

**UC DAVIS SCHOOL OF LAW
CAREER SERVICES**

**JUDICIAL CLERKSHIP
GUIDE**

2023-2024 EDITION

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I. Introduction

The Career Services Office encourages you to consider judicial clerkships in your career planning. Clerkships are post-graduate positions in the federal and state courts. A law clerk is a research assistant, either to an individual judge or to a court. Clerks often summarize and analyze cases, research legal questions, and draft opinions. Most clerkships are for a short term, one or two years, although the number of career positions is increasing.

This guide outlines the benefits of clerking, summarizes the types of clerkships available, and describes the application process.

The staff of the Career Services Office is here to work with you during the clerkship application process. We can help you decide which positions to target based on your qualifications and preferences. Clerkships are competitive, some more so than others, so it is important to apply strategically. We will also review your application materials and help you navigate the application process. Please keep us informed about where you apply and about your interview and offer experiences. For any interview you attend, please complete an Interview Evaluation form available on the judicial clerkships website (<https://law.ucdavis.edu/career-services/job-resources/judicial-clerkship>) and submit to judicialclerkships@law.ucdavis.edu. After you have completed a clerkship, we ask you to fill out a clerkship evaluation as well. This information will enable us both to assist you in your effort to garner a clerkship as well as allow us to advise future classes.

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II. What is a Judicial Clerkship?

A law clerk's primary role is to assist the court in managing an enormous workload. The nature of a clerkship is determined by the type of court setting - trial or appellate, state or federal. In every setting, clerks conduct legal research, perform legal analysis, draft opinions, prepare memoranda, and edit and check citations. Many also do such administrative or clerical work as maintaining the library, filing, and photocopying. Some attend court, where they may act as bailiffs. The needs and practices of individual judges determine the law clerk's job to a great extent. Some judges prefer oral briefings; others want written memoranda. Some judges discuss their decisions with their clerks; others do not. The traits of the particular judge can significantly affect the responsibilities and quality of a clerkship. In [**IV. Considerations When Applying**](#), we provide some guidance about how to identify which court setting(s) might be best for your interests and qualifications.

III. The Value of a Judicial Clerkship

A judicial clerkship is an opportunity to reap great personal and professional rewards, both immediate and long term. Some reasons to consider clerking are listed below.

An Insider's Perspective: A clerkship will expose you to the inner-workings of the court and provide a judge's-eye view of cases, counsel, and the law.

Involvement in Justice: This is important work which can impact the lives and fortunes of litigants. A law clerk's research and recommendations contribute to the quality of case law produced by our judicial system. A clerkship brings one's legal education to bear on significant current issues.

Intellectual Stimulation: According to a survey conducted by the American Bar Association's Young Lawyers Division, the single most important determinant of job satisfaction is whether or not it provides intellectual challenge. Few legal jobs offer comparable opportunities to reason and reflect on issues of law.

Broad Exposure: Most law clerks work with a wide range of cases and legal issues. This breadth of exposure is useful in making future career choices, in enhancing marketability to potential employers and in developing experience to draw on later in practice.

Breathing Space: A clerkship makes it possible to defer major career decisions for a year or two

and to base these decisions on a more extensive acquaintance with practice. If you ultimately want to work for an organization that will only hire after Bar admission, a clerkship is an excellent interim opportunity.

Intensive Training and Skill Development: A judicial clerkship will exercise and refine your research, analytic writing, and persuasive communication skills. Clerks develop a confidence seldom felt by new associates in private practice.

Mentoring: At its best, the close working relationship established with a judge can teach a novice lawyer much about good writing, good persuasive argument, good law, and good lawyering, and can be the basis of a life-long mentorship.

A Career Boost: The prestige of a judicial clerkship will follow you throughout your career. Some employers actively recruit judicial clerks. Nearly all potential employers recognize the honor attached to a clerkship and the value of its "inside" experience.

Networking: The judge, who may have extensive contacts in the legal community, often assists in a clerk's job search and career development. Other clerks, judges and court administrators also may provide job referrals. Trial court clerks' contacts with local practitioners often result in job offers.

IV. Considerations When Applying

A.

What Makes A Successful Clerkship Applicant?

To select from the many applications they receive, nearly all judges look first at grades. They consider law school academic success the primary indicator of the analytical skills they seek. The most competitive clerkships, such as federal appellate positions, go to students who rank near the top of their classes. There is a wide range of judicial clerkship opportunities, however, for students with good, but not spectacular, academic records. While there are some judges who have a class ranking cutoff for their hiring, most judges are more concerned about hiring individuals who are compatible with chambers and who will be pleasant to work with for 1-2 years. More importantly, judges value *good legal research, analysis, and writing.*¹ Students with lower GPAs who are able to demonstrate their capability and are committed to obtaining a clerkship can succeed and have done so.

Judges look for significant writing experience and demonstrable writing skill. Research and writing constitute the core of the law clerk's job. Law review involvement is important as it hones research and writing abilities, and suggests analytical interests and abilities. Participation

¹ NORMA NAVA, *A Guide to the Judicial Clerkship Process for People of Color & Members of Other Historically Unrepresented Groups* (2d ed. 2010) 11.

on other journals and in Moot Court can be helpful too. A judicial externship can be a plus as the work an extern performs is similar to that of a law clerk, and a reference from chambers is invaluable.

Judges give great weight to recommendations, particularly from faculty members, other judges, and former clerks. They often consider which college and law school an applicant attended and may be influenced by regional ties, particularly those that indicate a candidate's genuine interest in the judge, the court, or its location.

Clerkships are competitive. The more prestigious the court, the more coveted the clerkship. California is one of the most competitive states, in part because many California state courts hire career staff attorneys rather than clerks, so you may want to pursue a clerkship in another state and then return to California to practice. Investigating all reasonable options, identifying practical goals, researching thoroughly, and preparing application materials carefully will give you the greatest chance of success.

B.

Types of Courts

In deciding where to apply, you should consider not only where your chances are strongest and which of those clerkships would offer the most resume-enhancing prestige, but which experience would be most valuable to your career. See [Appendix 1: Types of Courts Where You May Clerk](#) for a list of courts that offer clerkships.

Trial Courts and Appellate Courts

Before you apply, it is a good idea to determine whether you are more interested in trial or appellate work.

A typical law clerk in a trial court works on all aspects of litigation, from pre-trial motions to the trial itself. Much of the clerk's time is spent on matters pending on the judge's law and motion calendar. A job description for this position could include some or all of the following tasks:

- research and draft memoranda
- attend oral arguments
- conduct settlement conferences
- write draft opinions and orders
- prepare judge's bench, organize exhibits
- keep records, handle scheduling and other administrative tasks
- interact extensively with attorneys and witnesses
- review and make recommendations on a variety of motions
- prepare trial memoranda for the judge, including a synopsis of the issues in a particular case

The appellate level clerk's job is more scholarly, but also provides insights into effective trial and appellate practice. Appellate clerks examine issues raised in trial records. A typical appellate court clerk's job description could include:

- assist with screening cases
- draft bench memoranda, summarizing parties' briefs
- draft memoranda on issues key to rulings
- handle administrative preparation for oral arguments
- attend oral arguments; assist judge as necessary
- draft judge's opinions according to instructions, including extensive research and analysis
- draft dissents, concurrences, rulings

Central staff attorneys in appellate courts typically prepare memoranda on *pro se* appeals, appeals to be decided summarily, substantive motions, and questions concerning the court's jurisdiction.

At the appellate level, research and writing are the clerk's primary concern. Research must be thorough and painstaking. There may be time for reflection that is not always available at the trial level, where research and writing must fit into a wider range of activities. The pace of decision-making in trial court demands that the trial clerk's research be done especially quickly.

The proportion of evidentiary, discovery and procedural issues is usually quite different at the trial and appellate levels. Also, federal appellate courts review a number of agency appeals, exposing clerks to tax, OSHA, and labor matters. Contact with local attorneys is extensive for most trial court law clerks; it is very limited for appellate court clerks. The collegial quality of most appellate courts, in contrast, puts law clerks in contact with judges and clerks from other chambers.

State Courts and Federal Courts

Generally speaking, federal clerkships are considered more prestigious than state clerkships, although some state supreme-court clerkships are competitive with federal circuit court clerkships. The higher the level of the court, the more prestigious the position and the more difficult it is to obtain. Among state supreme courts, some are more highly sought after than others, again depending on the court's reputation. There is no consensus regarding the relative prestige of federal district court and state appeals court clerkships.

The reputation of an individual judge carries great weight in these evaluative distinctions. While you must recognize the realities of the profession's value system, you should not lose sight of your own goals as you look at clerkship options.

Federal Courts: Federal judges at every level, as well as many non-Article III judicial officers,

employ law clerks. Each federal appellate judge has two to four clerks, and every circuit has a central staff as well. The federal system also includes several hundred district court judges, most of whom have two clerks. There are valuable elbow-clerking opportunities at the district court level with U.S. Magistrate Judges. District courts also employ central staff attorneys (often called writ clerks, or *pro se* clerks). Each district has a U.S. Bankruptcy Court, which tend to employ law clerks. Law clerks also work with the U.S. Court of Federal Claims, the Court of International Trade, the Tax Court, the Court of Military Appeals, and the Court of Veterans Appeals. In addition, many federal administrative law judges (“ALJs”) also hire law clerks to assist them in hearing cases pertaining to their particular agencies. The Career Services webpage at <https://law.ucdavis.edu/career-services/job-resources/judicial-clerkship> has sections dedicated to links and information about clerking for federal courts and ALJs.

State Courts: States vary both in what they call their various courts and in their use of law clerks. Most state supreme courts and many intermediate appellate and trial-level courts depend on the assistance of clerks. A good starting point to research state courts is the National Center for State Courts available at <http://www.nesc.org/>. The Career Services webpage at <https://law.ucdavis.edu/career-services/job-resources/judicial-clerkship> includes a list of additional resources related to state courts.

C.

Duration

Most judicial clerks are hired by and work as term clerks or “elbow clerks” to individual judges. Some courts instead have a central staff made up of staff attorneys. Although most staff attorney and permanent clerk positions require a long-term commitment and prior experience, a few are open to recent graduates. More details about the different types of federal appointments are available on OSCAR (the Online System for Clerkship Application and Review) at https://oscar.uscourts.gov/qualifications_salary_benefits, which also posts and coordinates application submissions for term clerkships and some Federal Circuit staff attorney positions.

“Term” Clerkships: A term clerkship is an opportunity to work in a court for a fixed period of time. While the majority of term appointments are for one year, there are many two-year clerkships. In fact, the trend in federal district courts is toward two-year clerkships. Students seem to prefer one-year clerkships, and there is arguably less competition for two-year clerkships as judges with two-year clerkships sometimes get only half the number of applications as those with one-year terms.² Many term clerkship positions are filled by new graduates, the hiring of which begins to take place during the summer after the candidates’ second year of law school. Some courts hire individuals as term clerks who have already graduated or seek attorneys who plan to take a year or two away from practice.

Career Positions: Researchers, called staff attorneys, research attorneys, or permanent clerks,

² UNIV. OF MICHIGAN LAW SCHOOL, OFFICE OF CAREER SERVICES, *JUDICIAL CLERKSHIP HANDBOOK – 2011 TERM 12.*

are found in a wide variety of courts. When openings occur for staff attorneys, these courts usually seek candidates with some law practice experience. Most California state courts have created career positions in place of term clerkships. Note that some of the California superior courts will hire recent graduates into their pool of staff attorneys (Los Angeles County and San Francisco County Superior Courts), and a couple of California Supreme Court Justices hire term clerks (Justice Liu, Justice Kruger, Justice Evans, and Justice Guerrero.)

D.

