



THE COURTS:

An Excellent Place for Attorneys of Color to Launch Their Careers

Law students and recent law school graduates of color find service as judicial externs or as judicial law clerks tremendously rewarding and beneficial. Both positions provide an individual with rigorous training in legal analysis, research, and writing. The positions also offer an intimate opportunity to observe and understand judicial processes and to assist in making those processes most effective. Judicial externships are available during the school year and in the summer; judicial law clerkships are available as post-graduate positions usually lasting for one or two years. Some judicial law clerkships are longer term permanent positions (sometimes referred to as “career clerkships” or “staff attorney positions”). While the judicial law clerk position lasts longer and involves more responsibility than the student extern position, both of these public service positions can yield close and rewarding relationships with judges, as well as strong starts to a new lawyer’s professional development.

Although there are opportunities for students and graduates in courts at every level and in every state, relatively few students of color pursue judicial externships or judicial clerkships. Too often, students erroneously assume that their grades or other qualifications will prevent them from securing a valuable externship or clerkship. While it is undoubtedly true that many externships and clerkships require excellent law school grades and/or law journal participation, this brochure provides information to help students explore the range of externships and clerkships available and identify suitable positions. NALP and the American Bar Association Judicial Division strongly encourage students of color to keep reading and to consider the many opportunities available in the courts.

Why Consider Working in the Courts?

For a unique perspective on the legal profession:

The opportunity to observe first-hand and to be an active participant in the court system gives judicial clerks and externs a rare and valuable perspective on the American judicial process. This experience serves students and graduates well throughout their careers and is viewed by many potential employers as one of the best training opportunities a law student or new lawyer can obtain. The positions provide unique insight into the process by which judicial decisions are made. Judicial law clerks and externs provide crucial assistance in the judicial process through researching and analyzing the important matters pending before the court. Sometimes clerks and externs influence the decision-making process through their thorough analysis and thoughtful consultation with a judge. Clerks and externs see many dimensions of the judicial system and gain an appreciation of both its strengths and weaknesses. In addition, clerks and externs see the work product and styles of many lawyers practicing before the court, providing a vantage point from which to fashion their own standards.

To find a mentor:

Students of color sometimes miss the opportunity to build mentoring relationships in law school if they do not become actively involved with their professors outside the classroom. A clerkship or externship can provide the ideal foundation for an outstanding mentor relationship with a judge. This is particularly true for the clerk position because a judge helps a clerk develop critical thinking skills by listening to, reading, and analyzing the clerk's arguments. Because a judge hears lawyers' arguments with a background of experience that he or she shares with the clerk, the clerk develops a more sophisticated understanding of lawyers' strategies. The judge can also offer advice on career options and may assist the clerk in his or her job search after the clerkship. Because an externship position usually lasts only one semester or just for a summer, the relationship forged may not be as close as in the clerk position. However, the extern experience is invaluable as a starting point to future relationship development with a judge and other members of the court staff.

To sample many fields of law and styles of practice:

Clerking or externing not only exposes recent graduates and students to a variety of lawyers but also permits them to assess what areas of law might be of most interest, what types of law practice might be the best fit, and for which lawyers, law firms, or agencies they might like to work. Clerking or externing allows

participants to learn about areas of the law that they did not have the opportunity to study in law school, and thus can round out their law school education. Not only do clerks and externs get to know the temperaments and preferences of the judges, they develop first-hand knowledge of the abilities and strengths of the practitioners in that court. This information will be very useful in future considerations about where and with whom they may like to work. A clerkship in particular can also be an excellent bridge between law school and working in a law office. A clerkship includes components of both worlds and thus helps a new attorney adjust to the world of law practice.

To master legal writing and oral communication skills:

Law school students and graduates of color who want to hone their legal writing skills should seriously consider applying for a judicial externship or judicial law clerkship. The main work of most clerkships is research, analysis, and preparation of legal memoranda, opinions, and other written materials for judges. Externs focus more on supporting research and writing for judicial law clerks, but also sometimes directly for the judge. Judicial law clerks and externs usually write daily, and their work is carefully reviewed by judges and/or senior clerks. This intensive training improves a clerk's or extern's writing skills substantially. The amount of subsequent discussion and analysis of a case depends upon the individual judge, but, in most cases, such consultation is the norm. Students who want to master oral communication skills as well as legal writing skills should seek a clerkship with a judge who uses oral briefings extensively.





