



# JUDICIAL CLERKSHIP GUIDE



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# **JUDICIAL CLERKSHIP GUIDE**

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## I. INTRODUCTION

A judicial clerkship is a post-graduate opportunity to work directly with a member or members of the judiciary. Clerkship terms generally run either for one or two years and are highly competitive, depending on the level of the court, the location, and the judge. This Guide answers questions you may have about the value of the clerkship experience, the application process, and how to put your best foot forward when applying.

Although a clerk's responsibilities may vary depending on the court or judge, the clerkship experience provides an invaluable opportunity for new lawyers to view the inner workings of the judicial decision-making process. Rather than being merely a job, a clerkship is a continuation of one's legal education, providing the recent law graduate with many of the tools necessary for a successful legal career. A judicial clerk will not earn a large law firm salary during the clerkship, but everyone who has clerked agrees that the experience outweighs any brief monetary loss.

Nationally, about 9% of all law graduates accept judicial clerkships each year. Although UM Law has been successful in this regard, South Florida judges often comment that they would like to see more applicants from our school. **If you are interested in serving as a law clerk, you should speak with the Director of Judicial Clerkships, Karen Warren ([kwarren@law.miami.edu](mailto:kwarren@law.miami.edu)), immediately.** Also, make sure to subscribe to the judicial clerkships email distribution list for more detailed, up to date information regarding clerkships. To subscribe to the list, please send a request via email to Karen Warren. It is never too early to begin thinking about applying for a post-graduate judicial clerkship.

## II. THE BENEFITS OF CLERKING

The benefits of a clerkship are numerous. Aside from providing an invaluable learning experience, clerkships open doors in practice and teaching. Specifically, some of the advantages of a judicial clerkship include the following:

- **Demystification of the Legal System** - Because law clerks are immersed in the judicial legal process, they leave their clerkships with a greater understanding and respect for its operation. That is, clerks gain a "feel" for the judicial process, which will certainly benefit them later in their careers.
- **Broader Assortment of Career Opportunities** - Judges tend to know and network with a great number of powerful people. This is beneficial to a clerk who has developed a "mentor-like" relationship with the judge. As a mentor, the judge will likely take an interest in the clerk's career path and introduce the clerk to practicing attorneys and former law clerks.
- **Self-Assessment** - Very often, law students do not know what type of law they want to practice upon graduation. A one or two-year clerkship after graduation can be the perfect opportunity to better ascertain (and at the same time, get paid!) exactly what area of law the clerk would like to practice, as well as in what type of environment he/she would

like to practice (i.e. law firm, public interest agency, government agency, corporation).

- **Educational Experience** - A clerkship has exceptional educational value. Law clerks sharpen their legal analysis and reasoning, as well as their research and writing, skills. Further, by observing hearings, trials and/or appellate arguments, a clerk will learn to judge the advocacy skills of practicing attorneys. Exposure to well-drafted and poorly-drafted briefs, pleadings and motions, coupled with the judge's opinion on the performance of attorneys, allows the clerk to learn the difference between good and poor lawyering. Moreover, a clerkship accustoms the clerk to managing legal work, meeting deadlines, and evaluating the merits of a legal situation quickly and accurately.

### **III. TYPES OF CLERKSHIPS**

#### **1. TERM CLERKSHIPS**

Post-graduate judicial clerkships are generally “term” clerkships wherein the clerk is hired to do work for a specific judge in his/her chambers. Term clerkships are generally for a term of one or two years. Individual judges determine the structure and the term length for their clerkship positions. Some judges hire only term clerks or only “career” clerks (see below), while some judges hire a combination. Within the federal courts, some judges decide to hire only judicial clerks instead of having a secretary and one or more law clerks.

#### **2. CAREER CLERKSHIPS**

Permanent or “career” clerks work for a judge or court for an indefinite period of time, rather than a specific term. They frequently assume more administrative and supervisory duties than term clerks, and term clerks will sometimes report to the permanent clerk. Permanent clerks usually have completed a term clerkship prior to their permanent position. A growing number of both federal and state court judges have begun hiring career clerks. In fact, many federal magistrate judges only have career clerks.

#### **3. STAFF ATTORNEY POSITIONS**

In addition to clerks hired for a specific judge, many state and federal courts employ lawyers to clerk for the court, usually on the appellate level. The “staff attorneys,” also known as “clerking pool” or “court clerks,” often assist in the screening and pre-oral argument stages of the process (as opposed to “elbow” clerkships, where the clerk works in chambers elbow to elbow with the judge). The federal district courts do not have staff attorneys, however, all of the federal circuit courts do.

#### IV. TO WHOM SHOULD I APPLY FOR A CLERKSHIP?

Apply only to those judges who would generate at least some of the advantages a clerkship offers for you. For example, if you want to clerk because you want to see what trial work is like, you should focus on trial judges (for example, federal magistrate and district court judges). An appellate clerkship at either the federal or state level would provide you with paper records of trials, while a trial court clerkship will expose you to a series of trials firsthand. If you want a clerkship partly for the mentoring and "it's fun" advantages, you should search out judges who are known to form particularly warm relationships with their law clerks. Most importantly, however, you should *apply only to judges for whom you would consider working*. It is not uncommon for judges to make offers at the conclusion of an interview and expect a response on the spot, and *declining an offer from a judge is highly discouraged*.

