Congress independently of section 2 of Article III; and their judges hold office for such term as Congress prescribes, whether it be a fixed period of years or during good behavior." Appeals from the decisions of these courts, with the exception of the U.S. Tax Court and the U.S. Court of Appeals for the Armed Forces, may be taken to the U.S. Court of Appeals for the Federal Circuit. Appeals from the decisions of the Tax Court may be taken to the court of appeals in which judicial circuit the case was initially heard. Certain decisions of the U.S. Court of Appeals for the Armed Forces are reviewable by writ of certiorari in the Supreme Court.

United States Court of Federal Claims

The U.S. Court of Federal Claims has jurisdiction over claims seeking money judgments against the United States. A claim must be funded upon the United States Constitution; an act of Congress; the regulation of an executive department; an express or implied-in-fact contract with the United States; or damages, liquidated or unliquidated, in cases not sounding in tort. Judges in the U.S. Court of Federal Claims are appointed by the President for 15-year terms, subject to Senate confirmation. Appeals are to the U.S. Court of Appeals for the Federal Circuit.

For further information, contact the Clerk's Office, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005-1086. Phone, 202-357-6400.

United States Court of Appeals for the Armed Forces

This court was established under Article I of the Constitution of the United States pursuant to act of May 5, 1950, as amended (10 U.S.C. 867). Subject only to certiorari review by the Supreme Court of the United States in a limited number of cases, the court serves as the final appellate tribunal to review court-martial convictions of all the Armed Forces. It is exclusively an appellate criminal court, consisting of five civilian judges who are appointed for 15-year terms by the President with the advice and consent of the Senate. The court is called upon to exercise jurisdiction to review the record in all cases:

--extending to death;
--certified to the court by a Judge Advocate General of an armed force or by the General Counsel of the Department of Transportation, acting for the Coast Guard; or
--petitioned by accused who have received a sentence of confinement for 1 year or more, and/or a punitive discharge.
The court also exercises authority under the All Writs Act (28 U.S.C. 1651 (a)).

In addition, the judges of the court are required by law to work jointly with the senior uniformed lawyer from each armed force, the Chief Counsel of the Coast Guard, and two members of the public appointed by the Secretary of Defense, to make an annual comprehensive survey and to report annually to the Congress on the operation and progress of the military justice system under the Uniform Code of Military Justice, and to recommend improvements wherever necessary.

For further information, contact the Clerk, United States Court of Appeals for the Armed Forces, 450 E Street NW., Washington, DC 20442-0001. Phone, 202-761-1448. Fax, 202-761-4672. Internet, <http://www.armfor.uscourts.gov>.

United States Tax Court

This is a court of record under Article I of the Constitution of the United States (26 U.S.C. 7441). Currently an independent judicial body in the legislative branch, the court was originally created as the United States Board of Tax Appeals, an independent agency in the executive branch, by the Revenue Act of 1924 (43 Stat. 336) and continued by the Revenue Act of 1926 (44 Stat. 105), the Internal Revenue Codes of 1939, 1954, and 1986. The name was changed to the Tax Court of the United States by the Revenue Act of 1942 (56 Stat. 957), and the Article I status and change in name to United States Tax Court were effected by the Tax Reform Act of 1969 (83 Stat. 730).

The court is composed of 19 judges. Its strength is augmented by senior judges who may be recalled by the chief judge to perform further judicial duties and by special trial judges who are appointed by the chief judge and serve at the pleasure of the court. The chief judge is elected biennially from among the 19 judges of the court.

The matters over which the Court has jurisdiction are set forth in the various sections of title 26 of the U.S. Code. At the option of the individual taxpayer, simplified procedures may be utilized for the trials of small tax cases, provided that in a case conducted under these procedures the decision of the court would be final and not subject to review by any court. The jurisdictional maximum for such cases is \$50,000 for any disputed year.

All decisions, other than small tax case decisions, are subject to review by the courts of appeals and thereafter by the Supreme Court of the United States upon the granting of a writ of certiorari.

The office of the court and all of its judges are located in Washington, DC. The court conducts trial sessions at various locations within the United States as reasonably convenient to taxpayers as practicable. Each trial session is conducted by a single judge or a special trial judge. All proceedings are public and are conducted judicially in accordance with the court's Rules of Practice and the rules of evidence applicable in trials without a jury in the U.S. District Court for the District of Columbia. A fee of \$60 is prescribed for the filing of a petition. Practice before the court is limited to practitioners admitted under the court's Rules.