To develop professional contacts and network:

The networking opportunities available to clerks and externs are extraordinary. Clerks will establish valuable contacts with judges, other clerks, and attorneys. Most of their fellow clerks will become lifelong colleagues. Clerks usually also get to know a number of judges and court administrators who can subsequently act as references. Trial court clerks in particular meet many practicing attorneys. Externs have similar opportunities, though over a shorter period of time.

To enhance your résumé:

A judicial law clerkship or externship carries significant résumé value. In terms of experience and prestige, a judicial law clerkship may well be the best job available to a recent graduate. The externship experience may assist a student in obtaining a subsequent judicial law clerkship. The experience of working as a judicial law clerk is so valuable that a wide range of legal employers, including major law firms, public interest organizations, and government agencies, look with great favor on judicial law clerkship experience when making hiring decisions. Clerkships have special value to attorneys seeking particular types of jobs. For example, a clerkship with a respected judge is often a help in obtaining a job teaching law if the candidate is also working toward scholarly publication. Similarly, service as a federal judicial law clerk is often very helpful when applying for a job as an Assistant United States Attorney or as a federal public defender or for other federal public sector positions. Finally, many private law firms value the externship and judicial law clerkship experience tremendously because it demonstrates a candidate's likely familiarity with some of the highest standards of law practice and an ability to meet those standards.

The Kinds of Positions Available

The variety of positions available to law students and recent graduates of color in the courts is enormous. Graduate positions include traditional judicial law clerkships with an individual judge, staff attorney positions with appellate and other courts, and judicial law clerkships with many state and local courts. Positions for law students (called judicial externships or internships) exist in many of the same courts and with the same judges. Law students act as “junior clerks” and usually volunteer or earn law school academic credit for the extern/intern experience. While many law schools have programs facilitating some students’ ability to serve in these capacities, many law students also obtain these positions through independent application. Students who decide to seek a clerkship or externship should consult with their career services office to learn the best approach.

For recent graduates:

In traditional judicial law clerkships, sometimes called “elbow” clerkships, the clerk is hired by and works for an individual judge. The precise kind of work these clerks perform depends upon the court and the judge’s individual preferences. Typically, a clerk who works for a trial judge will become closely involved in the actual details of litigation. The clerk may assist the trial judge in all facets of a case, from pre-trial conferences and motions through the trial itself. In addition, the clerk is likely to have considerable contact with lawyers for the parties to arrange scheduling conferences and other administrative matters. A clerkship with a trial judge provides a valuable practical education in the litigation process.

In contrast, judicial law clerks for appellate judges work nearly exclusively with completed trial court records. Thus, their work involves only the application of the law — not fact finding as in the trial courts. As a result, appellate clerks do not work with discovery management or parties, and they have less contact with practicing attorneys than do trial court clerks. Rather, they are expected to consider in a scholarly yet practical way the issues of law raised by the trial court record.

Regardless of whether a judicial law clerk works in a trial or appellate court, the exact nature of the clerk’s work depends chiefly upon the needs and practices of the judge. Some judges discuss questions with their clerks before reaching a decision. Some judges prefer oral briefings; others prefer written memoranda. Some judges expect their clerks to compose draft opinions or jury instructions; others ask their clerks only to provide written memoranda to the judge that summarize the legal issues and sometimes recommend a particular action (“bench memos”).

In staff attorney positions or clerkships for the entire court (as contrasted with clerkships for an individual judge), the graduate works for the court as a whole. These clerkships also vary considerably from court to court. Some positions are specialized and the clerk/staff attorney works only with a particular group of cases (e.g., *pro se* law clerkships or *habeas* clerkships). Other positions are general, and the clerk/staff attorney researches and prepares written memoranda or draft opinions on any and all matters assigned to them by the court.

For law students:

Many judges engage law students to act as judicial externs or interns (the terms are sometimes used interchangeably). These are essentially junior clerkships that often include many and sometimes all of the types of activities carried out by the judicial law clerks or staff attorneys. Sometimes these positions are full-time; sometimes they can be arranged on a part-time basis. It is important to know whether a particular judicial externship or internship will provide the opportunity for solid research and writing experience; most do, but some do not. Depending on what students are seeking, this may be an important component to ensure is part of the externship or internship experience.