#### V. TRIAL OR APPELLATE COURT?

You should be aware that trial court and appellate court clerkships differ significantly from one another at the federal and state levels. The following descriptions will give you an idea of the responsibilities that a trial court clerk and an appellate court clerk assume.

The **trial level** clerk performs a wide variety of tasks associated with the litigation process. If you want to litigate, you might prefer a trial court clerkship. It provides an unparalleled opportunity to witness the judicial decision-making process from the trial judge's perspective, gain broad exposure to a variety of litigation strategies and advocacy skills, and learn what constitutes effective lawyering at the trial court level. A typical job description for a trial level law clerk might include the following responsibilities:

- Conduct legal research
- Review and make recommendations on a variety of motions
- Prepare trial memoranda for the judge summarizing the issues in a particular case
- Attend settlement conferences, hearings and trials
- Draft opinions and orders
- Advise and assist the judge during trial
- Write jury instructions
- Perform record keeping and administrative tasks

At the **appellate level** a law clerk's work might be described as more academic in nature than at the trial level. For this reason, students who aspire to teach in a law school are strongly encouraged to clerk at the appellate level. The appellate court clerk may participate in every step of the appellate process:

- **Pre-oral Argument.** The law clerk usually writes his/her judge's bench memoranda which summarize the parties' briefs and arguments. In addition, the clerk may write memoranda on issues important to the ruling in a case. The clerk often assists in the administrative task of preparing for a "sitting" (when the panel of judges meets to hear a series of cases).
- **Oral Argument.** The law clerk may attend the arguments and assist the judge

when necessary.

- **Post-oral Argument.** One judge is assigned the task of writing the court's opinion. The law clerk may be asked to draft the opinion according to the judge's directions. This includes a substantial amount of legal research and analysis. The clerk might also be responsible for drafting dissents, concurrences, and rulings on petitions for rehearing, and reviewing the opinions of the judge.

## VI. FEDERAL OR STATE COURT?

There are hundreds of judicial clerkships available each year in federal and state court. Federal clerkships, as discussed later in Section VII, tend to be more competitive. Regarding subject matter, the caseload in federal court will involve issues dealing with federal constitutional and statutory law. A number of general common law cases arising under diversity jurisdiction will also form part of a federal judge's docket. State courts, in contrast to federal courts, tend to have a broader variety of cases. A state court clerk may research issues ranging from child custody or involuntary manslaughter to water rights and contracts.

### 1. FEDERAL COURT CLERKSHIPS

Clerkship opportunities exist within the following courts (For an overview of the federal courts, please visit: <http://www.uscourts.gov/FederalCourts.aspx>)

**U.S. District Courts** - Ninety-four courts comprise the trial level of the federal court system. Some federal district clerkships involve a small amount of travel because some federal judges periodically “sit by designation” in jurisdictions other than their home bench. They may also provide brief exposure to the work of an appellate court because some district court judges also sit by designation on a court of appeals. In addition to clerking for a federal district court judge, students can also clerk for a **federal magistrate judge**. See Appendix 11 for a further explanation of the roles and responsibilities of federal magistrate judges.

**U.S. Bankruptcy Courts** - Every federal district has a bankruptcy court, and each bankruptcy judge may hire a law clerk. Bankruptcy courts handle complex and interesting matters related to the ongoing operations of businesses seeking bankruptcy protection. Bankruptcy court clerks deal with a wide range of legal issues, ranging from union-management disputes to the settlement of complex litigation claims. For these reasons, a clerkship with a bankruptcy judge can be valuable even if you do not plan to practice bankruptcy law.

**U.S. Courts of Appeals** - Thirteen different courts include the Federal Circuit, D.C. Circuit and First through Eleventh Circuits. The Federal Circuit is located in Washington, D.C. and is responsible for hearing appeals from the U.S. Claims Court, Patent and Trademark Office, U.S. Court of International Trade, and U.S. District Courts in patent infringement cases. The U.S. Court of Appeals for the District of Columbia hears cases arising in the District of Columbia. Cases from the Tax Court, Administrative Agencies and U.S. District Courts are appealed to the Courts of Appeals.

While a clerk's duties will not vary significantly by geographic region, the mix of cases filed in various circuits does. For example:

- **Federal Circuit:** many cases involving international trade and patent issues.
- **District of Columbia Circuit:** largely devoted to deciding appeals from administrative agency actions.
- **Fifth Circuit and Eleventh Circuit:** many cases involving civil rights and capital punishment.
- **Second Circuit:** prominent in securities law and commercial litigation.
- **Ninth Circuit:** considered one of the most diverse courts of appeal.

**U.S. Supreme Court** - A clerkship with the Supreme Court is a rare but great honor and an incredible educational experience. Supreme Court clerks typically review petitions for writs of certiorari, prepare bench memoranda to prepare the justice for oral argument, assist in drafting opinions, and work on emergency stay applications to the Court, including those in capital punishment cases.