Location

Determine the type and level of court, and then the geographic areas where you wish to clerk. As you consider where to apply, keep in mind that the majority of applicants from law schools throughout the U.S. tend to concentrate on major East Coast and California cities. Other regions are less competitive so think of clerking as an opportunity to spend a year or two in a different part of the country after which you can return to California to practice. Where possible, seek out areas where you have some connection, but that are not in the hottest demand.

Highlight geographic ties if you have them. Some judges feel a responsibility to hire a certain number of locals. You can let the judge know of your geographic connections by inserting phrases like those below into your cover letter:

- As you will note I did my undergraduate studies in New Jersey, and I would welcome an opportunity to return there to clerk in the tax court.
- I would especially welcome an opportunity to work in Connecticut, the state where my husband was born and where we hope to settle and raise our family.
- I spent several years in Nebraska as a schoolchild and still have family there, and would like to explore the possibility of establishing my law practice in the state.

Federal judges are often in obscure locations, and many find it hard to believe that a student from California will actually be willing to live in, say, South Dakota for a year if the student has no prior connection to the area. That said they may also be intrigued by your application if you can make non-geographic connections apparent. While a judge may believe he or she is more likely to feel comfortable working with someone who is familiar with the general area of the country where that judge presides, many an applicant have convinced them otherwise. So if you do not have ties to a location, there are other ways, discussed in V. The Application Packet, to make your application stand out.

E.

Number of Applications

As you know, obtaining a judicial clerkship is an extremely competitive process. Most judges receive a large number of applications for few clerkship spots. Consequently, it is wise to apply

to a variety of geographic regions (expanding beyond California) and types of courts. The number of judges to whom you apply depends in part on how badly you want to clerk, how strong your application is, and how much risk you are willing to take – the more applications you submit, the more likely you are to ultimately end up with a clerkship.³ That said it is not a good idea to spam every judge in the nation with your application. It is cost and time prohibitive, and your time would be better spent identifying judges with whom you have connections, no matter how remote.

When determining how many applications to send out, keep the following information in mind. The Law School will cover some of the costs of applying for clerkships. The school will pay for the postage of 80 paper applications, and will provide you with envelopes and labels for those 80 applications. If you choose to send out more than 80 paper applications, you will be responsible for the costs associated with those applications. **The Law School has set a limit on the number of letters of recommendation it will process. As a result, you are limited to 200 federal and 200 state paper applications (a total of 400 paper applications).** This limit does not include electronic applications through OSCAR which are limited to 100 finalized applications at any one time. When applying through OSCAR, keep in mind that in 2017, ninety-two percent of OSCAR applicants created fifty or fewer applications.⁴

F. Other Considerations –Clerkship Salaries and Citizenship Requirements

Clerkship Salaries: The salaries of federal judicial clerks are governed by the framework of the federal judicial salary plan pay scale also known as the JSP scale. Generally, individuals who clerk directly after graduating from law school begin clerking at the JSP-II scale. The exact grade level and amount of a clerk's salary on this scale varies depending on factors such as regional standard of living, city, and whether the individual is licensed to practice law. More information on the JSP pay rates can be found at: https://oscar.uscourts.gov/qualifications_salary_benefits. The salaries of state clerks vary and you can find ranges here: <http://forms.vermontlaw.edu/career/guides/> and on the court websites.

Citizenship Requirements: Federal clerks must be United States citizens or otherwise eligible for federal employment within the United States. See https://oscar.uscourts.gov/citizenship_requirements for more details. Non-U.S. Citizens should consult the United States Office of Personnel Management, Office of General Counsel, and Administrative Office of the U.S. Courts. These requirements generally do not apply for state clerks.

G. Research Resources

There are a variety of online and print resources that you may consult during the clerkship

³ UNIV. OF VIRGINIA SCHOOL OF LAW, *A Complete Guide to Clerkships at the University of Virginia School of Law* 7-8.

⁴ FY 2017 Key OSCAR Statistics PDF available at https://oscar.uscourts.gov/law_clerk_hiring_statistics.

application process which are listed in [Appendix 9](#):

[Key Judicial Clerkship Application Resources](#) and on the Career Services webpage at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>. In addition to conducting research at the front end of the application process, you will need to conduct significant research to prepare for any clerkship interviews. Please refer back to this section and the [Appendix 9: Key Judicial Clerkship Application Resources](#) after you schedule an interview.

The site: <http://judicialclerkships.com> provides links to directories, judges' biographies, and new appointment lists, as well as providing valuable tips. Decide where your chances are best and for which judges you would like to work. Judges who have already taken clerks from Davis are often happy to repeat the experience. Many faculty and alumni who were judicial clerks are happy to consult with you concerning your application choices, your cover letter(s), and your resume. See the UC Davis School of Law Historical Clerkship Data, available on the Career Services webpage at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>, for the names of these former clerks.

You can search Westlaw's database Profiler – Attorneys and Judges "Litigation History Reports" that contain information on subject matter breakdown of caseload over each year, what parties are in front of the judge, and opinions, and WLD Judge for names of judges' past and present clerks, including their law schools. Consult current and former law clerks and externs, faculty, staff and your own network of attorney contacts. Seek out previous summer and school year externs (start with Career Services and the Externship Office respectively). Review judges' opinions on LEXIS or WESTLAW. [The Daily Journal](#) and [The Recorder](#) publish excellent biographies of judges in courts throughout California, reprinted in bound volumes, which are at the Library reference desk. You need not be in accord with a judge politically to establish a productive relationship where you will learn and be comfortable, but you should be aware of the political orientation of judges to whom you might apply. Ideally, you want to work with a judge who will be concerned for your professional growth and with whom you will get along and this is something that is generally easier to determine at the interview stage, discussed in [VII. The Interview](#).

V. The Application Packet

The application packet requirements vary from judge to judge, and it is very important that you conform to the application requirements as indicated by OSCAR or the individual state court websites. Unless a judge specifies otherwise, a complete application typically includes:

- Cover Letter;
- Resume;
- Writing Sample (5-10 pages) with cover sheet;
- Transcript(s);
- 3 Letters of Recommendation; and
- Reference List.

A.

Cover Letter

The cover letter should be formal and succinct, and may amplify, but should not reiterate your resume. If you feel that your resume does not fully convey your writing experience, other relevant experiences, or other special qualifications you offer, include those in your cover letter. If you have some tie to a court's geographic locale, you should explain the connection. If you are applying to a specialty court (e.g. tax, bankruptcy, immigration, etc.), be sure to mention any relevant coursework or experience and why you want to clerk for such a court. Finally, if you have a personal connection to the judge – for example, one of your references is a friend of the judge or a former clerk of the judge – mention that prominently at the beginning of the cover letter, as personal contacts can be quite important in the selection of clerks.⁵

Your writing style should be clear and straightforward; the letter should not exceed one page in length. This is the judge's introduction to your writing, and your letter should be respectful and to the point, and free from any typographical or spelling errors. Check and double check for mistakes and typos, and have someone proofread your entire application package. Make sure you have the correct spelling of judges' names.

The “clerkship guru,” Debra Strauss, counsels “the less said the better, but say it with perfect precision.” Note that some courts do prefer to know more about you (still within one page), as the Massachusetts Superior Court system indicates in their application instructions: “We read cover letters thoroughly and often learn a great deal about the applicant from them. Cover letters are another opportunity to highlight one’s experiences, interests and individuality.”

For further information pertaining to cover letters, see [Appendix 2: Proper Forms of Address](#) and [Appendix 3: Sample Cover Letters](#). Also, ask your Career Services advisor to review your letter(s).

Provide the names of your recommenders and their titles in your cover letter. You can also provide telephone numbers and state that your recommenders would be happy to speak with the judge directly but be sure to confirm this first with your recommenders.⁶ You are responsible for processing your cover letters and can streamline this process by using Mail Merge for paper applications and OSCAR’s Online Editor (you can find instructions in Word and on OSCAR respectively). **Lastly, be sure to sign your letters** (unless you use OSCAR’s Online Editor).

B.

Resume

⁵ NAVA, *supra* note 2, at 9.

⁶ UNIV. OF VIRGINIA, *supra* note 4, at 10.

Your cover letter and resume are the first writing samples a judge will typically read and the quality of those documents can say a lot about your writing ability and attention to detail. **Your resume should be no more than one page**⁷ although there are specific situations where more than one page may be acceptable. In your resume, make sure to highlight any legal writing experience you have, in particular if you have published, won any awards, written a student note or comment, or served on the board of your journal.⁸ Remember to include your second summer job and any future school-year externships. Stress work you have done for faculty as a tutor, teaching or research assistant. Add any recent work experience, award, or volunteer involvement. Remember that the descriptions you include are important too and that they should never be so generic that another law student could paste it into his or her resume.

C.

Writing Sample

Your writing sample should be your very best work, and **yours alone**, and it should be a *legal* writing sample.⁹ It should be short or excerpted (5-10 *continuous* pages), preferably related to the type of writing you would do as a clerk. In some circumstances, you may want to send a longer article with one section marked as a writing sample for those judges who do not want to spend the time reading the entire manuscript. Some judges prefer to see evaluative rather than argumentative writing. If you have two different writing samples that demonstrate different writing styles, it is appropriate to include excerpts from both. Include a cover page to explain the writing sample, address confidentiality issues, and describe the amount of external editing (editing done by someone other than you). The cover page does not count toward your writing sample page limit.

If you use a writing sample from a job or externship, get explicit permission from your employer. Make sure it is scrupulously redacted; the court should see your concern for confidentiality. Never leave in any identifying information from a pending case. Check for grammar and spelling and send a clean typed copy. Law journal writing, published or unpublished, is appropriate as a writing sample, as is a moot court brief. You may also excerpt a paper written for a course, seminar, selected legal problem, or the advanced writing requirement.¹⁰

Above all, you should show that you can think logically and can write clearly and concisely. One former clerk advised that writing samples be "manageable enough to read quickly and self-contained enough to show how your mind works."

⁷ *Id.*

⁸ *Id.*

⁹ See NAVA, *supra* note 2, at 12.

¹⁰ As noted in Nava's *Guide to Judicial Clerkships*, a first-year writing sample, while acceptable, may not reflect the growth from your first year to your third year. A writing sample from a summer job or written from your second or third year in law school might be more reflective of your writing style. NAVA, *supra* note 2, at 12.

D.

Transcript

Include a photocopy of your most current law school transcript. Be sure to order a copy of your transcript as soon as the grades from your 2L Spring Semester are finalized. If you are applying through OSCAR, you will be required to input your grades into the system using a “Grade Sheet.” Instructions on how to create the Grade Sheet are available on OSCAR. In addition, you can use the grade sheet template (available on the Career Services webpage at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>) to provide your grades to date.

Some judges also require an undergraduate transcript. If you do not have a copy, order it from your undergraduate institution as soon as possible. Most requests take a number of weeks unless you are willing to pay a fee to expedite the process (on top of the transcript fee). If your undergraduate transcript was high (GPA 3.750 or above), you could consider sending both transcripts whether the judge has requested it or not.¹¹

E.

Letters of Recommendation

At least two of your three recommendations (the usual number judges request) should be from law school faculty. Ask faculty who know you to serve as references. You may use a work reference as well, but, as a general rule, judges value faculty recommendations more highly than those from employers. Judges also value letters from other judges or the clerks of judges. So, if you did well in a judicial externship and the judge or judge’s clerk is willing to provide references, you may want to request a letter.

In seeking a faculty letter, your task will be easier if you have participated sufficiently in class so that the professor knows more about your abilities than is contained in your final exam or paper. A professor can often make a stronger recommendation with better details for someone who got a B+ and participates in and out of class than they would for an A student who never spoke at all.¹² Also, before you speak with a potential recommender, you are required to fill out the [Applicant Judicial Clerkship Survey](#) to provide to Career Services and your potential recommenders along with an updated copy of your resume. The completed survey lets your recommenders know where and what level of courts you will be applying for as well as your class rank and brief summary of your activities and accomplishments. This will allow your recommender to make a more informed decision about the strength of your application for purposes of writing your letter of recommendation. A lukewarm recommendation can hurt your application so ask each professor what they would say about you and whether they would prefer that you seek a different faculty member’s recommendation.