For further information, contact the Administrative Office, United States Tax Court, 400 Second Street NW., Washington, DC 20217-0002. Phone, 202-521-0700. Internet, <http://www.ustaxcourt.gov>.

United States Court of Appeals for Veterans Claims

The United States Court of Veterans Appeals was established on November 18, 1988 (102 Stat. 4105, 38 U.S.C. 7251) pursuant to Article I of the Constitution, and given exclusive jurisdiction to review decisions of the Board of Veterans Appeals. The court was renamed the United States Court of Appeals for Veterans Claims by the Veterans Programs Enhancement Act of 1998 (38 U.S.C. 7251 note). The court may not review the schedule of ratings for disabilities or actions of the Secretary in

adopting or revising that schedule. Decisions of the Court of Appeals for Veterans Claims may be appealed to the United States Court of Appeals for the Federal Circuit.

The court consists of seven judges appointed by the President, with the advice and consent of the Senate, for 15-year terms. One of the judges serves as chief judge.

The court's principal office is in the District of Columbia, but the court can also act at any place within the United States.

For further information, contact the Clerk, United States Court of Appeals for Veterans Claims, Suite 900, 625 Indiana Avenue NW., Washington, DC 20004-2950. Phone, 202-501-5970. Internet, <http://www.vetapp.gov>.

Other Courts

There have also been created two courts of local jurisdiction for the District of Columbia: the District of Columbia Court of Appeals and the Superior Court.

Overview of State Supreme Courts

As with any endeavor involving state governments, it is difficult and risky to make generalizations about state supreme courts. Every state, however, has at least one court of last resort, usually called its “supreme court.” Unlike the United States Supreme Court, whose jurisdiction is essentially discretionary, the state supreme courts have mandatory jurisdiction in a number of areas. The specific demarcation between mandatory and discretionary jurisdiction varies among states. The number of justices ranges from five to nine. The length of their terms as well as the manner of selection, differ markedly from state to state.

Go to National Center for State Courts website at http://www.ncsconline.org/D_Research/Ct_Struct/Index.html to view the court structure of each state court. This will give you a better sense of common court arrangements. Three to view are: **Missouri** (http://www.ncsconline.org/D_Research/Ct_Struct/include/MO_p.pdf) which has a system most similar to the federal arrangement: a single court of last resort and an intermediate appellate court; **Texas**, (http://www.ncsconline.org/D_Research/Ct_Struct/state_inc.asp?STATE=TX) which has two courts of last resort, typifies the alternative approach to burgeoning criminal appeals; the Court of Criminal Appeals functions as the court of last resort for criminal matters, while the Supreme Court is the last resort for all other matters; and **Vermont** (http://www.ncsconline.org/D_Research/Ct_Struct/state_inc.asp?STATE=VT) which represents an alternative system found in a number of states: a single court of last resort with no intermediate appellate court.

Appendix B

RESEARCHING JUDGES

Resources in CSO

Human Resources

Online Resources

Websites

Discussion Boards

Written Resources

SOURCES OF INFORMATION

Resources are listed alphabetically within each category

RESOURCES CREATED AND MAINTAINED BY THE CAREER SERVICES OFFICE

CSO Counseling and Programs

CSO counselors are available to counsel students about the decision to clerk, the clerkship application and selection process, and other career issues.

Job Posting Database on Symplicity: Contains information from state and federal courts and judges requesting applications.

HUMAN RESOURCES

Alumni who have clerked or who are clerking now. Ask them to provide their insights into the clerkship search, experience, interviewing process and strategies, and more. They can offer useful information on the other judges in their court, as well as their own. Recent graduates can give you the most current information. Former clerks may give a different perspective than clerks who have not yet completed their time in chambers.

Attorneys from the areas where you would like to clerk. Speak with former law clerks within the firms/organizations where you have worked or are working. Speak with local attorneys who have practiced before local judges, or know someone who has, and may have clerked themselves.

Faculty and Deans. Talk to them about your career plans and ask them advice on clerking and on judges.

Members of the Class of 2014 who will be clerking. They have finished the process you are beginning and can offer advice on application strategies, interviewing, and the selection process. *(And for members of the Class of 2016 remember that Spring 2015 is a great time to speak with members of the class of 2015 who will be clerking.)*

When speaking with former clerks and individuals familiar with the judge ask them about issues that are important to you. The questions you ask will likely be dependent upon the stage of the application process you find yourself in – deciding whether to apply to a judge, the interview stage, or deciding whether to accept an offer. Questions may include:

- What is the Judge's personality like?
- How interested in the Judge in clerks' personal and professional lives? How close is the Judge with former clerks? How much will the Judge help with finding the next job?