**U.S. Courts of Special Jurisdiction** – Specialty Courts are often under-tapped clerkship opportunities within the federal system. The majority of Specialty Courts are located in Washington, D.C., including:

**U.S. Court of Appeals for the Armed Forces** - exercises worldwide appellate jurisdiction over members of the armed forces on active duty and other persons subject to the Uniform Code of Military Justice. The Court is composed of five civilian judges appointed for 15-year terms. Cases on the Court's docket address a broad range of legal issues, including constitutional law, criminal law, evidence, criminal procedure, ethics, administrative law, and national security law. Decisions by the Court are subject to direct review by the Supreme Court of the United States. For information regarding clerkships with the U.S. Court of Appeals for the Armed Forces, please visit: <http://www.armfor.uscourts.gov/newcaaf/employment.htm>

**U.S. Court of Federal Claims** - This court maintains nationwide jurisdiction over most claims for monetary damages against the United States, including disputes over federal contracts and unlawful federal "takings."

**U.S. Tax Court** - This court is authorized to hear a wide range of tax disputes including those related to notices of deficiency, notices of transferee liability, and relief from joint and several liability on a joint return. For information regarding clerkships with the U.S. Tax Court, please visit: [http://www.ustaxcourt.gov/lc\\_program.htm#EMPLOYMENT](http://www.ustaxcourt.gov/lc_program.htm#EMPLOYMENT).

**U.S. Court of Appeals for Veterans Claims** – has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans' Appeals relating to claims of entitlement to benefits for service-connected disabilities, survivor benefits and other benefits such as education payments and waiver of indebtedness. For more



information regarding the U.S. Court of Appeals for Veterans Claims, please visit:  
<http://www.uscourts.cavc.gov/employment.php>.

**U.S. Court of International Trade** - has jurisdiction over tariff conflicts and hears appeals from the U.S. International Trade Commission, which investigates and issues rulings concerning unfair practices in import trade. (Note that this court is located in New York.) To inquire into clerkship opportunities visit:  
<http://www.cit.uscourts.gov/HumanResources/EmploymentOpportunities.html>

**Federal Administrative Agencies** - The federal government employs over 1900 **administrative law judges (ALJ)** in 31 administrative agencies. They hear cases pertaining to their particular agency. See Appendix 12 for a listing of administrative agencies that hire law clerks or attorney advisors.

**International Courts** - A clerkship with a judge in a foreign court is unique because of the unusual perspective it provides. These courts generally offer no compensation so students will have to investigate alternate forms of funding.

***Important note regarding citizenship requirements for U.S. federal court law clerks:***

Under a provision in the appropriations bill passed in December 2009, appropriated funds may not be used to pay compensation to noncitizen federal law clerks in the continental<sup>1</sup> United States, unless they qualify under one of the following exceptions:

- Lawful U.S. permanent residents who are seeking citizenship as outlined in 8 U.S.C. § 1324b(a)(3)(B);
- Persons admitted as refugees or granted asylum who have filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or
- Persons who owe "allegiance to the United States" (e.g., nationals of American Samoa, Swains Island, and Northern Mariana Islands, and nationals who meet other requirements described in 8 U.S.C. § 1408).

In addition to the appropriations act restriction, all noncitizens must be eligible for employment under U.S. immigration law. Law clerk applicants may be required to provide citizenship information and proof of eligibility to work in the United States as part of the clerkship application. For additional information regarding the employment of non-United States citizens call the Office of General Counsel at the Administrative Office of the U.S. Courts at (202) 502-1100.

## **2. STATE COURT CLERKSHIPS**

State court clerkships offer an excellent opportunity to develop solid legal skills and make connections in the legal community. They are often particularly beneficial for

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<sup>1</sup> The appropriations law requirements do not apply to law clerks with a duty station in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, or the Northern Mariana Islands, nor do the requirements apply to unpaid volunteers.

students who wish to work in prosecution, defense, or in certain areas of state law (e.g. family law, criminal law, torts).

For information regarding state court clerkships please see the *Vermont Guide to State Judicial Clerkship Procedures* (<http://www.vermontlaw.edu/careers/judicial-clerkship-guide>) and the National Center for State Courts website (<http://www.ncsc.org/>).

Please note that the *Vermont Guide to State Judicial Clerkship Procedures* is password protected. Please contact the CDO to obtain the username and password.

**Highest State Courts** - Often, judges on the highest state courts hire students right out of law school. Such a clerkship can provide an experience much like an experience at the U.S. Supreme Court because the state's highest court will be the court of last resort for important issues of state common law, interpretation of state statutes, and state constitutional law. Note that different states call their highest courts by different names, usually either the state Supreme Court, like in Florida, or the state Court of Appeals, like in New York.

**Intermediate Appellate Courts** - Most states have intermediate appellate courts similar to the federal circuits. Because much of the Florida Supreme Court's jurisdiction is discretionary, the District Courts of Appeal are the courts of last resort for many issues in Florida.

**Trial Courts** - All states have trial courts but not all of them provide for elbow clerkships. For example, individual state trial court judges in Florida do not hire law clerks, while the state trial court judges in New Jersey do hire law clerks to work in their chambers. Be sure to check the states in which you are interested to determine which state court judges take law clerks.

## VII. THE COMPETITIVE NATURE AND HIERARCHY OF CLERKSHIPS

Whereas hundreds of judicial clerkships exist, there are thousands of applicants for those clerkships and the applicants are almost all well-qualified. After you have decided to which courts you will be applying, you will need to select the judges you will apply to. Applying to a broad range of judges in a broad range of locations is your best bet because this will increase your chances of attaining a clerkship.