¹¹ UNIV. OF VIRGINIA, *supra* note 4, at 11.

¹² *Id.* at 12.

Once you have confirmed the willingness of your recommenders to write letters, you should provide each recommender with a copy of your resume and transcript as well as the completed Applicant Judicial Clerkship Survey. You should also offer to provide each recommender with a tailored draft letter of recommendation that outlines in what capacity the recommender knows you, how you performed for the recommender, and anything that distinguished you from your classmates/colleagues. See the Sample Cover Letter in [Appendix 11](#). Please be sure to tailor each letter of recommendation for the particular recommender. The writing of this draft letter of recommendation will also help you determine what to include in your cover letter and how to discuss your candidacy at an interview.

You probably have a good relationship with a supervisor who is not related to the King Hall faculty. These supervisors can be valuable recommenders as they know you in a different capacity than do your professors and have been exposed to your work in a different environment. You may consider someone who can speak to the strength of your character, including:

- Your ability to work well in a team setting;
- Your interaction with clients, colleagues, or other students;
- Your oral and written presentation skills, and overall professionalism;
- Your commitment to public service; and
- Your leadership in extracurricular activities.¹³

As you develop a list of the judges to whom you plan to apply, review it with your recommenders and any other faculty who might offer suggestions. Your recommenders may also have personal connections to judges and may be willing to call chambers to support your application. Also provide Career Services with your list of judges highlighting the judges you are most interested in clerking for and why.

As with any recommendation or reference, it is a good idea to send a thank you note to your faculty and others who have agreed to write your letters of recommendation. This is not only gracious; it will serve as a reminder.

With regards to letters of recommendation, it is important that you follow the instructions below as well as the instructions about single letter of recommendation requests and multiple requests via Excel spreadsheets of the judges to whom you will apply by paper, which is discussed in [VI. The Application Process](#). Also, if you apply later in your law school career or as an alumnus, it is your responsibility to make sure that you are using letters of recommendation that are not outdated.

Letters of Recommendation from King Hall Faculty

¹³ NAVA, *supra* note 2, at 13.

Faculty Support will process recommendation letters for you. In order to guarantee that the letters will be ready in time to add them to your application packets, you need to make sure that you give your recommender enough time to complete the letter and submit to [Natalie Butcher](#) or the Faculty Support staff member with whom they typically work. For OSCAR applications you need to designate your recommenders and add them to each application you intend to submit. For paper applications you need to submit either a request for a single set of recommendation letters or Excel spreadsheet(s) for multiple requests at one time as described in [VI. The Application Process](#).

For faculty recommendation letters, Faculty Support will format the letter, place it on letterhead, mail merge so that each judge to whom you are applying gets a personalized letter, and then upload into OSCAR or print and place in a labeled envelope depending on the judges' preferences. If you are applying to judges by paper, you will be notified by email when your sealed letters of recommendation are ready to include in your application packet.

If you are applying to courts with different deadlines, please inform the Career Services Office at judicialclerkships@law.ucdavis.edu of these different deadlines. Include the names of your recommenders as well as whether the applications are paper or through OSCAR. If paper, you will also need to email an individual request or Excel spreadsheet of the courts or judges to which you are applying (follow the instructions in [VI. The Application Process](#) to create your Excel spreadsheet). We need to receive the letters of recommendation and your Excel spreadsheet(s) at least ten business days before the deadlines in order to process the letters by the deadline.

Letters of Recommendation from Judges and non-King Hall Recommenders

Faculty Support will process letters of recommendation from judges and non-King Hall Recommenders in addition to King Hall recommenders. In order for Faculty Support to process the recommendation letters of an outside recommender, the recommender must email a Word or PDF version of their letter to the Career Services Office at judicialclerkships@law.ucdavis.edu. If Word, Faculty Support will need Excel spreadsheet(s) from you in accordance with [VI. The Application Process](#) instructions. If PDF, the letter must be converted to PDF, not scanned, and must include the salutation, "To Whom It May Concern:" The letter must be on the recommender's letterhead and include the recommender's electronic signature.

Please note that this Letters of Recommendation section should be read in conjunction with VI. The Application Process.

F.

Reference List

We advise that you prepare a page listing your references with contact information to include with your application in addition to asking for recommendation letters. You can and should list

references beyond your recommenders. Just be sure to seek permission from all references before listing them.

VI. The Application Process

The judicial clerkship application process varies due to the varied and individualized approach of courts and judges during the selection process. This section will address the application process in greater detail. Generally, though, the application process starts with you identifying the courts and judges to whom you want to apply. You will then prepare and submit application packets, as discussed in [V. The Application Packet](#), which the judge, the judge's current clerks, or the staff attorneys review. If you are identified as a good candidate, you will be contacted to schedule an interview which can be by phone, video, or in-person and conducted by the judge and/or the judge's clerks or individuals from the staff attorney pool.

A.

The Basic Timeline

Second-year students will first have access to view and build applications to federal clerkship positions in OSCAR on **January 8, 2024**. OSCAR applications can be submitted to federal judges on **June 10, 2024 at 9 AM PT**. Federal judges will continue to post openings throughout second summer and third year and even past graduation. Announcements are often made in the OSCAR system and some judges contact Career Services directly with openings posted in the “Jobs” section of 12Twenty. Again, be prepared to apply in waves, as judges continue to post openings throughout the year.

State court selection timing varies. Consult [The Guide to State Judicial Clerkships](#), court websites, and other resources listed on the Career Services website <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>. During the summer before your 3L Fall Semester, Career Services will coordinate application collection through 12Twenty for the Alaska state courts, which will interview as part of Fall OCI. Also, we still receive direct clerkship notices, which we post to 12Twenty throughout the year.

B.

Application Steps

You will likely apply to both federal and state clerkship opportunities. Federal applications are generally submitted in one of two ways: online through OSCAR or paper via the mail. State applications tend to be paper submissions but some courts have an electronic application process. Below, the federal online and paper, and state paper processes are discussed in detail.

Each application packet will contain a cover letter, resume, transcript(s), writing sample, three letters of recommendation, and list of references, unless the judge otherwise specifies. Please refer to [V. The Application Packet](#) for more details about these materials.

Federal Applications through OSCAR (Online System for Clerkship Application and Review)

OSCAR, the Online System for Clerkship Application and Review, available at <http://oscar.uscourts.gov>, is a great tool to use for clerkship applications. There are currently over 2000 federal judges who have signed up to participate in this online application program for students and alumni to apply for clerkships. Members of the **Class of 2025** will have the ability to create an OSCAR account, review clerkship postings, and build applications beginning on January 8, 2024. Once you create an OSCAR account and profile, please review the resources in OSCAR, which clearly explain how to use the system, and check OSCAR regularly for the most up to date clerkship information.

You can start to organize judges into “favorites” and subfolders to organize your judges into categories such as geographic region or court type (good if you have different cover letters that highlight connections to different locations or interests). You can upload your application materials, designate recommenders, and start assembling applications for individual judges. Once you have started these individual applications, your recommender (and Faculty Support if your recommender is from King Hall) will receive an email inviting them to upload their letters. Please note that you will be able to create draft applications, upload materials, and add recommenders in OSCAR starting January 8, 2024. Your applications will not be viewable by judges until after you have finalized your applications and are subsequently released on June 10, 2024 at 9 AM PT.

Tips and Technical Information for OSCAR: For general OSCAR questions, please refer to OSCAR’s Applicant Resources under the Resources tab after you login. You may also call the OSCAR help desk at 1-866-666-2120 (toll-free) with specific questions or issues. The below are tips and information that prior applicants found particularly useful.

- Letters of Recommendation
 - Letters of recommendation cannot be uploaded until you have created an application for a particular judge.
 - You must select your recommenders in each application for every judge to whom you are applying.
 - It is a good idea to explain to your recommenders that they will get email notifications from OSCAR. As long as your outside recommenders and King Hall faculty follow the steps in the Letters of Recommendation section, they can ignore these notifications.

- Cover Letters
 - There are two ways to upload cover letters on OSCAR – PDFs or using OSCAR’s Online Editor. The Online Editor is the most efficient method of handling cover letters as it takes care of the mail merge (addresses and salutations) and allows you to have different templates for different types of judges and/or different geographic locations. PDF, on the other hand, requires you to do the mail merge (using Mail Merge Wizard in Word) so that each letter is addressed to an individual judge, convert all the letters to PDFs, and then upload each letter to each relevant judge. The only downside to using the online editor is that you cannot include a signature. A lack of a signature will most likely not be a problem for OSCAR applications; if you are applying by paper or email, you should always include a signature. OSCAR’s Online Editor feature may cause formatting problems depending on what browser you use. Please be sure to check the final version of the cover letter if you use the Online Editor.
- Miscellaneous
 - It is probably safe to say that judges who accept applications through OSCAR are not expecting paper applications, and their participation in the OSCAR program indicates their clear preference for electronic applications. However, you should check each judge’s OSCAR profile to confirm the judge’s preference, if indicated.
 - When you finalize an application in OSCAR, the application gets released to the judge. Letters of recommendation can be added after you have finalized an application. As judges can view an application as soon as it is finalized, it is better to finalize after your letters of recommendation are attached so that the judge does not view an incomplete application.
 - **OSCAR does not allow an applicant to reapply to a judge once the applicant has withdrawn that application.**

Federal and State Paper Applications

There are two main parts to the paper application process: 1) your submission of individual letter of recommendation requests or for multiple requests, your preparation of Excel spreadsheets to facilitate the letter of recommendation process, and 2) your assembly of your application packets. Both are described below. **Note the maximums listed in [Number of Applications](#).**

Individual Letter of Recommendation Requests

One of the services that the Law School provides is the processing and printing of your letters of recommendation from outside recommenders and King Hall faculty. The process for federal electronic applications through OSCAR is described above. In order for the Law School to prepare your paper letters of recommendation for an individual request, you must submit the following information to judicialclerkships@law.ucdavis.edu:

<i>Salutation</i>

(Indicate Judge, Chief Judge, etc.)

<i>The Honorable First Name Last Name</i>
<i>Court Name (Indicate District and State)</i>
<i>Street</i>
<i>City, State Zip</i>
<i>Recommender (1) (Initial and Last Name)</i>
<i>Recommender (2) (Initial and Last Name)</i>
<i>Recommender (3) (Initial and Last Name)</i>
<i>LOR Format (Paper or PDF)</i>
<i>If PDF format, email address to send to</i>
<i>Notes or instructions (Optional)</i>

Please note that it may take up to three business days to process an individual request.

Creating Your Excel Spreadsheet(s) of Judges

If you are submitting a request for multiple judges at one time, we need you to provide **Excel spreadsheet(s)** containing the names and addresses of the judges to whom you are sending paper applications. You should start with the Clerkship List in OSCAR. You can search for and select the federal judges you need paper letters for and batch them to an excel spreadsheet. **Proofread your spreadsheets carefully.** We advise that you check the judges' names and addresses against the court websites before you submit your spreadsheet to the Career Services Office as last year there were a few instances where the addresses were incorrect. Please note that most state supreme and appellate courts, as well as some trial level court judges are listed in the [State Court Clerkship Guide](#). You must visit the court websites and resources mentioned above to determine whether the judges are hiring, what the deadlines are, and what materials you need to submit. Please include deadlines and application method (paper or electronic, and provide the email address or website if electronic) in the spreadsheet you submit to Career Services.