- What is the Judge's reputation in the legal community?
- What are the best and worst things about working for the Judge? What things should an applicant know that might help in making up his or her mind?
- How extensively does the Judge edit clerks' drafts?
- What are typical hours in chambers?
- Tell me about the geographic area?

ONLINE RESOURCES

Alliance for Justice: Judicial Selection Project: <http://www.afj.org/our-work/issues/judicial-selection-2>

Contains statistical data on the appointment process and vacancies of the federal judiciary. Also contains demographic lists and tables of sitting judges based on categories such as the appointing president, gender, race, and other information. Information is regularly updated.

Federal Administrative Law Judges Conference: <http://www.faljc.org>

A voluntary professional association for administrative law judges, this site provide information about the role of administrative law judges and a list of judges, by agency, who are members.

Several federal agencies also have links to the administrative law judges including:

U.S. Environmental Protection Agency Office of Administrative Law Judges:
<http://www.epa.gov/oalj/>

U.S. Federal Energy Regulatory Commission, Office of Administrative Law Judges:
<http://www.ferc.gov/about/offices/oaljdr.asp>

U.S. Housing and Urban Development Office of Administrative Law Judges:
<http://www.hud.gov/offices/oalj/index.cfm>

U.S. Department of Labor, Office of Administrative Law Judges: <http://www.oalj.dol.gov>

U.S. Social Security Administration: <http://www.ssa.gov>

Federal Judicial Center: <http://www.fjc.gov>

Biographical information on all past and present judges, court histories, educational materials and links to other legal resources.

Federal Judiciary: <http://www.uscourts.gov>

Information about and links to federal courts, along with the online version of *The Third Branch* (<http://news.uscourts.gov/>), the federal judiciary's newsletter which provides news about judicial vacancies, nominations, resignations, and confirmations.

Federal Judiciary Library online: <http://www.loislaw.com/judlib/>

Available by password protected subscription from Aspen Publishing, the library includes full text of the Almanac of the Federal Judiciary, links to full text opinions by federal judges, and the complete judicial questionnaires submitted to the Senate by judges when they were nominated. **Contact the circulation desk of the Law School library for a password.**

Federal Law Clerk Information System (FLCIS): <https://lawclerks.ao.uscourts.gov>.

The federal judiciary's searchable database of federal law clerk hiring information maintained by the Administrative Office of the U.S. Courts. The site offers general information about clerkship duties, salary, and benefits as well as clerkship information posted by individual federal judges and application deadlines. Each judge is responsible for listing any openings s/he may have. One can search by court, and may refine their search for starting dates, specific judges, or clerkship term. Judges may also list that their positions are filled, or that they do not have clerkship positions or vacancies. *Note: Currently 75 – 80% of the judges use the FLCIS.* If a judge is not listed in the FLCIS, call the chambers directly to ascertain whether the judge will be hiring a law clerk for the year in which you are interested in clerking.

Findlaw: <http://www.findlaw.com>

Good legal search engine. Has links to court websites, accompanied by brief descriptions of each site.

U.S. Court of Appeals: http://www.findlaw.com/10fedgov/Judicial/Appeals_courts.htm.

U.S. District Courts: http://www.findlaw.com/10fedgov/Judicial/district_courts.html.

Bankruptcy Courts: http://www.findlaw.com/10fedgov/Judicial/bankruptcy_courts.html

Other federal courts: http://www.findlaw.com/10fedgov/Judicial/other_courts.html

Lexis/Nexis and Westlaw.

Access these services to review judges opinions and news articles. Lexis also has Courtlink, a feature for researching the caseload of the circuit and district courts, several state courts, and individual district court judges.

Online System for Clerkship Application and Review (OSCAR): <https://oscar.symplicity.com/>

Contains information on judges participating the electronic submission and review of clerkship applications.

National Center for State Courts: <http://www.ncsc.org/>

Links to numerous state and international court sites.

Senate Judiciary Committee: http://www.senate.gov/legislative/legis_act_nominations.html

Most up-to-date listings of recent nominations and confirmations, judicial and otherwise.

2014 Guide to State Judicial Clerkship Procedures: <http://vermontlaw.edu/career>

Produced by the Vermont Law School, this resource provides information on clerkship opportunities in all 50 states as well as in D.C., Guam, and Puerto Rico. Contact the Career Services Office for a username and password.