**Hint:** Being flexible helps! As you learn about the different opportunities for clerking, keep in mind that you do not necessarily need to be admitted to the bar in order to clerk for a judge in a particular state. Therefore, you should approach your search for a clerkship with flexibility and be willing to relocate. It will increase your odds of obtaining a clerkship.

**How do judges decide whom to interview?** They focus on the candidates with the best mix of school, grade point average, law review and writing experience. Once selected for an interview, a candidate's personality and compatibility with the judge are often of utmost importance in determining who ultimately gets the clerkship.

The following is a rough hierarchy of clerkships, from most competitive to most attainable. Please note that a clerkship with a "prestigious" judge, one who demands and can get people with top credentials, is not necessarily the "best" clerkship, and certainly may not be the most appropriate one for you.

## **1. MOST COMPETITIVE CLERKSHIPS**

Besides U.S. Supreme Court clerkships, the most competitive clerkships tend to be the federal court of appeals clerkships and a handful of district court clerkships. Generally speaking, a clerkship with a federal court of appeals judge is harder to get than one with a district court judge, no doubt due to the rigorous academic nature of an appeals court, which is charged with solving the most difficult legal issues.

The hardest-to-get circuit court of appeals clerkships are those with the D.C. Circuit and the Second Circuit, and scattered judges on the other federal appeals courts. Most circuit judges want "main journal" officers with excellent grades. Generally clerkships with the judges in the middle of the country are less competitive than the ones on the east and west coasts.

## **2. COMPETITIVE CLERKSHIPS**

Competitive clerkships include federal district courts, several of the specialty federal courts, and the highest courts of certain states. Students with good grades, good letters of recommendation, and law review executive board experience are competitive for at least some of these clerkships.

Although it may appear irrational, many students would rather clerk for an ordinary federal circuit court judge than an excellent state supreme court justice. Therefore, if you want really excellent appellate experience that is undervalued by the market, you might focus on the high courts in states like New York, California, New Jersey, the District of Columbia, Oregon, Delaware (for corporate law), Pennsylvania, Massachusetts, Ohio, Wisconsin, and Michigan. This is the traditional list of the more prestigious state high courts, but there are also exciting opportunities in the highest courts of Alaska, Texas, Florida, Minnesota, Maine, Washington, and surely other states. *Clerking on the highest court in the state in which you intend to practice is a very worthwhile idea.* Obviously some judges are better than others and you should research individual reputations before you apply.

For the federal district court clerkships, the competitiveness depends upon how well known the judge is and where he/she is located. Thus, a really good district judge in Kalamazoo might receive fewer applications than a rather ordinary judge in New York City, Washington, Los Angeles, San Francisco, and Chicago (the Big Five cities). Many students tend to apply to judges in these cities but these are harder markets. You can probably get a better clerkship if you apply to judges in smaller cities or even to big cities outside the Big Five. Baltimore and Philadelphia have many judges who are

highly regarded, as do Atlanta, Boston, Charlotte, Delaware, Miami, New Orleans and Phoenix.

### **3. MORE ATTAINABLE CLERKSHIPS**

The more attainable clerkships tend to be the federal district court clerkships in the smaller non-coastal cities, other federal clerkships not yet discussed, and state intermediate appeals and trial court clerkships. We have just discussed the first category.

The second category includes other opportunities in the federal system, such as clerking for federal magistrates, bankruptcy judges, and trial judges in the U.S. Court of Federal Claims. The latter two involve clerkships that will be more narrowly focused in their subject matter, i.e. bankruptcy law and claims against the government. The third category, state court clerkships below the highest state courts, is also worth pursuing, because there are outstanding judges and good experiences in the state court systems.

## **VIII. IMPROVING YOUR COMPETITIVENESS**

Generally speaking, it does not make sense to apply to a lot of judges with whom your application is not going to be competitive, given the judges' expectations regarding credentials. At the same time, students outside the top 10% should not "give up" on all clerkships that seem to require more in the way of credentials. Sometimes, there are factors that may give your application an advantage that others might not have.

For example, an enthusiastic recommendation by an "insider" such as one of the judge's former clerks will count heavily in your favor and might generate an interview even though your grades are not commensurate with those usually sought by the judge. Similarly, if you have been a research assistant to a professor, he/she might be able to recommend you to the judge for whom he/she clerked, and to others he/she knows professionally. Appendix 10 lists faculty and staff who have held judicial clerkships. Although the main purpose is to provide a counseling list, it might also be useful to you if one of these individuals is going to be a reference for you. The faculty and alumni connection will often give your application a special advantage.

For certain judges you might possess other advantages that you should emphasize in your cover letter. One example is geography. If you are from Kansas and have tangible plans to practice there, you should emphasize that fact in your application to Kansas judges. These judges might give preference to students at national law schools who have local connections and ambitions. Judges in the large coastal cities seem less interested in the local connection. Also important might be that you went to a school in common with the judge, or that you worked for an institution (government office, law firm, public interest group) for which the judge worked previously. Generally speaking, judges are not interested in the political, religious, or social affiliations of prospective law clerks.

## **IX. STEPS TO FOLLOW WHEN APPLYING FOR A CLERKSHIP**

Applications to state and federal judges will be submitted either online or in hard copy (“paper applications”). The timing of federal law clerk applications for law students will likely be affected by the newly established two-year pilot Federal Law Clerk Hiring Plan.