An excellent time for such an experience is during the summer after the first year of law school or during the second year of law school, when the experience can influence performance in later law school courses. However, some courts consider only third-year law students for these positions, and the benefits are enormous at this time as well. Working for a court or judge often creates new and unexpected opportunities for students as a result of the unique nature of the experience. Some externs/interns perform so well in their externships that upon graduation they obtain judicial clerkships that might not have been available to them without the externship experience. Thus, the externship can be the precursor to a judicial law clerkship. However, some judges prefer not to hire their externs as judicial clerks in order to provide an opportunity with the court to as many law students and graduates as possible. Nonetheless, legal employers in almost every sector consider judicial externship experience to be a very strong asset when considering candidates for any position.

Examining the Financial Considerations

Although public service positions such as judicial law clerkships and staff attorney positions sometimes do not pay as well as many private law firms, judicial law clerkship salaries are comparable to other government salaries, and a year or two as a clerk is a good investment that may improve an attorney's long-term earning capacity. The rate of pay for the first year as a federal judicial law clerk is at least at the JSP-11 level on the federal government judicial pay scale, with variations therein based on location of clerkship. Generally, this results in a minimum annual salary somewhere in the high \$40,000 to middle \$50,000 range. State court judicial law clerk salaries vary from state to state. Some law schools have loan repayment programs that will forgive a portion of students' loans during the clerkship year, but eligibility requirements vary, so students must check with their schools.

Because of the value of a judicial law clerk's contribution to the judicial process, to say nothing of the professional and personal benefit to the student/graduate, students often find that the personal satisfaction and benefits of a judicial law clerkship more than compensate for the lower salary. A judicial clerkship can open the door to opportunities that may not be available without the clerkship, and some law firms, in setting starting salaries, even count clerkship years as if those years had been spent with the firm. Some firms also give judicial clerks credit toward partnership, and some large firms in major cities give a starting bonus to people who have held certain judicial clerkships.



Deciding Where to Apply

If you decide to pursue an opportunity in the courts, the first step of the application process is deciding to which judges you will apply. For most students, this decision involves a few basic issues:

1. Externship or Clerkship

Sometimes, the qualifications required for a shorter term student externship are not as rigorous as they are for a full-time judicial law clerkship. You may also decide to pursue a judicial externship to “test the waters” to see if you would like to apply for a post-graduate judicial law clerkship. Regardless, your application must be timely and impeccable.

2. Type of Court

Federal court clerkships/externships are often the most competitive. While some federal judges consider only students with strong academic credentials from national law schools, many others proactively recruit a variety of students from many other schools. Many federal judges may look beyond a student’s grade point average for other unique qualities, skills, or experiences. However, because grades are a substantial factor for many judges, consult with professors and clerkship advisors at your law school to determine how your grades might affect to whom you apply. Strong legal writing experience is also a very important factor for many federal judges, so consult with law school personnel about how you might enhance your qualifications in this regard through law journal participation or alternative publication opportunities.

State court judges are sometimes more flexible in terms of qualifications, although most state courts are just as competitive as the federal courts. That said, remember that different courts and different judges are looking for different qualifications, many of which you no doubt possess. Thus, there are multiple opportunities for success if you are thorough in your pursuit.

Federal, state, and local judges are eager to offer opportunities to students and graduates of color. Consult with a professor or career advisor at your law school to determine the kind of clerkship or externship that will serve you best, will be favorably receptive to your credentials, and will help you meet your goals.

A broad range of courts hire law students and graduates. While the following discussion centers mostly on post-graduate positions, remember that most of these same courts hire student externs as well:

- **Federal appellate courts (U.S. Supreme Court and U.S. Courts of Appeals):** In almost all cases, judicial law clerks at the U.S. Supreme Court have first served as a judicial law clerk in a lower

federal court, usually with a U.S. Court of Appeals. Most but not all “feeder” judges (those who regularly send their clerks on for consideration by U.S. Supreme Court justices to clerk for an additional year at the U.S. Supreme Court) are at the U.S. Court of Appeals level. Thus, you should first clerk elsewhere before pursuing a U.S. Supreme Court clerkship.

Most judges and senior judges in active service on each of the federal circuit courts have judicial law clerks who work directly for the judge. In total, there are well over 500 such clerkships nationwide. Some of these clerkships are “career clerkships,” but many are one- or two-year “term clerkships” that are perfect for new law graduates. In addition to the judicial law clerks at the federal appellate level, circuit courts also have central staffs of permanent staff attorneys.