USDOJ Office of Legal Policy: <http://www.justice.gov/olp/judicial-nominations>

Includes biographical and other supporting materials on judicial nominees, along with lists of nominees, confirmations and status of “blue slips.”

Clerkship Discussion Boards

Please approach discussion boards with great caution and critically evaluate the information provided. The postings on these sites represent the individual views of current/former clerks and students interested in clerkships. The information may not always be accurate or may reflect solely the view of the individual posting to the board.

Greedy Clerks – Clerkships 101 – Getting Them, Keeping Them, and Cashing In On Them:

<http://www.infirmation.com/bboard/clubs.tcl?topic=Greedy%20Clerks>

Clerkship discussion board which claims devotion to “getting them, keeping them, and cashing in on them.”

JudicialClerkships.com: <http://www.judicialclerkships.com/>

Provides information to help students navigate the maze of courts and judicial clerkship opportunities, links to key court sites and judicial clerkship listings and comments and updates throughout the judicial clerkship application season. In addition it provides a forum for students and judicial clerks to exchange information about applying for a clerkship and to share their clerkship experiences.

Books and Other Written Resources

These resources are available in the Career Services Library

Almanac of the Federal Judiciary. Vol. 1: Profiles of sitting judges of U.S. District Courts; Vol. 2: Profiles of sitting judges of U.S. Courts of Appeals. Includes judges’ biographical information, publications, noteworthy rulings, and anonymous evaluations by lawyers.

Behind the Bench: The Guide to Judicial Clerkships.

Chambers Handbook for Judges’ Law Clerks and Secretaries.

Courting the Clerkship: Perspectives on the Opportunity.

Judging: A Book for Student Clerks.

Judicial Yellow Book.

Opportunities with International Tribunals and Foreign Courts.

USEFUL ARTICLES

Clerkship Politics by The Honorable Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, and Fred Bernstein about the clerkship dynamic when judge and clerk have opposing points-of-view. http://www.greenbag.org/Kozinski_Dialogue.pdf.

The Market for Federal Law Clerks, University of Chicago Law Review: Written by Christopher Avery, Christine Jolls, Richard A. Posner, and Alvin E. Roth, this article reviews the current state of the judicial clerkship hiring process. Available at: http://www.law.harvard.edu/programs/olin_center/papers/pdf/317.pdf or from SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=263988&CFID=647316&CFTOKEN=89632207

Practice in the Federal District Courts From the Law Clerk's Perspective: The Rules Behind the Rules. Kenneth C. Broodo and Douglas D. Haolftis. 43 Baylor L. Rev. 333. The article describes how judges and their staffs responded to different lawyering techniques and gives a behind the scenes account of the responsibilities of law clerks as well as the power that the clerks possess.

Rat Race: Insider Advice on Landing Judicial Clerkships, Ruggero J. Aldisert, Ryan C. Kirkpatrick & James R. Stevens III, 110 Penn St. L. Rev. 835 (2006). Highly readable article about the judicial clerkship application and selection process for federal clerks. Includes sample cover letters and important tips.

"Why Clerk? What Did I Get Out of It?", Wasby, Stephen L., 56 Journal of Legal Education 411 (2006). This article looks at how law students come to clerk for a particular judge and describes the clerks evaluation of their clerkship experience (in retrospect). Includes discussion of whether it met expectations and impact on career.

Appendix C

Charting Your Course For A Judicial Clerkship *A Three-Year Plan For Building Your Resume*