### **NEW FEDERAL LAW CLERK HIRING PLAN:**

Since the breakdown of the last federal clerkship hiring plan in 2014, there has been no coordinated effort among federal judges organize clerkship hiring procedures. In response to concerns from law school faculty and deans, the Chief Judges of the U.S. Courts of Appeals for the Second, Seventh, Ninth and DC Circuits developed a new two-year pilot Federal Law Clerk Hiring Plan, which was announced through the Online System for Clerkship Application and Review (“OSCAR”) in February of 2018. Starting with students who entered law school in 2017, the application and hiring process will not begin until after a law student's second year.

#### **For students who entered law school in 2017 (graduating class of 2020)**

Judges will not seek or accept formal or informal clerkship applications, seek or accept formal or informal recommendations, conduct formal or informal interviews, or make formal or informal offers before June 17, 2019.

#### **For students who enter law school in 2018 (graduating class of 2021)**

Judges will not seek or accept formal or informal clerkship applications, seek or accept formal or informal recommendations, conduct formal or informal interviews, or make formal or informal offers before June 15, 2020.

A judge who makes a clerkship offer will keep it open for at least 48 hours, during which time the applicant will be free to interview with other judges. There will be no exploding offers.

This is a two-year pilot plan. Participating judges will reconsider their participation after June 2020.

### **OSCAR Access Dates:**

To complement the two-year pilot Law Clerk Hiring Plan established by the Ad Hoc Committee on Law Clerk Hiring, access to OSCAR will be as follows:

#### **Class of 2020**

Students will gain access to OSCAR on February 6, 2019 to register for an account, upload documents, search for clerkship positions, and build online applications. The system will store these applications and release them to judges on June 17, 2019.

#### **Class of 2021**

Students will gain access to OSCAR on February 5, 2020 to register for an account, upload documents, search for clerkship positions, and build online applications. The system will store these applications and release them to judges on June 15, 2020.

These changes do not affect law clerk hiring for applicants of the Class of 2019 and earlier classes.

This is a voluntary plan: individual judges or groups of judges may choose to participate but are not required to do so. Contact Karen Warren to get a complete listing of the Circuits and judges who are currently participating in the plan.

### **IDENTIFYING JUDGES**

In conducting your federal judicial clerkship research, we recommend that you begin by reviewing which judges have hiring information posted in the Online System for Clerkship Application and Review (“OSCAR”) (<https://oscar.uscourts.gov>). For judges who do not maintain OSCAR profiles, you may consider contacting their chambers to inquire regarding whether they are hiring and if so, the suggested timing for receipt of applications.

Most state court judges require paper applications, though some states have centralized online application processes. Some state court judges begin accepting applications from students as early as the fall of the second year of law school. For information regarding state courts’ hiring timelines, check the *Vermont Guide to State Judicial Clerkship Procedures* (available online at <http://www.vermontlaw.edu/careers/judicial-clerkship-guide>). The site is password protected. Please contact your CDO advisor for the login.

### **STEP 1A - Paper Applications:**

Once you have decided to apply for a judicial clerkship and have identified judges for whom you might be competitive, you should apply to them. Paper applications should be submitted in large envelopes with typed addressee and return labels. Consider using Tyvek envelopes, which are waterproof and virtually indestructible.

With regard to paper applications, keep in mind that *presentation* is extremely important. *The manner in which you present your application to a judge reflects on you as a candidate.* An application that is focused, organized, and impeccable will make a candidate that much more attractive and likely to get an interview.

### **STEP 1B – OSCAR (online) Applications:**

This section applies only to applications for federal judges, as most state court judges require that you submit paper applications. Many, though not all, federal judges utilize OSCAR to receive clerkship applications. To summarize OSCAR briefly, you must 1) create an applicant profile; 2) upload your application documents; 3) designate your pool of recommenders; 4) select the judges to whom you wish to apply; and 5) create an application for each judge, one by one, by attaching documents and designating which recommenders you are requesting submit letters for each individual application. A detailed Applicant User Guide is available on OSCAR.

While OSCAR lists every federal district and circuit court judge, not all judges “participate”

in OSCAR. The names of non-participating judges appear in black (i.e. with no hyperlink) in the system, and no information will be provided regarding that judge. Should you wish to apply to a non-participating judge, you will need to contact that judge's chambers directly to inquire whether the judge is accepting applications for your desired term and if so, when the judge would like to receive applications.

### **STEP 1C – Prepare Judge Lists in Excel:**

Once you have identified the judges to whom you will be applying, you may want to prepare an Excel spreadsheet that includes the judges' contact information. This is especially useful if you anticipate applying to a large number of judges at a certain time. Your spreadsheet will serve several purposes: 1) you will use the spreadsheet as a "data source" for a cover letter mail merge in Word; 2) you will submit the spreadsheet to your recommenders so that they have a list of all the judges to whom they're expected to write letters of recommendation; 3) you will submit the spreadsheet to the CDO should you choose to participate in the mailing program; and 4) generally speaking, having the list of judges who you're applying to on a spreadsheet will help keep you organized throughout the application process.