As you are creating your spreadsheet(s), review [IV. Considerations When Applying](#) to help determine where to apply. As a reminder, OSCAR is a good starting point to identify federal judges who are accepting paper applications. Unfortunately, **not all judges use OSCAR**. Amplify the list of judges you compile from OSCAR through the Internet, and Career Services and Law Library resources. Be sure to check the Job Postings section of 12Twenty for any clerkship and staff attorney positions. You may call judges' chambers directly to confirm openings, deadlines and application procedures, taking care not to bother them if the information is easily accessible otherwise.¹⁴ Also, geographic location and court level are some of the easiest ways to identify the judges to whom you want to apply. **Remember that chances of garnering a clerkship outside of California are much higher. You can always return to California after your clerkship.** If you have specific practice area interests, the resources described above can help you further identify judges for your application list.

¹⁴ See UNIV. OF VIRGINIA, *supra* note 4, at 13; UNIV. OF MICHIGAN, *supra* note 3, at 15.

Assembling Application Packets

You are responsible for printing and assembling all of your application packets and for including your sealed recommendation letters in the packet. Because your recommendation letters are confidential and must be included with your applications, please do not open the sealed envelopes. If it is summer and you are not in the area, please contact Natalie Butcher in Career Services and she will work with you on an individual basis to assemble your paper application packets. Refer back to **V. The Application Packet** for more details about each item you will include in the application packet. In brief, these packets consist of:

- Cover Letter (addressed to the specific judge);
- Resume;
- Writing Sample (10 pages maximum unless otherwise stated);
- Transcript(s);
- 3 Letters of Recommendation; and
- List of References.

Mail Merge Instructions: Instructions for how to use mail merge can be found in Word (the Mail Merge Wizard is very helpful) and on the Career Services website at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>.

Resume Paper: You must provide your own resume-quality paper for resumes and cover letters.

Postage, Envelopes, Mailing Labels and Return Address Labels: The Law School will provide you with up to 80 envelopes and will cover postage costs by mailing up to **80 paper application packets** through the campus Mail Division. The Career Services Office also provides pre-printed return labels that Career Services will affix to your envelopes in order for the school to pay for the postage. Please return any unused materials to the Career Services Office.

Deadlines: to ensure timely receipt of applications being sent out in accordance with any applicable deadlines, **we must receive your complete application packets at least 10 business days in advance of the deadline.** If you choose not to use the Law School's services outlined above, be sure to estimate mailing times appropriately to comply with a deadline.

Applications to State Courts and to Federal Courts throughout the Year

Federal: Numerous federal judges, will have openings throughout the year. You may track new appointees by consulting the Office of Legal Policy of the Department of Justice at <http://www.justice.gov/olp/>. You may apply for a clerkship once a judge is nominated, but many

nominees will not make clerkship decisions until they are confirmed.¹⁵ When you have an individual request for letters of recommendation or compiled a spreadsheet with address information, please send it to Career Services at judicialclerkships@law.ucdavis.edu. Please give us 10 business days to prepare letters of recommendation for multiple judges and 3 business days to prepare letters for a single judge so that your applications for such openings can be sent within your desired time frame.

State: There are many clerkship opportunities with state judges for which you may apply during the school year. For state appellate and trial court applications, you should follow the timing instructions of the particular courts to which you want to apply. When you have an individual request for letters of recommendation or compiled a spreadsheet with address information, please send it to Career Services at judicialclerkships@law.ucdavis.edu. Please give us 10 business days to prepare letters of recommendation for multiple judges and 3 business days to prepare letters for a single judge so that your applications for such openings can be sent within your desired time frame.

VII. The Interview

You can expect to hear from judges or their clerks if you are granted an interview. If you hear nothing after several weeks, you may politely call the judge's secretary or current clerk to find out the judge's hiring timeline.¹⁶ Be aware, however, that some chambers staff may find this annoying.¹⁷ Please be patient; chambers are likely to be flooded with applications. Be sure your voicemail is working and that it has a simple and serious recording in which you state your first and last name, and do not pick up the phone unless you are in a quiet place where you can take a professional call.

A.

Considerations at the Interview Scheduling Stage

Respond immediately if you are invited to interview. Schedule your interview at the earliest opportunity possible, given the interview slots available. It shows your readiness to secure a position and your eagerness to work in chambers.¹⁸ If you wait too long to schedule your interview, or schedule it too far in advance, it is possible that by the time you actually interview, the judge may have already extended offers to other

¹⁵ UNIV. OF VIRGINIA, *supra* note 4, at 18.

¹⁶ See UNIV. OF MICHIGAN, *supra* note 3, at 21.

¹⁷ *Id.*

¹⁸ NAVA, *supra* note 2, at 20.

candidates and completed his or her hiring.¹⁹ Many judges extend offers as soon as they find a candidate they wish to hire.

Interviewing for judicial clerkships can get expensive, especially if you apply to many different locations. The Law School may cover up to fifty percent of the travel costs associated with interviews so it is important to prepare yourself to cover fifty percent or more of the costs. Please note that you must be eligible as stated in the school rules and submit your request for approval before you travel. Please email [Natalie Butcher](#) for approval of an estimated travel cost before you purchase. See the clerkship webpage for rules on student travel. It is also wise to schedule interviews for one geographic location into one trip. You may also inquire about the possibility of conducting the interview over video conferencing equipment which the school does provide as long as you provide the Career Services Office at least one week's notice and the conferencing equipment is available. Many judges are amenable to conducting interviews over video conference but others will expect you to fly out for a face-to-face interview.

Judges do not reimburse travel expenses. Once a judge in a city to which you will have to travel has scheduled your interview, it is appropriate to contact other judges in that area to whom you applied and politely inquire if the judge would be interested in interviewing you while you are in the area.²⁰ You may define "area" broadly; for example, if you are travelling to the Midwest, you might include several states.²¹ A judge who might not have been inclined to interview you initially may grant an interview once they learn a colleague has expressed interest in you; at the very least, it may make a judge take a second look at your application.²² As a common courtesy, you should not accept an interview if you would not accept that offer.

B.

The Content of the Interview

During the interview, judges look for:

- Keen interest in the law. Evidence of analytic ability.
- Indications of maturity, integrity, initiative, diligence, and ability to accept supervision.
- Professional compatibility. Most judges work closely with their clerks and look for a personality fit as well as potential compatibility with other clerks and staff members.
- Preparation. How much you know about this judge and how cogently you can discuss the judge's decisions.

¹⁹ NAVA, *supra* note 2, at 20.

²⁰ See UNIV. OF VIRGINIA, *supra* note 4, at 18; BOSTON COLLEGE LAW SCHOOL, OFFICE OF CAREER SERVICES, *Judicial Clerkship Handbook - May 2010* 10.

²¹ See UNIV. OF VIRGINIA, *supra* note 4, at 18.

²² NAVA, *supra* note 2, at 20.

Judges look for objective criteria to choose who they interview:

- Grades (often in the top 10-15% for federal clerkships), writing skills, Journal or Moot Court experience (because of their emphasis on writing), references/letters of recommendation (faculty member and other judges carry more weight, usually, than letters from former employers).

Somewhat subjective criteria come into play at the interview level:

- Personality and fit are important because of the close working relationship.
- You need to demonstrate that you can get along with everyone, not just the judge.
- Whether you have a geographic connection to the area you are applying is often considered a hiring factor for out-of-state clerkships. This appears to be more important for state clerkships than federal.
- Candidate's desire to assist the judiciary and a love for legal research and writing.²³

Make the most of your interview – prepare:

- Contact [Career Services](#) as soon as you are selected for an interview. Natalie will try to set up a mock interview with you and a faculty member to prepare.
- Research the judge's rulings so you can be familiar with his/her background and writing style.
- Review and brush up on the legal issues addressed in your writing sample(s).
- Review your resume and the details you provided about your prior work experience.
- Be prepared to answer substantive *legal AND personal* questions.²⁴
- Contact former clerks to get information about a judge's interview style. See Historical Clerkship Data available on the Career Services website at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>.
- Review interview evaluations and clerkship evaluations on the judge you are interviewing with if available - <https://intranet.law.ucdavis.edu/community/career/judicial.aspx>.
- Consider reading through legal and political commentary blogs that assess major opinions and "hot trends" in the law to construct your own thoughts that you may incorporate into your interview.²⁵
- Read the Federal Judicial Center's Judicial Writing Manual.

PREPARE, PREPARE, PREPARE! Judges generally interview from five to twenty-five applicants for one spot. Use the resources discussed above under the [Appendix 9: Key Judicial Clerkship Application Resources](#). Run a LEXIS or WESTLAW search for opinions

²³ NAVA, *supra* note 2, at 18.

²⁴ *Id.* at 21.

²⁵ *Id.* at 22.

and recent articles written by the judge. Develop a list of questions to ask the judge and current clerk(s), and think through your answers to questions you may be asked.

Judges may ask you any of the usual job interview questions. Expect questions about your interest in various areas of law. If you are on Law Review, be prepared to discuss your article and journal involvement. You may be asked how you would approach a particular case, problem or legal issue and what issues concern you most. Some judges ask candidates' opinions on judicial activism and *stare decisis*. You might be asked how you would handle having to draft an opinion incorporating the judge's viewpoint if it differed sharply from yours. Criminal court judges may ask your views on the death penalty.

Most judges seek a vigorous intellectual give-and-take with their clerks, along with an acceptance that it is the judge who makes the eventual decision. Show concern for the court's confidentiality and ethics issues. You are also likely to be asked about outside interests and other indicators of who you are as a whole person. Elbow clerks work so closely with their judges that compatibility is a key criterion. See [Appendix 4: Article on Interview Questions about "KSAs"](#) [Knowledge, Skills, and Abilities](#)) and [Appendix 5: Sample Clerkship Interview Questions](#) for sample questions.

Come to your interview with questions for the judge. Ask about the judge's hiring criteria, the selection process, and its timetable. Inquire about the nature of the judge's docket, the scope of the law clerk's job, and the relative amount of time spent on each responsibility. Try to learn more about the judge's legal philosophy and view of the court's role.

You can learn a great deal from a judge's current clerk, with whom you will probably have a separate meeting. Try to find out what the clerk does. What is the proportion of time spent in court, conducting research, drafting opinions, and meeting with the judge? What responsibilities does he or she have? How closely does the clerk work with the judge? What is their relationship? What is the judge's work style? How much contact does the clerk have with other clerks, other judges, and local attorneys? What are the benefits and drawbacks of clerking with this particular judge? Ask about how the clerkship affected the current clerk's job search. Finally, ask about the judge's hiring criteria.

Keep in mind when you talk to current clerks that they can provide many helpful inside tips, but that you must be professional in your dealings with them. Expect that anything you say to a clerk may be relayed directly back to the judge. Judges usually give considerable weight to the hiring recommendations of their present clerks. Therefore you should treat conversations with a judge's clerks as an important part of the interview process.

In some chambers, the judicial assistants are involved in selecting clerks. In all cases, you should treat judges' assistants with courtesy and respect, whether during the interviewing process or on the job. Clerks come and go, but judicial assistants are often with their judges for many years. The judicial assistant can be very helpful to you, but if you cause offense, your behavior may

(quite appropriately) affect your job chances or the quality of your clerkship experience.

The information and advice above addresses interviews for positions on a judge's personal staff. For central staff positions in a court, you can be more certain of structured formal interviews, often conducted by a panel of interviewers. Nevertheless, most of the suggestions above are equally pertinent to preparing for central staff clerkship interviews, because similar qualities are sought in applicants.

Etiquette: Deference and respect are always appropriate. You may be surprised by the degree of formality, especially at higher courts and in other parts of the country. Address judges' staff as "Mr." or "Ms." unless you are asked to use first names. You should address and refer to your potential employer as "Judge X" or "Justice X," depending on the court's usage. You may use "sir" or "your honor" as appropriate, but it is far riskier to use "ma'am". Although it is always appropriate to ask how the judge wishes to be addressed by the law clerks, in case of doubt, remain formal. Never assume that because the judge uses first names with long-term staff that this egalitarian informality extends to you. Always introduce yourself with your full name and make sure to grasp the last name of everyone you meet.