- **State appellate courts:** Every state has a highest appellate court (usually a “supreme court”), and many have one or more intermediate appellate courts. Some states have highly developed, high-volume intermediate appellate court systems. Most state supreme court justices and many intermediate appellate court judges have one or more judicial law clerks. Other intermediate appellate courts depend on a centralized staff of attorneys, rather than judicial law clerks, who handle cases for all the judges. Many state courts rely on both central staff attorneys and judicial clerks.
- **Federal trial courts (U.S. District Courts):** There are over one thousand active district judges in the federal system. Most have an average of two judicial law clerks. Sometimes the clerks are “career clerks” and other times the clerks are one- or two-year “term clerks.” Federal judicial law clerkships are available with Senior Judges, District Judges, and Magistrate Judges. All provide unmatched and prestigious experience for the law student or new law graduate.
- **State trial courts:** Many state trial courts have judicial law clerks and staff attorney positions for their general, limited, and specialized jurisdiction courts and divisions. Specialized jurisdiction courts can include Juvenile, Family, Housing, Probate, Tax, Water, Drug, State Bar (discipline), and others. Hiring practices vary dramatically from state to state and court to court, so check with your career services office about courts of particular interest to you.
- **Other courts:** Specialized federal courts frequently hire externs and judicial law clerks to assist them in their work. Specialized jurisdiction federal courts include the U.S. Bankruptcy Courts, whose judges adjudicate a wide variety of bankruptcy and general commercial law disputes; the U.S. Claims Court, which handles specialized claims against the United States; and the U.S. Tax Court, which handles disputes with the Internal Revenue Service.

Other specialized federal courts include the Court of International Trade, the Court of Veterans Appeals, and the Court of Military Appeals.

Tribal courts offer still another tremendous opportunity for students and attorneys of color to work within a judicial context. Formal tribal court systems exist throughout the United States and present a wide variety of dispute resolution mechanisms. A great resource to learn more about tribal courts and for court contact information and job listings is the National Tribal Justice Resource Center at www.tribalresourcecenter.org.

- **Federal and state administrative law courts:** Many federal and state agencies have internal review boards, which make decisions that interpret the agency's regulations. The judges on these boards, sometimes known as Administrative Law Judges (ALJ's), often hire judicial law clerks and externs just as other judges do. Clerking or externing for one of these judges is an excellent way to begin your career, especially if you are interested in working in the field that is regulated by that agency. A small sample of federal agency boards includes the Department of Health and Human Services Appeals Board, the Department of Justice/Executive Office for Immigration Review, the National Labor Relations Board, the Equal Employment Opportunity Commission, and the Securities and Exchange Commission.

3. Geographic Location of Clerkship

The issue of geographic location is important for most clerkship/externship applicants, and it is decisive for many. There are outstanding clerkship opportunities all over the country and at all levels. Many applicants tend to concentrate their efforts in relatively few cities. However, you may have a better chance of obtaining a rewarding clerkship in areas other than the major cities where competition is stiffest. Applicants whose personal circumstances require them to apply only to highly competitive cities should recognize the nature of the competition and apply as broadly as possible.

4. Clerkship Quality and Environment

For most applicants, the question is really whether the clerkship experience will be a "good" experience; that is, will the judge make effective use of a clerk's talents and energy, and will working for this judge be personally and professionally rewarding? The answers to these questions are not always straightforward. Styles vary dramatically from judge to judge. You should not limit your search only to well-known judges and courts. Many lesser-known judges are superb jurists who are extraordinarily kind to their clerks and rely heavily upon their judgment. Similarly, while a court may be lesser known to you, it is very well known to the communities it serves. Thus, because you may generally assume

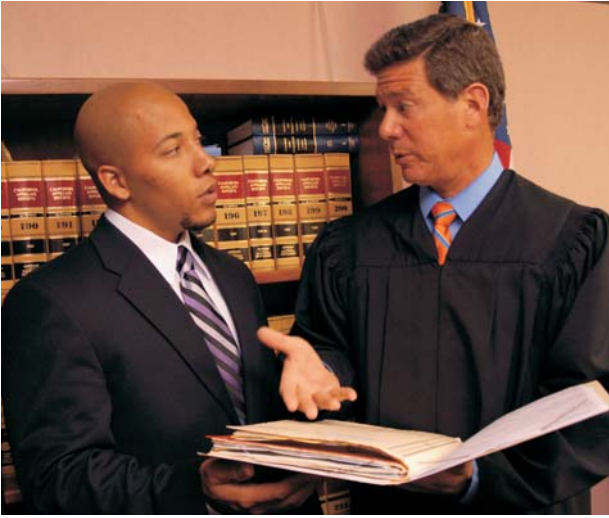
that the judicial law clerk/extern experience will be of tremendous benefit to you, you should be expansive when you consider to which judges and courts you will apply.