You should break your spreadsheet into three different categories (using the separate tabs at the bottom of the page): two separate spreadsheets that include the names, addresses, titles and other contact information for all federal and state court judges to whom you will submit *paper* applications, and a third spreadsheet that includes the name and other information for federal judges to whom you will be applying via *OSCAR* (i.e. state paper judges, federal paper judges, federal OSCAR judges). When seeking a large number of recommendation letters at once, your professors and non-faculty recommenders may request these spreadsheets in order to process your letters of recommendation. To create your spreadsheets, do the following:

1. Use the **Clerkship Module in Symplicity** to select judges to whom you will be applying by checking the box next to their name. Access the module by selecting the "Clerkships" tab at the top of the screen in Symplicity.
2. Create "Favorites" lists for the different types of judges you will be applying to – i.e. "federal OSCAR judges," and "federal paper judges" – and export each of the lists as an Excel spreadsheet. Save these separate spreadsheets within the same workbook. You can name them by left clicking on the tab on the bottom of the page). The CDO offers students a "template" spreadsheet to use, which ensures that the spreadsheet is properly formatted. Please contact Karen Warren if you need a copy of the template spreadsheet.

NOTE: State court judges are not listed in the Symplicity Clerkship Module. For state courts or individual judges, you will need to consult the court's website or call the courthouse to obtain the judge(s) mailing address and manually enter that information into the spreadsheet.

3. Once you have exported the data, delete the columns on the right hand side of the

spreadsheet so that “Last\_Name” is the final column in each of the spreadsheets.

4. Email the spreadsheets to your recommenders (faculty and non-faculty recommenders) so that they may use the spreadsheets as “data sources” for mail merges of your paper letters of recommendations.
5. Make sure that you specify that paper letters do not need to be generated for the judges listed on the “federal OSCAR judges” spreadsheet (letters for your OSCAR applications will be uploaded by your recommenders directly to the OSCAR system). Rather, that information is being provided for informational purposes only (because some recommenders like to know ahead of time the judges to whom they are being asked to write letters of recommendation).

## **STEP 2 – Prepare your application documents:**

Both paper and online clerkship applications will contain the materials listed below. For paper applications, you should send your cover letter, resume, transcript(s) and writing sample **in one application packet**. Many judges also prefer that letters of recommendation be included in the application packet. Assuming your recommenders are amenable to providing you with their letters, you can include the letters in your packets in individually sealed envelopes. If your letters of recommendation are not included in your packet, please include your recommenders’ names in your cover letter or in a separate “List of Recommenders” document and state that letters from those individuals will be forthcoming under separate cover.

**1. Cover letter.** The judge and/or his or her staff (including present clerks) will probably read your cover letter before they get to your writing sample. Therefore, *your cover letter is your first writing sample*. A letter that is poorly organized or contains typographical errors will reflect poorly on you as an applicant. Because thousands of law students apply for these positions, a sloppy cover letter will undoubtedly weed you out. Review the addressee format guidelines in Appendix 3 and the cover letter sample in Appendices 4 and 5 when preparing your letter to judges.

A cover letter should contain a maximum of three to four paragraphs and should fit on one page. The first paragraph of your cover letter should identify who you are, the month/year of your graduation from law school, and the clerkship term you are seeking. If your start dates are flexible consider not specifying a particular clerkship term, as many judges hire several years in advance.

In your second paragraph (and third paragraph, if desired), you may want to identify what has motivated you to seek a clerkship and what qualities make you a particularly attractive candidate, such as research/writing skills, membership on a particular law review, exceptional academic performance, or even a connection to the locality or judge. You can also delineate any skills you learned from jobs you may have had and should indicate how those skills are applicable to a clerkship. In the final paragraph, you should indicate the application materials that you have enclosed and thank the judge for his/her consideration.



Keep in mind that judges look for strong analytical skills, and excellent writing and editing skills. In addition, many judges want to see something unique in a cover letter to distinguish you from all the other applicants. As such, if you have something in your background that you believe is unusual and appropriate, perhaps include a brief reference to it in your cover letter.

To format your paper application cover letter(s) using a mail merge, use the judge lists (a.k.a. “data source”) referenced in step 1C, above. The “Step by Step Mail Merge Wizard” available under the “Mailings” tab in Microsoft Word (in pc or mac) will walk you through the process.

Note that the addressee block at the top of the page should generally look like this:

«The\_Honorable» «Full\_Name»  
«Court\_General»  
«Court\_Specific»  
«Street1»  
«Street2»  
«City», «State» «Zip»

Dear «Title» «Last\_Name»:

For your federal OSCAR applications, you can use the online editor in the OSCAR system to format cover letters.

**2. Resume.** The CDO’s general resume guidelines apply to judicial clerkship applications. Be sure to always list your GPA and **emphasize your prior research and writing experience, both legal and non-legal.** Also be sure to include your most recent summer experience, as well as any recent honors, awards or leadership positions. In addition to academic excellence, your resume should show that you are a well-rounded individual, with outside interests and hobbies. Accordingly, unless it would be the only thing listed on a second page, we recommend that you include an “interests” section on your resume when applying for judicial clerkships. Many alumni who have clerked note that they obtained interviews because their resume contained something that distinguished them from other applicants.

**3. Transcript(s).** You will be required to provide copies of your law school transcript. Since many judges also require undergraduate transcripts, it is a good idea to contact your undergraduate institution early to request a copy of your transcript if you don’t already have one. Most judges accept unofficial copies of transcripts.