Interview Length: Clerkship interviews vary greatly in length, content, and format. Many judges include their current law clerks in the interviewing process. Interviews can last anywhere from 15 minutes to two hours. Some are casual conversations; some are vigorous oral examinations, complete with hypotheticals. Whatever the form, judges want to know if you are hard-working, smart, and nice. They want to know if they can be confident of your abilities, can trust your judgment and will enjoy working closely with you.

C.

After the Interview

Thank You Letter: Send a brief thank you letter immediately after the interview. Letters should be typed or handwritten on plain but nice stationery. Make sure that your thank you note is absolutely error free.

Follow Up: If you have heard nothing after three weeks, you may call your point of contact (generally the current clerk or judicial assistant) to express your continued interest and ask when the judge will make a decision. If you do want to work for the judge, you should express a desire to receive an offer and your intention to accept it.

Evaluations: Fill out an [interview evaluation](#) on the Clerkships webpage for any judicial clerkship interview you attended. Similarly, after you have completed your term as a judicial clerk, please fill out a clerkship evaluation provided by Career Services staff. This allows future students to have more information in preparation for their judicial clerkship interviews. Please note that completed interview and clerkship evaluations are available for students to review on the intranet via the clerkship webpage at <https://intranet.law.ucdavis.edu/community/career/judicial.aspx>.

D.

Offers and Acceptances

Some judges make on-the-spot offers. **Be prepared to accept or decline an offer at the interview.** Applicants may decline offers or ask that they be held open for a period of time without necessarily doing irreparable damage to their own professional reputations or that of King Hall, but neither should be done capriciously. If you request time to consider an offer, make it brief. The offer might otherwise be withdrawn.

A few caveats are in order: (1) you should withdraw an application immediately if you conclude that you would not accept the position if offered. (2) Etiquette requires that applicants treat judges with **respect and courtesy**. This means that a request for time within which to respond to an offer should seek no more time than is absolutely necessary, and should -- if the judge inquires -- include an honest explanation as to why the time is sought. This is not an area in which you can expect to bid up your offers; even if you get away with it at the moment, it can damage your professional reputation for years to come. In other words, if your application is active, you need to **be prepared** for the judge to ask that you make an immediate decision. Remember that alternative candidates may go elsewhere while the judge awaits your response so the judge may be unwilling to give you time to mull over an offer.

In any event, if you request time to consider the offer, you need to listen carefully to the judge's timetable so that there is no room for misunderstanding, and honor the agreement. This also means that if you reject an offer, you should do so as politely as possible and as soon as you have made up your mind. (3) Many applicants turn down reasonably good offers only to find that the other judges for whom they were waiting have picked other applicants. Students are thus advised to bear in mind the adage about a bird in the hand being worth two in the bush. (4) Turning down an offer from a judge may decrease (and perhaps eliminate) an applicant's chances of receiving an offer from other judges on the same court. Some courts have a policy of not "fighting over" clerks.

As soon as you accept a judge's offer, you should contact all other judges before whom you have applications pending and withdraw from consideration, while thanking them for their consideration. In OSCAR, you should withdraw from all of your electronic applications. You must not, of course, withdraw an acceptance in order to clerk with a different judge. Moreover, you should not continue to interview for other clerkships for the same term once you have accepted a clerkship. ***Should an emergency arise that affects your ability to carry through on your commitment, please consult with the Career Services Office ((530) 752.6574) so that we can help you minimize any damage to yourself and future King Hall applicants.***

VIII. Conclusion

Please keep the Career Services Office apprised of the progress of your search for a clerkship and, if you obtain one, of your experience as a judicial law clerk. We are here to advise and assist

you as you apply to judicial clerkships, and would appreciate it if you kept us abreast of where you are applying and how your efforts pay off. Your feedback on the process will help us counsel future King Hall students as well.

In addition to the staff in the Career Services Office, the Career Services Office website, at <http://www.law.ucdavis.edu/current/career-services/judicial-clerkship.html>, serves as a resource for any further questions you may have. Please let the Career Services Office know if you have any additional questions or suggestions to improve this guide by emailing judicialclerkships@law.ucdavis.edu.

Appendix 1:
Types of Courts Where You May Clerk

U.S. Supreme Court: Each justice has four clerks, who serve for one-year terms. Clerks assist in evaluating certiorari petitions, in preparing for oral argument and conference, and in drafting opinions. Although the justices have differing selection criteria, only applications from individuals with extraordinary academic records are given serious consideration and almost all will have had at least one year of clerkship experience at a prestigious circuit court.

U.S. Courts of Appeals: Clerks typically read briefs, do extensive legal research, write bench memoranda, draft opinions and assist in preparation for oral argument. Central staff attorneys also write bench memoranda and handle preliminary screening, recommending for or against oral argument. Many central staff members are assigned to a unit handling preliminary motions.

U.S. District Courts: Elbow clerks review motions and handle trial court duties listed in the preceding section, which include:

- research and draft memoranda
- attend oral arguments
- conduct settlement conferences
- write draft opinions and orders
- prepare judge's bench, organize exhibits
- keep records, handle scheduling and other administrative tasks
- interact extensively with attorneys and witnesses
- review and make recommendations on a variety of motions
- prepare trial memoranda for the judge, including a synopsis of the issues in a particular case

District courts also employ writ or *Pro Se* clerks, who handle petitions from prisoners. These clerks, often referred to as staff attorneys, may be on central staff or supervised by a particular magistrate, and may be in term clerkships or career positions, depending on the court.

U.S. Magistrate: Magistrates are appointed by federal district court judges to handle preliminary and pre-trial matters in many civil and criminal cases, and to conduct trials on minor criminal matters. Clerks' tasks vary depending on the magistrates' responsibilities.

U.S. Bankruptcy Courts: Clerks draft opinions and orders, work on reviewing and preparing the weekly calendar. They take substantial responsibility for procedural and administrative matters. These clerkships are good preparation for practice in commercial, consumer and tax law, as well as in bankruptcy law.

Specialty Federal Courts: These courts may require specific backgrounds. Example of specialty courts include the [United States Tax Court](#) located in Washington, DC which hears disputes involving the Internal Revenue Service and the United States Court of Federal Claims which has jurisdiction over civil claims, other than torts, against the federal government such as government contract dispute and patent or copyright violations by the government.

State Supreme Courts: These clerkships are very prestigious, especially those at leading courts.

Many hire both elbow clerks and central staff attorneys. In California, all justices (except Justice Liu, Justice Kruger, Justice Evans, and Justice Guerrero) hire permanent research attorneys rather than short-term “elbow law clerks,” because of the level of experience they feel is required for the heavy volume of death penalty cases. Criminal appeals, particularly death penalty matters, consume an increasing proportion of California's Supreme Court docket. Central staff handles criminal matters primarily (petitions and writs) and prescreen and distribute cases. Central staff positions in California are long-term. When budget permits the California Supreme Court hires an “annual clerk” for civil work and one for criminal.

State supreme courts are courts of last resort for most of the cases that reach them. Clerking for a state court may permit more creativity than a federal clerkship, because the court is bound only by its own prior decisions, not by those of a higher court.

State Courts of Appeal: Not all states have an intermediate level of appeal between trial courts and the highest court. Such courts are called by various names. In a state appellate court, the central staff's primary function is screening appeals and disposing of routine appeals with bench memoranda. These staff attorneys also handle many writs and motions. Judges' career elbow clerks, often called “research attorneys” conduct research and draft opinions on matters scheduled for oral argument.

Many states offer one-year appellate court clerkships. In California, however, both elbow clerkships with individual justices and central staff-attorney positions with the Courts of Appeal are career positions.

State Trial Courts: Trial courts in every state use law clerks and/or research attorneys. These may be one or two-year positions (sometimes only open for application to graduates who are already admitted to the bar) or they may be career clerkships.

In California, there are few superior court term clerkships for recent graduates. Most California counties use long-term research attorneys. Even the short-term, entry-level positions are often not filled on a predictable schedule, and may only be open to graduates who are already admitted to the bar. Contact current research attorneys or the court administrator for application deadlines and advice.

Administrative Law Judges (ALJs): ALJs are independent, impartial triers of fact in formal administrative hearings. More than 30 federal government departments and agencies employ ALJs and may hire recent law school graduates as law clerks for either a term or an indefinite period. For further information on ALJs, please refer to the Administrative Law Judges document available on the [Judicial Clerkship webpage](#).

International Courts: A variety of international clerkship opportunities are available with international courts and tribunals. Examples include the International Criminal Court, the International Court of Justice, the European Court of Human Rights, the European Court of Justice, and the WTO Appellate Body. Yale Law School updates a resource on opportunities with

international courts and tribunals every year, the link of which is available on the [Judicial Clerkship webpage](#) under “International Tribunals & Foreign Courts”.

Tribal Courts: Some states have tribal courts that hire law clerks. Information can be found at the National American Indian Court Judges Association at www.naicja.org and at www.tribal-institute.org, which is a clearinghouse of information on tribal courts. Another resource where job are often posted is *Indian Country Today*, a newspaper that is available on-line at www.indiancountry.com.

Research attorneys for civil trial courts work on law and motion matters, reviewing files, briefing motions and making verbal recommendations to judges. Criminal court researchers review all pre-trial motions on *habeas corpus*, prisoners’ correspondence and other administrative matters. Research attorneys sometimes serve as commissioners or judges *pro tem*. A tribal court clerkship is an excellent entree to practice in a community.

Appendix 2: Proper Forms of Address

Addressee	Address (On Envelope and Cover Letter)	Salutation (On Cover Letter)
US Supreme Court		
The Chief Justice	The Honorable [full name] Chief Justice Supreme Court of the United States One First Street, N.E. Washington, D.C. 20543	Dear Chief Justice [last name]:
Associate Justice	The Honorable [full name] Associate Justice Supreme Court of the United States One First Street, N.E. Washington, D.C. 20543	Dear Justice [last name]:
U.S. Court of Appeals		
Chief/Senior Judge	Honorable [full name] [Chief/Senior] Judge United States Court of Appeals for the [Number-th] Circuit Address City, State Zip	Dear Judge [last name]:
Judge	Honorable [full name] United States Court of Appeals for the [Number-th] Circuit Address City, State Zip	Dear Judge [last name]:
U.S. District Court		
Chief/Senior Judge	Honorable [full name] Chief/Senior Judge United States District Court for the [District Name] Address City, State Zip	Dear Judge [last name]:
Judge	Honorable [full name] United States District Court for the [District Name] Address City, State Zip	Dear Judge [last name]:
U.S. Magistrate		
Judge	Honorable [full name] United States Magistrate Judge United States District Court for the [District Name] Address City, State Zip	Dear Judge [last name]:
U.S. Bankruptcy		
Chief Judge	Honorable [full name] Chief Judge United States Bankruptcy Court for the [District Name] Address City, State Zip	Dear Judge [last name]:

Judge	Honorable [full name] United States Bankruptcy Court for the [District Name] Address City, State Zip	Dear Judge [last name]:
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Other Federal Courts		
Chief Judge	Honorable [full name] Judge [Title of Judge] Name of Court Address City, State Zip	Dear Judge [last name]:
State Supreme Court		
Chief Justice	Honorable [full name] Chief Justice Supreme Court for the [State] [Commonwealth] of [State] Address City, State Zip	Dear Justice [last name]:
Justice	Honorable [full name] Supreme Court for the [State] [Commonwealth] of [State] Address City, State Zip	Dear Justice [last name]:
State Trial Courts		
Chief Judge/Judge	Honorable [full name] [Title of Judge] Name of Court Address City, State Zip	Dear Judge [last name]:
Supreme Court of California		
Chief Justice/Justice	Honorable [full name] Chief Justice Supreme Court for the [State/Commonwealth] of [State] Address City, State Zip	Dear Justice [last name]:
Associate Justice	Honorable [full name] Associate Justice Supreme Court for the [State/Commonwealth] of [State] Address City, State Zip	Dear Justice [last name]:
California Courts of Appeal		
Justice	Honorable [full name] [Title of Justice] California Courts of Appeal [Number-th Appellate District] Address City, State Zip	Dear Justice [last name]:
Superior Court of California		

Judge	Honorable [full name] [Title of Justice] Superior Court of California County of [County Name] Address City, State Zip	Dear Judge [last name]:
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Adapted from: Strauss, Debra M., Esq., *Behind the Bench: The Guide to Judicial Clerkships* (The BarBri Group, Inc., 2002).