5. Resources to Consult

Consult your career services office or law library for publications including the *Directory of Minority Judges of the United States* (a publication of the ABA Judicial Division Standing Committee on Minorities in the Judiciary), *The American Bench*, *Who's Who in American Law*, *Vermont Law School Guide to State Judicial Clerkship Procedures*, *Almanac of the Federal Judiciary*, and *Judicial Yellow Book* for biographical and contact information on judges. Run a computerized search on LexisNexis® and WESTLAW® to find contact information for and opinions by judges you are considering. The Alliance for Justice, Judicial Selection Project website at www.allianceforjustice.org/judicial/ enables you to search judges by several criteria including ethnicity and gender. The Federal Judicial Center's website at www.fjc.gov/history/home.nsf is also a rich resource for biographical information on judges and jurisdictional information about specific courts.

You must also consult crucial Internet resources including the Online System for Clerkship Application and Review (OSCAR) at <http://oscar.dcd.uscourts.gov/> and the Federal Law Clerk Information System (FLCIS) found at <https://lawclerks.ao.uscourts.gov> (or through the employment page of www.uscourts.gov). **[Many judges will ONLY accept judicial clerkship applications through OSCAR, so you must consult this site for application rules, procedures, and deadlines.](#)**

Note also that a number of law schools have online clerkship information that can be accessed by the public. Many career services offices have lists (indexed by judge) of graduates who are or have been judicial clerks and binders containing descriptions of their clerkships written by alumni of the school. Talk to judges' current and former law clerks about their clerking experience. Discuss judges with your law school's career services staff and faculty clerkship committee. In this way, you can learn about a judge's background, writing style, judicial outlook, and temperament so that you can apply to judges with whom you are most compatible.



Deciding When to Apply

Deadlines for clerkships and externships vary, so you must consult with your career services office to learn of the most appropriate timing for your applications to particular courts. Many courts have **firm** requirements from which you cannot deviate.

Students seeking judicial externships during law school should generally apply at least two semesters prior to the time they would like to serve in chambers.

Students seeking post-graduate judicial law clerkships in the federal courts may ONLY apply starting on the Tuesday immediately after Labor Day (early September) of their third year. Students seeking post-graduate judicial law clerkships in the state courts may have to apply during their second year for some state court clerkships and during their third year for other state court clerkships.

As a result, regardless of which post-graduate judicial law clerkships you are considering, you should begin evaluating this issue, understanding the required timing for your particular courts of interest, and setting up recommendations during the first semester of your second year. This way, you will have applications prepared for the state courts that will take applications during your second year, and applications well underway for the federal courts that take applications at the very beginning of September of your third year. Recent graduates may begin the application process at almost any time of year.

You should consult closely with your career services office and clerkship committee to determine the most current information for the courts to which you are applying.

The Application Process

How do you apply for a clerkship?

Consult the resources at your law school's career services office to determine whether the judges you are interested in have specified a particular form or method of application. Many federal judges post their post-graduate clerkship openings on OSCAR at <http://oscar.dcd.uscourts.gov/>. Other federal judges post their listings on FLCIS at <https://lawclerks.ao.uscourts.gov> (also found through the employment page of www.uscourts.gov). Other federal judges post their listings on their own court websites. Still others don't post their listings anywhere but accept applications nonetheless. You will need to evaluate each of these possibilities for your chosen clerkship possibilities.

Generally, unless otherwise requested, you should include a cover letter, résumé, transcript, writing sample, three letters of recommendation for any post-graduate judicial law clerkships, and a list of your recommenders with their contact information and a brief explanation of their relation to you. Select your writing sample with care because its quality can be determinative of whether you receive an offer to interview. Ask a faculty member or career advisor whose judgment you trust to help you select a writing sample. Also, be certain that all of your applications are error free. One small typographical error will likely cause your application to be rejected.

How do you apply for a judicial extern/internship?

Many judges accept judicial externs/interns during the summer and throughout the academic year. Thus, there are many opportunities to serve as a judicial extern/intern during your law school years. Service as an extern/intern can provide you with more information on what a post-graduation clerkship will be like. Some law schools offer academic credit for judicial externships and internships; check on the procedures at your law school. Even if credit is not offered, many students volunteer for these opportunities by writing directly to the chambers of judges in the geographical area of interest with the application materials recommended below.