**4. Writing sample.** A writing sample demonstrates that you can perform the key duty of a clerk: producing clear, well written, thorough analysis of legal issues. In many cases this will consist at least initially of a memorandum or brief prepared in your LComm class, a Moot Court brief, or a particularly extensive memorandum that you may have done during your summer employment. If you are applying to a judge sitting on a court of appeal, an appellate brief may be an ideal writing sample. Ideally, the writing sample will be between 8 and 15 pages in length and will be

written within one to two years of submission.

It is imperative that you submit *your work* as a writing sample. Memos or briefs that have been co-written with a partner, or heavily edited by law review staff members or employers, may not be used as a writing sample. Each writing sample should be accompanied by a cover page explaining (a) the sample's original purpose (e.g., a legal writing class assignment; a moot court brief; an internal memorandum for an employer; a court pleading); (b) when and for whom the sample was written; (c) the extent of editing by any third party; and (d) if the writing sample is an excerpt from a larger document, the nature of that larger document, including issues addressed. See Appendix 6 for sample writing sample cover pages.

Before using any work that *you* have done for an employer, be sure to clear with the employer that your work can be submitted for this purpose. If you choose to use a document produced for a real client, you must identify the steps taken (e.g., redactions; changed names; consent obtained from a client or an employer) to preserve the confidential or privileged nature of the document. Ultimately, concerns about confidentiality or considerations of counseling or litigation strategy may make it inappropriate to use the document as a writing sample, even if the document is available as a public record. Finally, it is also inappropriate to use a document filed in a case then currently pending before the court in which the clerkship is sought.

**5. Letters of recommendation.** Judges typically require between two and three letters of recommendation. For paper applications, letters of recommendation should be included in the student's application packet if possible. Choose individuals who are familiar with your research, writing and analytical skills and can sing your praises in this regard. Ideally, you will have letters from at least two full-time professors. If you are applying to a local judge, pick your references strategically and with care. A judge may know the person recommending you. Certain recommendations, therefore, will carry more weight.

**Note to students who have interned for judges:** If you are hoping to get a letter of recommendation from a judge you interned for, you may be disappointed to learn that many judges have a policy of not writing letters of recommendation for their former interns. If this is your case, ask whether the judge is willing to serve as a reference for you. If the judge agrees, you may note this in your cover letter. For example, "Please feel free to contact Judge Walter White, who I interned for last summer, regarding my qualifications."

## **X. INTERVIEWS**

If a judge requests an interview, make yourself available as soon as you possibly can. If you have applied to judges in the same court or general area, and one judge requests an interview, you may wish to contact the chambers of the other judges and inquire whether they would be interested in interviewing you while you are "in the area." Judges realize that, unlike law firm interviews where firms might be inclined to pay the travel costs of candidates, students bear the cost of interviewing.

### **1. Prepare for the Interview**

- Do your research. Before interviewing with a judge, make sure you do your research on the judge and his/her recent or noteworthy decisions. Use the judicial resources listed in Appendix 1 to find out biographical and other pertinent information about the judge. Especially helpful in preparing for interviews with judges are Courtlink on LexisNexis and the *Almanac of the Federal Judiciary* on Westlaw. In addition, be prepared to meet not only with the judge, but also with his/her current law clerk and staff. Very often, candidates will be pre- or post- interviewed by a judge's current law clerks.
- Judges also tend to look for the right personality and fit for their chambers and many of their questions may focus on your sense of humor, interests, hobbies, and perhaps political views. Judges often ask questions of a personal nature to try to find a common ground or mutual interest with the candidate.
- A judge may also style the interview to be a legal, substantive discussion. A judge may ask you which of his or her opinions you found most interesting. The interview dialogue could include anything from your courses in law school or your law review topic, to controversial events in the news or important legal precedents. Keep in mind that the judge may be looking for someone who is not afraid to challenge him or her on these issues.
- Moreover, as with behavioral interviewing, judges are often evaluating a candidate's reaction to the question rather than looking for the "correct" answer.
- The range of sample questions provided in **Appendix 8** can help you prepare for the scope of the possible interview questions.
- Lastly, prepare a list of questions for the judge and clerks ahead of time (see **Appendix 9** for a list of sample questions).
- It is also a very good idea to speak with people who have clerked for the judge in the past; often they can offer insightful information that cannot be found online. The names of prior clerks from Miami Law are listed in judges' profiles in the Symplicity Clerkship Module (accessible by clicking on the "Clerkships" tab at the top of the page in Symplicity). You are also strongly encouraged to contact Karen Warren in the CDO ([kwarren@law.miami.edu](mailto:kwarren@law.miami.edu)) as soon as you obtain a clerkship interview, as she may be able to share additional helpful information regarding the judge.

**2. Be courteous.** You will also be interacting with the judge's secretary and other staff members. Always be polite and courteous to everyone you meet. Remember this: *while staff cannot necessarily ensure that you get hired, they likely can ensure that you DO NOT get hired.*

**3. Schedule a mock interview.** You should contact Karen Warren so that she can facilitate a mock interview. It is crucial that you become comfortable answering the types of questions that may be asked in a clerkship interview.

**4. Bring a copy of your application materials.** Make sure to bring an extra resume, transcript and writing sample to your interviews. If you have completed a journal article, bring it.

