

PLANNING TO APPLY FOR A POST-GRADUATE JUDICIAL CLERKSHIP

A. Why Clerk for a Judge?

There are many advantages in clerking for a judge in a federal or state court after you graduate from law school. Here are a few. It's a wonderful opportunity to apply and develop your legal skills (particularly, though not only, research and writing) in a real-world setting. You get to see, and learn from, a wide range of written and oral advocacy, and to consult with a judge on a regular basis. It is rightly regarded as a prestigious position, and will often be helpful in obtaining subsequent legal jobs, with law firms, governmental agencies, not-for-profit institutions, and even academia. It is helpful no matter what area of law in which you may be interested, since most of the courts adjudicate a wide range of civil and criminal matters. (The exceptions are specialized courts at both the federal (tax, bankruptcy) and state (domestic relations, juvenile) levels. Indeed, a judicial clerkship can be especially helpful to someone who is not really sure what they want to do after graduation. Finally, these positions are worth a look during a tight job market. Most clerkships will be for one or two years.

B. Timing for Applications

Even though almost all judicial clerkships will start in the autumn after graduation (permitting you to take a bar exam in the interim), you need to engage in the application process long before then. While there are always some exceptions, there is a basic divide between applying for federal and state court clerkships. Pursuant to the Federal Judges Law Clerk Hiring Plan, third year law students may submit law clerk applications and letters of reference to **Federal** Judges beginning on the first Tuesday after Labor Day. Despite general acceptance of this plan by most Courts, please be advised that some judges have not adhered to it in the past and may begin their search prior to Labor Day. If a particular court has not posted its application deadlines, you should contact the Court where you have an interest in clerking to ascertain when that Judge will begin accepting applications.

State Judges vary as to when they begin accepting applications for clerkships, but as a general rule, most commence this process in the spring of your second year of law school. The Center for Professional Development has a number of paper and online resources, including the NALP State Judicial Clerkship Directory and the Vermont Law School Clerkship Guide to assist you in determining state court timelines and applicant requirements.

C. Your Curriculum and Preparing to Apply

Many law students, both here and elsewhere, recognize the value of judicial clerkships, so there will be keen competition for many clerkship positions. The best thing you can do to increase your chances of obtaining a clerkship is to work hard and get the best possible grades. It also helps (though it is no guarantee, of course) to make the Law Review or Moot Court. The short of the matter is that most judges will pay a great deal of attention to academic factors. This doesn't mean that students who are not part of those organizations have no chance; there are numerous examples of College of Law graduates who clerked for federal or state judges who were neither on Law Review or Moot Court. Moreover, most judges will also take into account other factors, such as your undergraduate school and major, prior work experience, and the like. Since, as mentioned above, most clerkships are with courts of general jurisdiction, there is no particular curriculum that you need to take that would either increase your chances of obtaining a

clerkship, or help you do well while clerking. There are two exceptions to this generalization. First, specialized courses are of course relevant to clerkships with specialized courts. Sometimes students who secure clerkships in their second year, or the first semester of the third year, will take certain relevant courses (if they haven't done so already)—*e.g.*, Federal Courts for a federal court clerkship, or Appellate Practice and Procedure for a clerkship with an appellate court.

The other exception is taking the Judicial Externship class. This class has many of the benefits of clerkships described above. Generally, externs do the same work as (and are often supervised by) the judges' own law clerks. It is a worthwhile class even if you have no particular interest in applying for post-graduate clerkships. But judicial externships can be helpful in applying for clerkships. First, it gives you an idea of what a clerkship is really like. Second, it can help build your resume (and perhaps supply a reference, from the judge) when applying for a clerkship. To that end, students who anticipate applying for federal clerkships should seriously consider taking the judicial extern class in the first or second semester of the second year (keep in mind the timing of applications, described above). Any student seriously interested in applying for any judicial clerkship should give a high priority to taking the judicial externship class prior to graduation. Judicial externs receive 3 hours of credit (1 classroom, 2 non-classroom) for 100 hours of on-site work.

D. Resources for the Application Process at the College of Law

Interested students should not hesitate to consult with faculty members who clerked for judges. In addition, the Center for Professional Development has created a *Judicial Clerkship Planning Guide* to assist you with your search and application process. You can pick up a print version in the CPD or access the Guide online at the CPD's Symplicity site. In addition, the CPD regularly conducts sessions on how to use OSCAR, the online clerkship application website. Sean Rhiney, in the CPD, would be happy to consult with you about applying for a clerkship.

The reference section of the Library also has almanacs on the federal and state judiciaries, and some of that information is on Westlaw and Lexis, as well. For the most part, students must be proactive in applying for judicial clerkships. However, the College offers resources that can aid you in the application process.