Externship openings are generally only listed on individual court websites or with your school. That said, many externship openings are never listed; you must simply apply well in advance. For externship applications, a cover letter, résumé, transcript, writing sample, and list of references will generally suffice, though strong letters of recommendation can obviously be persuasive.

A few regional bar and city programs provide funding for judicial externships and internships. You should inquire at your

career services office or ask a member of your faculty clerkship committee for information on programs in your locality.

Is the application and interview process costly?

There are costs associated with judicial clerkship applications and interviews. However, this should not deter you from pursuing this unique and valuable opportunity by applying widely. The specific costs that must be borne by the applicant include the expense of the application process itself (application materials and postage, sometimes including overnight delivery) and interview costs. While some judges may conduct preliminary telephone or video interviews for distant judicial law clerkship applicants, you will likely have to travel to a personal interview and bear the expense of doing so in order to obtain a clerkship position with most judges. If you are making plans to travel to a location for one interview, it is perfectly acceptable to call other chambers in the same area to which you have applied to inform them that you will be in the area and to inquire if they have an interest in meeting with you while you are there. Sometimes you can add another interview by doing so. In addition, some law schools assist with application mailing, and others have funds available for judicial clerkship interview travel, so be sure to inquire at your law school.

How is interviewing for a judicial clerkship different from other law job interviews?

The judicial clerkship interview is an individualized event based upon the judge's personality. It may vary in length from fifteen minutes to two hours and may take the form of an extremely informal, personal conversation or of an intense, formal examination including hypothetical questions. The judicial clerkship interview places the applicant under close personal scrutiny because the relationship of judge and clerk is not only professional, but also extremely personal as well. Because of the close personal working relationships in most chambers due to the small number of people on each staff, judges are often sensitive to a potential clerk's ability to get along with the judge as well as with the judge's entire staff, who may have been with the judge for many years. All or part of the interview may therefore include the judge's current clerks or other staff, and their recommendations to the judge about whom to hire can carry significant weight.

As an applicant, you should also diplomatically "interview" the judge because this may well be your only opportunity to get to know the judge before you have to decide whether to spend a year or two working closely with that judge. Because judicial interviews can be quite different from the interviews with which you are familiar, it would be wise to discuss the nature of clerkship interviews with faculty, career advisors, and former or present clerks who have experienced similar interviews, preferably with the same judge.

As with any interview, you should follow up with a note thanking the judge (and other persons with whom you interviewed) for the time and consideration extended you, and advising the recipient of your continued interest and availability.

What are the clerkship offer and acceptance rules?

In some respects, the etiquette and rules concerning clerkship offers and acceptances are unique. Generally, you should be sure before applying to a specific judge that you would be willing to accept a clerkship with that particular judge if the clerkship were offered to you. Be prepared to accept an offer promptly. In rare circumstances, you may even be asked to accept the clerkship immediately. Generally, you should not keep one judge waiting to hear if you will accept her/his offer while you wait to hear about the status of your applications with other judges. However, if you are offered a clerkship that you are not sure you want to accept, you may be able to ask the judge if you can have a few days to consider the offer and make your decision. Because some judges may not be receptive to such a request, you should be sure to consult with your career services office prior to your interview. Further, once you accept a clerkship with one judge, you should immediately withdraw any applications pending with other judges. Similarly, once you have accepted a clerkship, you cannot thereafter withdraw your acceptance in favor of an offer from another judge. Obviously, your judge will expect you to complete the clerkship term to which you committed; this may be an especially important issue for you when considering multi-year clerkship offers.



What role can the faculty play in your judicial clerkship search?

Without doubt, you should consult with faculty who have had judicial clerkships about the value of the clerkship experience. This will not only inform your decision-making but will also likely improve your application materials and ultimate interview performance. Additionally, you will need faculty letters of recommendation for most post-graduate judicial clerkships, so faculty support will be a crucial element of your application. Many law schools also have a judicial clerkship committee whose members are available to answer questions and to assist applicants with the process.

What role can the career services office play in your judicial clerkship search?

You should always consult with your career services staff as you consider and apply for judicial law clerkships or externships. Professional staff can provide information and skills training in the areas of résumé and cover letter preparation, interview performance, clerkship search strategies, and current openings for clerks. Published and office-developed reference materials on judicial clerkships are also usually available from your career services office. Your law school career services office will also have information on your school's contacts with particular judges.

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