Tips to Strengthen Your Application For A Judicial Clerkship

- Focus on academics! Strong academic performance is a prerequisite for obtaining a judicial clerkship. Typically the higher the court, the higher the GPA/class rank needed to be considered competitive.
- Develop a strong relationship with one or more of your professors. Clerkship applications require two – four letters of recommendation and at least two should be from law school professors. Consider securing a summer research assistant position to a Texas A&M professor.
- Attend programs on clerkships and observe the state and federal court sessions that are hosted by the law school each year.
- When selecting courses for your second-year:
 - Take a seminar or an advanced legal writing course. Professors from these courses can write a knowledgeable letter of recommendation about your research and writing skills.
 - Federal Jurisdiction is important to take either in your second- or third-year if you plan to seek a federal clerkship.
 - Administrative Law can be helpful for clerkships with courts that hear cases from administrative agencies and for clerkships with administrative law judges.
 - Consider courses that may be of interest to specialty courts. For example, tax courses for clerkships with state tax courts; intellectual property courses for the U.S. Court of Federal Claims or the U.S. Court of Appeals for the Federal Circuit.
- Write on to law review or a law journal if invited.
- Take part in competitions (e.g., negotiation, moot court).
- For your first-year summer position look for a position that will provide you with further legal research and writing experience in either the private or public sector. A research assistant position with a professor can be an excellent credential. Summer judicial internships can be good experience to have on your resume for the 1L summer. Note that these positions are typically unpaid. To apply you will need to write letters directly to the courts/judges you are interested in working for as these positions are rarely advertised.
- Review the CSO *Judicial Clerkship Manual* and attend CSO programming events on clerkships.
- Decide whether you will apply to federal courts, state courts, or both. Learn the application procedures and deadlines of the court(s) you are interested in applying to.
- Develop a writing sample to use with your clerkship application, either in a class or through work experience.
- Cultivate relationships with professors who you will request write letters of recommendation on your behalf. If you have not already done so, consider becoming a research assistant for a

professor. In addition to developing a strong relationship with an individual who may write a letter of recommendation for you, this will allow you to hone your research and writing skills.

Speak with your recommenders before you leave for the summer and know what materials they need from you.

- Take part in moot court and other trial activities. These activities can strengthen your advocacy skills.
- If you are a member of one of the legal publications, consider obtaining an editorial board position for your third-year.
- Pursue a summer position that will allow you to further develop your research and writing skills.
- If you are considering applying for state trial court clerkships, plan to enroll in a clinic, trial practice and/or other skills-based courses that may be helpful. For example, if a state probate court is of interest take estate and trust related courses or family law related courses for family courts.
- Research judges
- Compete all course work to avoid incompletes on your transcript
- Begin preparing your applications for federal judges over your 1L summer and meet all deadlines.
Compile your list of judges; check the FLCIS for special requirements
Have your list of judges and other materials ready by the deadlines
Update your resume to include your summer experience
Finalize writing sample
Prepare packages for mailing to non-OSCAR judges and submit by the deadline
Prepare and upload in OSCAR cover letters, resumes, transcript, and other materials
- Research application requirements and deadlines for courts to which you plan to apply. Meet court- and/or judge-specific deadlines.
- Monitor judicial appointments and apply to newly confirmed judges throughout the year.

Appendix D

Forms of Address for Judges

Sample Letters

Sample Cover Page for Writing Samples

HOW TO ADDRESS JUDGES

Addressee	Form of Address	Salutation
Chief Justice U.S. Supreme Court	The Chief Justice of the United States	Dear Chief Justice Roberts:
Associate Justice U.S. Supreme Court	Hon. David Souter Associate Justice	Dear Justice Souter:
Chief Judge Federal or State	Hon. Sylvia Rambo	Dear Chief Judge Rambo:
Judge Federal or State	Hon. Catherine Perry	Dear Judge Perry:
Senior Judge Federal or State	Hon. John Garrett Penn	Dear Judge Penn:
Chief Justice State Supreme Court (<i>or highest court in the state</i>)	Hon. Margaret Marshall Chief Justice	Dear Chief Justice Marshall:
Associate Justice State Supreme Court (<i>or highest court in the state</i>)	Hon. John Greaney	Dear Justice Greaney:
Federal Magistrate or Bankruptcy Judge	Hon. Debra C. Freeman United States Magistrate Judge	Dear Judge Freeman:

Example of a Transmittal Cover Letter

*Generally used for judges:
in locales who are used to receiving applications from across the nation;
competitive courts (e.g. federal appellate courts, district courts in larger cities; and
well-known judges*

Street Address
City, ST Zip Code
Current Date

The Honorable First Last Name
Name of Court
Mailing Address
City, ST Zip Code

Dear Judge/Justice:

Enclosed (or attached) please find my application for a clerkship in your chambers for the 2015-2016 term. I am currently a third-year student at Texas A&M University School of Law in Fort Worth. I am enclosing a resume, transcript, and writing sample for your review. Also enclosed are letters of recommendation from Professors, X,Y, and Z.*

Thank you for your time and consideration.

Sincerely,

Typewritten Name

Enc.

*If letters of recommendation will follow under separate cover, you should not include this in your letter. Instead, indicate that letters of recommendation are being sent under separate cover by person "a", "b", and "c".