Appendix 3: **Sample Cover Letters**

LINDSEY C. DAVIS

400 Lark Ct., Davis, CA 94555 • (555) 555-1535 • lcdavis@ucdavis.edu

The Honorable Kimberly England
United States District Court for the Middle District of California
United States Courthouse
333 Spring Street
Davis, CA 90012

June 10, 2024

Dear Judge England:

I am a third-year student at UC Davis School of Law in the top fifteen percent of my class and would like to be considered for a position as one of your law clerks for the term beginning in 2025.

I am currently a member of the *UC Davis Law Review* and the *Business Law Journal*. I am also a teaching assistant for first-year students in their legal research and writing course and regularly meet with them to review and edit their papers. I received the highest grade in two of my classes: Business Law and Contracts Law.

This summer, I will work at Latham and Watkins in Los Angeles. The summer prior, I served as an extern for Justice Rebecca Wiseman of the California Courts of Appeal where I wrote bench memoranda and drafted memorandum dispositions. I also helped prepare the Justice for oral arguments. I thoroughly enjoyed the experience, which made me eager to apply for a clerkship.

Enclosed for your review are a copy of my résumé, a transcript, a writing sample, and three letters of recommendation from Professors Blue, Yellow, and White. Thank you for your time and consideration.

Sincerely,

Signature

Lindsey C. Davis

ROBERT C. DAVIS

400 Lark Ct., Davis, CA 94555 • (555) 555-1535 • rcdavis@ucdavis.edu

The Honorable Morrison Mueller
United States District Court for the Middle District of Illinois
123 Main Street, Chambers 808
Chicago, IL 90012

June 10, 2024

Dear Judge Mueller:

I am a third-year student at UC Davis School of Law. I would like to be considered for a position as one of your law clerks for the term beginning in 2025. I was born and raised in Chicago and would like to return to clerk at the federal district level.

Prior to law school, I worked for five years at Disability Rights as a Legal Assistant and earned an MBA at night from the University of Chicago Graduate School of Business. I chose to attend law school to become a litigator. During the past two years, I gained valuable litigation experience by volunteering at the Los Angeles County District Attorney's Office and competing in the Moot Court program. Last summer, I gained extensive writing experience at the ACLU where I had the opportunity to research and analyze challenging constitutional questions.

I have enclosed a résumé, transcript, writing sample, and three letters of recommendation for your review. I would appreciate the opportunity to meet with you to discuss how I can contribute to your chambers. Thank you for your time and consideration.

Sincerely,

Signature

Robert C. Davis

ALYSSA C. DAVIS

400 Lark Ct., Davis, CA 94555 • (555) 555-1535 • acdavis@ucdavis.edu

The Honorable Lawrence Dean
U.S. District Court for the Middle District of California
United States Courthouse
312 North Spring Street, Room 524
Los Angeles, CA 90012

June 10, 2024

Dear Judge Dean:

I am in my third year at UC Davis School of Law and would like to be considered for a position as your law clerk for the term beginning in 2025. I offer significant bankruptcy experience that I gained through an externship with Judge Klein, a Bankruptcy Judge in the Eastern District of California, and through courses which include Bankruptcy, Corporate Governance, and Law and Economics.

Additionally, I have gained substantial writing experience while in law school. As a teaching assistant for the research and writing course, I have enhanced my own critical thinking skills by working with first-year students. I have also strengthened my writing abilities as a member of the *UC Davis Law Review* and by preparing a research paper in connection with a legal history seminar.

Enclosed for your review are a copy of my resume, a transcript, a writing sample, and three letters of recommendation from Professors Blue, Yellow, and White. Thank you for your time and consideration.

Sincerely,

Signature

Alyssa C. Davis

Appendix 4:
Article on Interview Questions about “KSAs”
(Knowledge, Skills, and Abilities)

Note: The following is distributed to all Federal Judges to help them conduct interviews for law clerks, and is reprinted with permission of the Federal Judicial Center (1999), though any interviewee should find it helpful. KSA is an acronym for Knowledge, Skills and Abilities.

INTERVIEW QUESTIONS ABOUT KSAs

Legal Research KSAs

KSA	Definition	Questions
Using a Variety of Sources of Information	Knowing when and how to access various types of information, including treatises, digests, and case law; using online resources such as Lexis, Westlaw, and the Internet.	Describe a recent project or paper for which you had to conduct wide-ranging research. What resources did you use? How did you get organized? How did you know where to look to find what you needed? Did you finish on time?
Sifting Information	Searching through a voluminous quantity of records for relevant information; locating, reading, sorting, and organizing a large quantity of written information; keeping meticulous notes in order to be able to state the facts.	Describe the project or paper for which you had to sift through the greatest quantity of records and information. How did you organize the work? How did you find what was relevant? How did you keep track of the relevant facts and details? What strategies did you use to keep organized and productive? Did you finish on time?
Conducting Research Independently	Taking the initiative to research unfamiliar areas of the law; researching unfamiliar areas well enough to deal effectively with attorneys specialized in them.	Tell us about a time when you had to research an area of the law that was unfamiliar to you. What specifically did you do to get up to speed? What degree of expertise was required, and how did you achieve it? How long did it take? How satisfied were you with the results? Did you have any dealings afterwards with someone who was an expert in this area? What challenges did this present, and how did you deal with them?
Thinking Analytically	Applying the law to the facts of a case in reasoning that is logical and defensible; being willing to consider new ideas and approaches; weighing and balancing competing arguments judiciously; using critical thinking and a healthy degree of skepticism to probe beyond the surface of issues and arguments.	An important part of our work is to weigh and balance competing arguments and apply the law to the facts of a case in a judicious way. Of the cases that you have studied or are familiar with, describe one that presented a particular challenge for you in weighing competing arguments. What was it about this case that made it so challenging for you? Describe your thinking in analyzing the case. What was your final analysis? What did you learn from the case?

Note: Another way to assess analytical thinking is to present candidates with a case study for analysis. The case should be typical of the sort of legal problems encountered in the court and district in question. Allow a suitable amount of time for the applicant to read the material and think about it, then question the applicant about what problems or conflicts arise from the case and how they could be addressed.

Communication KSAs

KSA	Definition	Questions
Writing Clearly and Concisely	Expressing facts and ideas in simple, jargon-free language that is easy to understand; presenting arguments clearly and forcefully in writing; paying scrupulous attention to detail; drafting bench memoranda or opinions; writing clear instructions.	<p><i>Note: The best way to assess writing skills is to look directly at examples of candidates' writing. One way to do this is to request that writing samples be submitted before the interview as part of the screening process or brought to the interview. An alternate approach is to inform candidates in advance that part of the interview will be a writing test. Each candidate is then given the same scenario and asked to draft a few paragraphs. (To save time, doing research is not usually part of the test.) Judges who use this method find it more indicative of writing skills than prepared writing samples, which often have been heavily edited by others.</i></p>
Communicating Orally	Conveying information orally in a clear, concise, and forceful manner; summarizing key points from detailed fact patterns or case law; assisting the judge in exploring and understanding both sides of the argument or the law; effectively presenting alternative arguments or points of view; expressing one's own opinion comfortably.	<p><i>Note: Oral communication skills can be assessed from the candidate's general presentation during the interview.</i></p>
Asking Questions	Recognizing when additional information or clarification is needed and asking for assistance when needed, repeatedly if necessary.	Describe a time when you were given a task that was unclear or required information that you did not have access to. What did you do? Were you able to get all of the information you needed?

Personal KSAs

KSA	Definition	Questions
Acting with Integrity	Demonstrating principled judgment and sound ethics; building trust with others through openness; following through on commitments; avoiding actions that could reflect unfavorably on the court.	Describe a difficult ethical dilemma that you have encountered. How did you become aware of it? What did you do? How did you decide on the right course of action to take?
Staying Flexible	Being willing and able to adjust to multiple demands, ambiguity, and rapid change; learning new skills and tasks quickly.	Describe a recent situation in which you had to adjust to multiple demands, ambiguity, or rapid change. How did you deal with the situation?

Personal KSAs, continued

KSA	Definition	Questions
Working Independently	Taking the initiative to see what needs to be done and doing it with minimum supervision; maintaining motivation to cope with a large volume of work independently; demonstrating resourcefulness.	Describe a specific time when you had a large amount of work to do on your own. How did you organize the work? How did you maintain the motivation to get it done? Tell us about a goal you set for yourself. What challenges did you encounter? How did you deal with them? How did you come up with the goal? What did you do to reach it? How successful were you?
Working Collaboratively	Dealing effectively and courteously with others; working effectively as part of a team; dealing constructively with conflict; keeping others informed; respecting the significance of other people's contributions.	Describe a goal or task that presented you with challenges or obstacles. What was difficult about it, and how did you meet the challenges?
Dealing with the Public	Maintaining a courteous, patient, and helpful demeanor when dealing with the public, lawyers, and court staff; serving as the judge's representative to the public; respecting confidentiality; refraining from giving legal advice.	Describe a specific project or major task that you worked on as part of a team. What was your role on the team? What was the most challenging part of working on the team for you? Why? What was the most rewarding part for you? Why?
Attending to Detail	Ensuring that all aspects of a task are completed properly; revising written work patiently through multiple drafts; consistently checking for quality and errors; paying scrupulous attention to detail.	In what role or roles have you been responsible for dealing with the public? Have you ever had to deal with a belligerent customer or member of the public or with someone who demanded something that you could not provide? What was the situation, and what did you do?
Organizing Work	Keeping files and documents neat, organized, and accessible; planning daily activities and keeping on track with what needs to be done; adjusting to changes in plan without disrupting the flow of work.	Describe a project or task that required you to do detailed work with a high degree of accuracy. How did you make sure that everything got done? How did you ensure the accuracy of your work?

Personal KSAs, continued

KSA	Definition	Questions
Asserting Oneself	Clearly stating one's positions and opinions and backing them up with reasoned arguments; describing the consequences of alternative courses of action; being clear about what is and is not acceptable and when compromise is and is not appropriate.	Tell us about a time in law school or in the workplace when you challenged the decision or position of a person in authority. What did you do, and what happened as a result?
Acting Responsibly	Demonstrating commitment to duties and tasks and loyalty to the judge, colleagues, and team members; dependably meeting obligations.	We all have times when we commit to more than we can easily handle. Can you think of a recent time when your responsibilities seemed overwhelming? What did you do?
Accepting Constructive Criticism	Displaying willingness to remain open to criticism and to change behavior when appropriate.	Tell us about a time when you received constructive criticism from a superior. Did you agree with it? Did you think it was fair? What did you do as a result of the criticism? How did you feel about the outcome? What did you learn as a result?

Appendix 5:
Sample Clerkship Interview Questions

Questions a Judge/Current Clerk might ask an applicant:

- Why did you decide to go to law school?
- Why do you want to clerk?
- Why this particular court?
- What do you know about this court?
- What decisions of mine have you read and why?
- What do you hope to learn from a clerkship?
- Why do you want to clerk for me?
- How would you prepare yourself for this job?
- Why do you want to clerk in this city, state, region?
- Do you have any connections with [city where court is located]?
- What qualities do you have that might make you a valuable law clerk?
- What legal experiences have you had and what did you like/dislike about them?
- What do you consider your greatest strengths? Weaknesses?
- What are your short/long range legal career goals? How does a clerkship fit?
- Where do you hope to practice after your clerkship?
- What type of law interests you most?
- What do you think about this social/political issue?
- Describe your work experience.
- What critiques did your summer employer have of your writing?
- Describe the work you have completed for your law journal.
- Tell me about your Law Review Comment>Note.
- Tell me about the courses (grades, professors) you had in law school.
- To which judges (courts) have you applied?
- How would you approach this particular issue, case, problem?
- Do you prefer to work with others or independently?
- Do you prefer working on many different kinds of cases with a fast turnaround, or on larger projects at a slower pace?
- How do you view the long hours and low pay associated with being a law clerk?
- If you and I disagree about a certain issue, would you have a problem drafting an opinion incorporating my viewpoint?
- Sometimes we hear cases involving controversial social issues that people have strong opinions about. What would you do if you felt that a case should come out one way, but the law required an outcome opposite to your beliefs?
- What interests do you have outside of law school?
- Describe your thinking in analyzing a case. For example, how have you gone about applying the law to the facts of a case in a judicious manner? How did you weigh the competing arguments?
- How would you go about researching a topic that was unfamiliar to you?
- You may find yourself juggling competing deadline and priorities. Can you describe a situation in which you have done that and how you handled it?
- Who is your favorite Supreme Court Justice (opinion) and why?
- Do you have any questions for me?

Questions to ask the Judge:

- What criteria do you use in selecting a clerk?
- What will be the scope of my responsibilities?
- What is the nature of your docket?
- Could we discuss the issues you had to reconcile in your recent decision of *Doe v. Smith*? (do not pick a controversial topic)
- What is your timetable for making a decision?
- Do your clerks have contact with local attorneys?
- How much time do the clerks spend in the courtroom?
- What percentage of my time will be spent in court, conducting research, drafting opinions?
- When do you prefer your clerks to look for jobs?
- Would you allow your clerk to accept a job with a firm before the clerkship period is complete?
- How is a 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 (e.g. Judicial Conference committee work, writing speeches or articles, preparing materials for classes taught by the Judge)?
- What is the timing for extending offers?

Questions to ask a current Clerk:

- Describe a typical day as a clerk in this court.
- What responsibilities do you have?
- Describe your relationship with the judge.
- What is the judge's management style in relation to his/her clerks?
- What contact do you have with other clerks or practicing attorneys in the area?
- Tell me about this city (state, region) as a place to live.
- How has this clerkship affected your job search? Your career goals?
- What percentage of your time do you spend in court, conducting research, drafting opinions?
- What criteria seem to affect the judge's selection of a clerk?
- Does this judge sit in other cities? Do clerks travel with the judge?
- What kind of workspace and library access do clerks have?
- How much interaction does the judge have with his/her clerks? How much opportunity is there for the Judge to discuss the cases and the law with clerks?

Appendix 6:
UC Davis Faculty Who Served as Judicial Law Clerks

UC Davis Law School Faculty Who Served as Judicial Law Clerks		
First Name	Last Name	Judge, Court, & Term
Afra	Afsharipour	Judge Rosemary Barkett, U.S. Court of Appeals for the Eleventh Circuit, 1999-2000
Vikram	Amar	Associate Justice Harry A. Blackmun, U.S. Supreme Court, 1989-90
		Judge William A. Norris, U.S. Court of Appeals for the Ninth Circuit,
Nila	Bala	Judge Keith P. Ellison, U.S. District Court for the Southern District of Texas, 2012-13
Kelly	Behre	Honorable John H. Tisdale, Frederick County Circuit Court, 2005-2006
Ashutosh	Bhagwat	Associate Justice Anthony M. Kennedy, U.S. Supreme Court, 1991-92
		Judge Richard A. Posner, U.S. Court of Appeals for the Seventh Circuit, 1990-91
Karrigan	Bork	Judge Janice Karlin, U.S. Bankruptcy Court for the District of Kansas, 2013-2015
		Judge Julie Robinson, U.S. District Court for the District of Kansas, 2012-2013
		Chief Judge Mary Beck Briscoe, U.S. Court of Appeals for the Tenth Circuit, 2011-2012
Alan	Brownstein*	Chief Judge Frank Coffin, U.S. Court of Appeals for the First Circuit,
Carol	Bruch*	Justice William O. Douglas, U.S. Supreme Court, 1972-73
Gabriel "Jack"	Chin	Judge Richard P. Matsch, U.S. District Court for the District of Colorado, 1989
William	Dodge	Justice Harry A. Blackmun, U.S. Supreme Court, 1992-93
		Judge William A. Norris, Ninth Circuit Court of Appeals, 1991-92
Christopher	Elmendorf	Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit,
Luke	Fadem	Judge Barbara L. Major, U.S. Magistrate Court for the Southern District of California, 2007-2008
Floyd	Feeney†	Justice Hugo Black, U.S. Supreme Court, 1961-62
Eric	Fish	Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit, 2014-2015
		Judge Pierre Leval, U.S. Court of Appeals for the Second Circuit,
Katherine	Florey	Judge William A. Fletcher, U.S. Court of Appeals for the Ninth Circuit, 2004-05
Angela	Harris	Judge Joel M. Flaum, U.S. Court of Appeals for the Seventh Circuit
Robert	Hillman*	Judge Joseph T. Sneed, U.S. Court of Appeals for the Ninth Circuit,
David	Horton	Judge Ronald M. Whyte, U.S. District Court for the Northern District of California
John	Hunt	Judge Stephen F. Williams, U.S. Court of Appeals for the D.C. Circuit,

Irene	Joe	Judge Napoleon A. Jones, Jr., U.S. District Court for the Southern District of California, 2007-2008
Elizabeth	Joh	Judge Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, 2002-03
Kevin	Johnson	Judge Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, 1983-84
Thomas	Joo	Judge Wilfred Feinberg, U.S. Court of Appeals for the Second Circuit, 1993-94
Courtney	Joslin	Judge Maxine M. Chesney, U.S. District Court, Northern District of CA, 1999-2000
		Justice Victoria Lederberg, Rhode Island Supreme Court, 1998-1999
Chimene	Keitner	Chief Justice Beverley McLachlin, Supreme Court of Canada, 2002-03
Carlton	Larson	Judge Michael Daly Hawkins, U.S. Court of Appeals for the Ninth Circuit, 2000-01
Peter	Lee	Judge Barry G. Silverman, U.S. Court of Appeals for the Ninth Circuit, 2005-06
Albert	Lin	Judge James Browning, U.S. Court of Appeals for the Ninth Circuit, 1990-91
		Judge Merrick Garland, U.S. Court of Appeals for District of Columbia Circuit, 1997-98
		Judge Joseph H. Gale, U.S. Tax Court, 2004-05
Lesley	McAllister†	Judge Fern M. Smith, Northern District of California, 2004-2005
		Environmental Protection Agency Office of Regional Counsel, Region IX, Summer 2001
Miguel	Mendez‡	United States Court of Federal Claims, 1968-69
Robert	Mullaney	Justice Cruz Reynoso, Supreme Court of California, 1985-86
		Justice Daniel A. Moore, Alaska Supreme Court, 1984-85
John	Oakley*	Chief Justice Donald R. Wright, Supreme Court of California, 1972-73, 1974-75
		Chief Judge M. Joseph Blumenfeld, District Court of Connecticut, 1984-85
Rex	Perschbacher†	Judge Alfonso J. Zirpoli, U.S. District Court, Northern District of CA, 1990-91
Lisa	Pruitt	Judge Morris Sheppard Arnold, U.S. Court of Appeals for the Eighth Circuit, 1992-93
Edward	Rabin†	Judge Frederick V.P. Bryan, U.S. District Court, Southern District of New York, 1959-1961
Shayak	Sarkar	Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit
Leticia	Saucedo	Chief Justice Thomas Phillips, Texas Supreme Court, 1997-98
Darien	Shanske	Honorable Peirre N. Leval, Second Circuit, 2007-2008
Daniel	Simmons*	Justice Louis H. Burke, Supreme Court of California, 1971-73

Brian	Soucek	Judge Guido Calabresi, U.S. Court of Appeals for the Second Circuit
		Judge Mark R. Kravitz, U.S. District Court, District of Connecticut
Aaron	Tang	Justice Sonia Sotomayor, U.S. Supreme Court, 2013-14
		Judge J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth Circuit, 2012-13
Martha	West*	Judge Jesse Eschbach, U.S. District Court Northern District of Indiana, 1974-75
Carter	White	Texas Court of Appeals, Third District, 1985-86
Mary	Ziegler	Justice John A. Dooley, Vermont Supreme Court, 2007-08
Note:		
Cruz	Reynoso†	Sat on the CA Supreme Court from 1982-1987
John	Ayer*	Served as U.S. Bankruptcy Judge for the Central District of California in 1983-84
Retired *		
Deceased †		

Appendix 7: Article on Alternative Clerking Possibilities

Often-ignored clerking possibilities

Too many law students feel they don't have a chance at securing a clerkship unless they're in the top 10 percent of their class.

They are wrong. Lisa Schneider, an intellectual property lawyer in Washington, D.C., did not apply for a clerkship when she was a law student because she felt she did not have the grades. Looking back on her decision, she regrets that she did not apply. "My grades ended up being better than I thought," she says. "I probably would have had a chance in the Federal Circuit."

At the federal level, senior judges—judges who have lightened up their case loads but aren't completely retired—offer excellent clerkship opportunities. They have years of experience on the bench and many, despite having taken senior status, remain surprisingly active. These judges have spent considerable time as both lawyers and judges and are able to provide insights and a depth of knowledge that less-experienced judges may not have. In addition, the competition for clerkships with senior judges is much less fierce than clerkships with active judges.

The workload is also lighter. If you want to take a less stressful job before you start practice, consider looking for a senior judge because, while they stay very active, it can be at a less hectic pace. Another point to consider is that senior judges are more likely than less-experienced judges to be able to choose the cases they want to work on, which can mean more interesting cases for their clerks.

When applying to a senior judge, look for a former chief judge. Consider Claria Horn, a graduate from Vanderbilt University Law School in Tennessee who now is a lawyer in Atlanta. She clerked for Judge Pierce Lively, former chief judge for the U.S. Court of Appeals for the 6th Circuit, who had his chambers in the small but beautiful town of Danville, Ky. Once a month, one of his clerks would travel with him to Cincinnati, where the 6th Circuit sits.

"It was a wonderful year," Horn says. "I chose Judge Lively because he is a well-respected judge who has had a prestigious career."

Other often forgotten opportunities for clerkships exist with the following courts:

The U.S. Court of Appeals for the Federal Circuit has nationwide jurisdiction and hears appeals from the U.S. District Courts in patent cases, contract disputes and other civil actions in which the United States is a defendant. It also hears 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 Veterans Appeals.

In 1995, this court consisted of 12 active judges and five senior judges who employed a total of 21 clerks. The nature of the Federal Circuit's jurisdiction makes a clerkship in this court especially attractive if you're interested in pursuing a career in intellectual property law or international trade law.

The U.S. Court of Federal Claims has nationwide jurisdiction over claims seeking monetary judgments against the United States. In 1995 it was comprised of 16 judges.

Student Lawyer
May 1996

The U.S. Court of International Trade deals with civil actions against the United States arising from federal laws governing import and export transactions.

The U.S. Tax Court is an independent judicial body in the legislative branch, and is an excellent clerkship if you intend to practice tax law. It adjudicates disputes between the Internal Revenue Service and taxpayers. In 1995, there were 19 active judges, nine senior judges and 14 special trial judges.

The U.S. Court of Veterans Appeals employs at least 14 clerks and is responsible for reviewing decisions of the Board of Veterans Appeals.