Example of a Detailed Cover Letter

Generally used for:

*State Court Judges; Federal District Courts in smaller cities or more rural areas; and
Specialty Judges.*

Street Address
City, ST Zip Code
Date

The Honorable First & Last Name
Name of Court
Mailing Address
City, ST Zip Code

Dear Judge/Justice Last Name:

The first paragraph should be used to identify yourself (i.e., third-year law student at Texas A&M School of Law in Fort Worth) and what position you are seeking. If applicable, tell them how you heard about the judicial clerkship. If you were referred to the judge/justice (such as a former clerk or other individual who know the judge), let them know this in this paragraph. Identify the materials that accompany your application.

The second paragraph emphasizes your qualifications and accomplishments. Emphasize specific points in your resume which you feel are your strengths and would be of particular interest to this judge/justice. Answer the questions of: Why should the judge/justice consider your application? What skills, interest, and/or experience can you bring with you to the position? Why are you interested in working for this judge/justice and/or court. Establish any logical connection between you and the judge/justice (e.g., you are from the geographic area where the judge sits.) If you are applying to a geographically distant judge let them know why (e.g., my spouse will be a resident at the Mayo Clinic.)

The third paragraph should pave the way for the next contact. Include a request for an interview. If you are planning a trip to the city where the judge/justice is located, indicate that in this paragraph.

Sincerely,

Typewritten Name

Enc. Resume
Writing Sample
Letters of Recommendation - #

Example #2 of a Detailed Cover Letter

Street Address
City, ST Zip Code
Date

The Honorable First & Last Name
Name of Court
Mailing Address
City, ST Zip Code

Dear Judge/Justice Last Name:

I am a third-year student at Texas A&M University School of Law in Fort Worth, Texas, and wish to apply for a clerkship in your chambers for the 2015-2016 term. As a native of Michigan, I am particularly interested in returning home to clerk.

You can note any exceptional, specific reasons for applying to this particular judge or court. Or, you may want to emphasize particular skills or work experience or a relevant experience on your resume in more detail. *You do not have to include this paragraph if it will sound contrived or will not add to your application.*

My resume, transcript, writing sample, and list of recommenders are enclosed. Letters of recommendation from Professors A,B, and C will follow under separate cover. I would be happy to provide any additional information you might require.

Sincerely,

Your name

Enclosures

WRITING SAMPLE – SAMPLE COVER SHEET

WRITING SAMPLE

Name
Address
City, ST Zip Code
Phone Number

As a summer associate at Smith & Jones, I prepared the attached memorandum for a *pro bono* assignment in the litigation department. The memorandum examined whether the fees charged by commercial tax preparers for “instant refund loans” would violate the state usury law in Texas, Oklahoma, and New Mexico.

To preserve client confidentiality, all individual names and locations have been changed, and some portions have been redacted (as indicated in brackets in the text). I have received permission from my employer to use this memorandum as a writing sample.

Appendix F

INTERVIEW FEEDBACK FORM

For each judge that you interview with, we ask you to fill out the interview feedback form to assist students in the future with preparing for clerkship interviews

JUDICIAL CLERKSHIP INTERVIEW FORM

Please fill out and submit this form after you have interviewed with a judge. You will need to submit one form for each judge with whom you meet.

Name: _____ Date: _____

*This information made available to other Texas A&M students
(via password protected site)* Yes No

Judge: _____ Court: _____

Interview Date: _____

On what date were you *invited* for the interview?

Did you interview with anyone other than the judge? If so, please list the titles of those individuals (e.g., secretary, current law clerk, court coordinator, etc.)

How long did the entire interview last? How long did the interview with the judge last?

What questions or types of questions did the judge ask?

What questions or types of questions did the law clerks ask? (if applicable)

Do you know how many other people the judge intended to interview?

When does the judge anticipate making a decision (or when did the judge make a decision?)

From what schools did the judge's current clerks graduate?

Please give any additional information about this judge that might help students who obtain future interviews with this judge.

RETURN TO THE CAREER SERVICES OFFICE

Appendix G

Restrictions on Law Clerk Activities

It is recommended that all judicial clerkship applicants look at the *Code of Conduct For Judicial Employees* (www.uscourts.gov/buide/vol2/ch2.html) and at *Maintaining the Public Trust/Ethics for Federal Judicial Law Clerks* (www.fjc.gov) to review the activities that law clerks may not participate in during their clerkship. Such activities include not being involved in political activities which includes running for office, campaigning for others, attending political events, making donations, wearing buttons, etc.

Appendix H

FOR MORE INFORMATION

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