The U.S. Court for the Armed Forces is the final appellate tribunal for the court martial convictions of all the armed forces. It is exclusively an appellate criminal court subject only to *certiorari* review by the U.S. Supreme Court.

The various district bankruptcy and magistrate courts are ideal opportunities for law students who are interested in those areas of the law.

You might also consider a clerkship with U.S. territorial courts in Guam, the Virgin Islands, the Northern Mariana Islands and the District Court of Puerto Rico. There are seven district judgeships in Puerto Rico, one each in Guam and the Northern Mariana Islands, and two in the Virgin Islands.

In 1995, for example, the District Court judges in the Virgin Islands employed 8 law clerks.

Students interested in these clerkships should contact the individual judge.

Nicole Bowman

Appendix 8:
Tips from Massachusetts Superior Court
on Preparing a Clerkship Application

COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT
BOSTON, MA 02108

PREPARING YOUR CLERKSHIP APPLICATION

1. RESEARCH AND WRITING EXPERIENCE

We encourage applicants to take advantage of every opportunity to gain research and writing experience and to highlight your research and writing skills in your resume and cover letters.

During law school students may gain research and writing experience through research assistantships, teaching assistantships, independent studies, writing final papers instead of final exams as well as from journals and law reviews. If you participate on moot court boards or in clinical programs, you should highlight the research and writing components of this work on your resume.

Students often gain the most valuable research and writing experience from summer law clerk positions, co-op positions and part-time legal work. We advise students to seek opportunities to get writing samples and to solicit feedback from the supervisors.

2. WRITING SAMPLES

The Superior Court requires two writing samples. We read the writing samples carefully looking for the applicant's ability to analyze legal problems and apply legal principles to different factual situations. Writing samples need not be longer than five (5) to seven (7) pages. A section of a longer memo may suffice as a writing sample.

At least one of the writing samples must be solely the work of the applicant, hence unedited by others. Articles from journals and briefs or opinions signed by someone other than the applicant are considered to be edited.

Work-related writing samples drafted under time constraints are the best indicators of an applicant's ability to perform the work of a Superior Court law clerk. Moreover, interoffice memoranda, memoranda of law in support of motions, and briefs better demonstrate the applicant's ability to apply law to facts than, for example, law review articles and papers for law school courses.

We suggest that you proof your writing samples carefully for grammar, citation, form and organization. Writing samples are a critical part of your application, and we emphasize the importance of submitting your best work.

3. COVER LETTERS

We read cover letters carefully and often learn a great deal about the applicant from them. Cover letters are another opportunity to highlight the applicant's experiences, interests and individuality. On the other hand, some applicants prefer to write a general cover letter. These cover letters are perfectly acceptable. Once again, it is essential that cover letters are well-written and proofread carefully.

4. RESUMES

Resumes are self-portraits. Applicants should include their academic background, school activities, legal work, and other legal research and writing experiences. In addition, students who are working throughout law school to finance their education in either law-related positions or non-legal positions should consider including this information on their resumes.

5. RECOMMENDATIONS

The strongest letters of recommendation attest to the applicant's research, writing and analytical skills as well as his or her character and ability to produce quality work under time constraints. We suggest that the letters of recommendation include the capacity in which the person writing the letter knows the applicant.

The Superior Court requires two letters of recommendation. You may send three or four letters, but certainly two is sufficient. You may send letters from two professors or two employers, or one letter from each. In reviewing applications, we find it helpful to read evaluations of your work and character from both an academic and work-related point of view. If you were recently employed or are currently working in the legal profession, we suggest that you ask this employer to write a letter on your behalf.

6. ACADEMIC CREDENTIALS

While excellent academic standing is an important factor, we also look for highly motivated, well-rounded law students and attorneys who have demonstrated their research, analytical and writing skills throughout law school and in their professional capacities.

Appendix 9: Key Judicial Clerkship Application Resources

BOOKS

1. *Behind the Bench: The Guide to Judicial Clerkships (Second Ed.)*, by Debra M.

Strauss: This book is meant to help demystify the clerkship process. Drawing from the experiences of clerks and judges, Strauss explains all aspects of clerkships — what clerkships are, what kind of work clerks do, why you should apply, how to find and apply for the type of clerkship that would be right for you, how to give a strong interview, and why clerkships give you stellar credentials that prospective employers will actively seek out. Career Services has a copy that students may borrow.

WEBSITES

1. OSCAR

<https://oscar.uscourts.gov/>

The Online System for Clerkship Application and Review (OSCAR) provides information about:

- which federal judges are hiring clerks (and which are not)
- clerkship position details (length of term, required application materials, etc.)
- preferred application method for particular clerkships (online, paper, fax, etc.)
- general information about clerking (duties/salary/benefits of all federal judicial clerks)

You can obtain basic clerkship information without having to register. However, in order to be able to save searches, receive email updates, and apply to participating judges online, you will need to create an OSCAR account and log in.

2. Almanac of the Federal Judiciary

A two-volume, semi-annually updated directory of all federal judges containing biographical information, judicial evaluations submitted anonymously by lawyers, and summaries of noteworthy opinions. This is a good source for getting a quick overview of a judge, though you should do further research on any judge you interview with. The Almanac is available online through Westlaw.

3. Federal Judicial Center

<http://www.fjc.gov/>

The FJC website contains the Federal Judges Biographical Database, which you can use to create customized lists of judges based on multiple categories, including nominating president, type of court, dates of service, and demographic groups. It also contains a Biographical Directory of Judges, which contains a brief resume (of education and professional career highlights) for each judge and, when available, information about his or her race or ethnicity and the name of the nominating president.

4. Administrative Office of the Courts

<http://www.uscourts.gov/Home.aspx>

On this site, you will find links to and information about federal courts, including a useful map of the circuit and district courts (http://www.uscourts.gov/Court_Locator.aspx) and a jobs database that lists off-cycle circuit court staff attorney positions and part-time law clerk or pro se staff attorney positions (<http://www.uscourts.gov/careers/search-judiciary-jobs>).

5. Alliance for Justice, Judicial Selection Project

<https://www.afj.org/our-work/judicial-nominations/>

Provides information about the number of judges in each Circuit and their demographic breakdowns. You can also find out about a particular judges' ethnicity and which president appointed him or her.

NOTE: You can also click on the AFJ's Nominees http://www.afj.org/our-work/nominees?nominee_type=all for information about judicial nominations and confirmations, reports on the biographies and judicial record of nominees, and background information on judicial vacancies, the judicial selection process and race, and gender data for the circuit courts of appeal.

6. Guide to State Judicial Clerkship Procedures, Published yearly by Vermont Law School

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

Comprehensive online guide to procedures for applying for state court judicial clerkships at all levels in all 50 states and some U.S. territories. Please contact CSO for username and password.

7. West Legal Directory™ - Judges

A database of court office profiles and profiles of individual full time judges from all 50 states and Puerto Rico, the Virgin Islands and the District of Columbia (database identifier: WLD-JUDGE).

LexisNexis and Westlaw can also be used to find news articles about—and decisions written by—a particular judge. Lexis also has Courtlink, which facilitates researching the caseload of the circuit and district courts, several state courts, and individual district court judges.

8. A Guide to the Judicial Clerkship Application Process For People of Color, a guide to the clerkship application process by For People of Color, Inc.

<http://forpeopleofcolor.org/2012/05/22/guide-to-judicial-clerkship-application/>

A user-friendly guide written by former clerks providing valuable insights into all aspects of the judicial clerkship application process, including where and to whom to apply, how to develop strong application materials, and how to obtain and maximize letters of recommendation.

9. *The Third Branch: Bulletin of the Federal Courts*

<http://www.uscourts.gov/judges-judgeships>

This monthly newsletter contains information on Federal judicial nominations, confirmations, appointments and evaluations and status changes in the *Judicial Milestones* section of each edition.

10. *Law Clerk Handbook: A Handbook for Law Clerks to Federal Judges* (Fourth Ed., 2020)

[https://cafc.uscourts.gov/wp-content/uploads/HR/Forms/
Law_Clerk_Handbook_Fourth_Edition-1.pdf](https://cafc.uscourts.gov/wp-content/uploads/HR/Forms/Law_Clerk_Handbook_Fourth_Edition-1.pdf)

This handbook provides an overview of chambers operations and the work of the federal courts. See particularly *Chapter 4, "Chambers and Case Management,"* which describes in some detail the operations of district, bankruptcy, and appellate courts.

11. National Center for State Courts

<http://www.ncsc.org/>

Provides links to state court websites. Some courts list law clerks under employment opportunities.

12. National Association for Law Placement (“NALP”)

<http://www.nalp.org>

The “Resources & Initiatives” tab on the homepage leads you to a site for law students/graduates that is devoted to judicial clerkships. NALP’s resources include addressing the lack of diversity in various realms of the legal professions and this NALP section contains several notable publications that may assist in your search.

13. International Courts and Tribunals, maintained by Yale Law School

[https://law.yale.edu/sites/default/files/area/department/cdo/document/
cdo_international_tribunals_public.pdf](https://law.yale.edu/sites/default/files/area/department/cdo/document/cdo_international_tribunals_public.pdf)

Yale Law School maintains a database of opportunities with International Tribunals or Foreign Courts, which is updated each year.

14. Tribal Court Opportunities

Some states have tribal courts that hire law clerks. Information can be found at the National American Indian Court Judges Association at www.naicja.org and at

www.tribal-institute.org, which is a clearinghouse of information on tribal courts. Another resource where job are often posted is *Indian Country Today*, a newspaper that is available on-line at www.indiancountry.com.

15. Recent Judicial Nominations and Confirmations

<http://www.justice.gov/olp/judicial-nominations>

The United States Department of Justice's Office of Legal Policy maintains a list of federal court nominations, confirmed nominees and vacancies for each Congress. Background information on each nominee is also included. In addition, the **Senate Judiciary Committee** (<http://www.judiciary.senate.gov/>) and **Yale's Judicial Nominations Database** contain information about the current status of nominations and confirmations.

16. Law Clerks for Diversity Mentorship Program

<https://lawclerksfordiversity.com/>

UC Davis School of Law has partnered with Law Clerks for Diversity a 501(c)(3) whose mission is to “increase the diversity of law clerks in the federal judiciary by providing advice, mentorship, and other resources to help diverse applicants from traditionally underrepresented groups navigate the clerkship hiring process.” Law Clerks for Diversity is a mentorship program that matches clerkship applicants with current and former federal law clerks. If you are interested in participating, please submit your information here. If you have any questions, please email lawclerksfordiversity@outlook.com.

LEGAL AND POLITICAL BLOGS

1. Supreme Court of the United States Blog

<http://www.scotusblog.com/>

Appendix 10:

Sample Draft Letter of Recommendation

Re: Recommendation of Ms./Mr. _____

Dear Judge:

I am writing to recommend _____ for a position as a law clerk in your chambers, beginning in the summer of 2025. [Insert: In what capacity did the recommender know you, i.e. what class and grade, research assistant, internship, etc. Ex. _____ was a student in my _____ course at the University of California, Davis, School of Law and received an _____ in the class.]

[Insert: Discussion highlighting your performance for recommender, i.e. how you were assessed by recommender, how you were distinguished from your classmates or colleagues through class participation, presentations, legal analysis, job performance, etc. Ex. _____ not only did extremely well on the final exam, but she/he was also one of a small handful of students who contributed regularly and insightfully to class discussion.]

[Insert: Space for your recommender to discuss his or her interpersonal interaction with you and your observed personal characteristics or anything interesting/impressive that the recommender knows about you and wishes to share with the judge.]

For all of these reasons, I would like to recommend _____ for a position in your chambers. If you have any questions about _____'s candidacy, please do not hesitate to contact me at [Insert: Space for your recommender's preferred contact information.] Thank you for your time and attention

Sincerely,

Signature

Name of Recommender
Recommender's Title