**5. Send thank you letters.** Immediately after your interview, send a thank you letter to the judge and to members of his or her staff, if you met with or interacted with them.

## **XI. OFFERS AND ACCEPTANCES**

Unlike many law firms, judges do not expect to wait very long for a decision on an offer. Some judges demand an immediate answer while others give you some time to think it over. **As a general rule, you should be prepared to accept a judge's offer immediately rather than ask for time to consider the decision.** Usually, judges who are inclined to give you some time to consider the offer will tell you that up front. Under the new Federal Law Clerk Hiring Plan which affects Classes 2020 and 2021, a judge who makes a clerkship offer will keep it open for at least 48 hours, during which time the applicant will be free to interview with other judges.

You may decide after an interview that you do not want to work for a particular judge if an offer is extended. **Although withdrawals are generally discouraged, you should immediately withdraw your application if you are certain that you cannot work for a particular judge.** To withdraw your application, call the judge's chambers and politely ask the judge's secretary to withdraw your application from consideration. **You should also withdraw your name from consideration if you accept another position after interviewing with a judge and would therefore no longer be available to clerk.**

**Please send an email to Karen Warren at [kwarren@law.miami.edu](mailto:kwarren@law.miami.edu) should you receive an interview or an offer for a clerkship.** If you have further questions regarding applications for judicial clerkships please make an appointment to speak with Karen Warren. Your experience throughout the application and interview process provides valuable information enabling us to enhance our future clerkship programs.

## **XII. JUDICIAL CLERKSHIP MAILING PROGRAM**

The CDO will pay the standard U.S. postage on up to 50 paper applications for each student.<sup>2</sup> This is a savings to you of approximately \$70 or more. Students wishing to participate in this mailing program must submit completely assembled packets. All documents must be placed in their own properly addressed, sealed envelope (you can use your own return address). Packets must be put in alphabetical order and accompanied by the **Mailing Program Consent Form**, copies of which are available at the CDO reception desk. You must attach a copy of your Judge List(s) Excel spreadsheet along with the Consent Form. The Mailing Program Consent Form requires you to notify Karen Warren if you receive a clerkship interview and/or offer.

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<sup>2</sup> Please note that you have the option to mail your applications via overnight express delivery **at your expense**. All applications mailed through Career Development are **mailed regular U.S. mail** and may take several days to arrive to chambers. *Note that you may not mail your applications yourself and then be reimbursed by the CDO.* Please bring them to the CDO and we will mail them on your behalf

## **APPENDIX 1 – JUDICIAL CLERKSHIP RESOURCES**

In-depth research will help you make a more informed decision on which judges to apply to for clerkships. Resources are plentiful and you need to consult a variety of them to attain the necessary information. The following are available either online or in the law school's or Career Development Office's library:

### **National Center for State Courts**

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

Provides links to state court websites. Also presents detailed comparative data about how state trial and appellate courts are organized and administered in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and Northern Mariana Islands.

### **OSCAR - Online Application System**

<https://oscar.uscourts.gov>

OSCAR (Online System for Clerkship Application and Review) is an online resource that applicants can utilize to search for federal law clerk and appellate staff attorney positions.

### **The Guide to State Judicial Clerkship Procedures**

<http://www.vermontlaw.edu/careers/judicial-clerkship-guide>

This Guide, published by the Vermont Public Interest Action Project, Vermont Law School, includes current information regarding application procedures, timing, salary and hiring process in all 50 states, the District of Columbia and Puerto Rico. The website is password protected. Please contact the CDO for the username and password.

### **Alliance for Justice**

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

Includes judicial vacancies and reports on gender and race of judges nationwide.

### **Senate Judiciary Committee**

[www.judiciary.senate.gov](http://www.judiciary.senate.gov)

This site contains information on judicial confirmation hearings and presidential appointments, including nominees' detailed questionnaires as well as hearing dates and votes.

### **Senate Nominations**

[www.senate.gov/legislative/legis\\_act\\_nominations.html](http://www.senate.gov/legislative/legis_act_nominations.html)

This site contains the most up to date listings of recent nominations and confirmations for judges and executive branch positions.

### **Almanac of the Federal Judiciary (In Law Library and on Westlaw)**

Volume 1: Profiles of U.S. District Court Judges.

Volume 2: Profiles of U.S. Court of Appeals Judges

Contains biographical information, including publications, noteworthy rulings and lawyers' evaluations on all federal judges.

## **U.S. Department of Justice Office of Legal Policy**

[www.usdoj.gov/olp](http://www.usdoj.gov/olp)

Includes background information on judicial nominees and the progress of nominations.

## **Federal Judicial Center**

[www.fjc.gov](http://www.fjc.gov)

This website contains biographies of federal judges, landmark judicial legislation, topics of judicial history and historic courthouses.

## **Federal Judiciary**

[www.uscourts.gov](http://www.uscourts.gov)

Links to court websites and general information. Also, note Judicial Milestones at <http://www.uscourts.gov/judges-judgeships/judicial-milestones> provides recent nominations, confirmations and resignations.

## **The Federal Lawyer Magazine**

<http://www.fedbar.org/Publications/Copy%20of%20Judicial-Profile-Index.aspx>

Requires membership to Federal Bar Association to gain access to judicial profiles. Contains an archive of “Judicial Profiles” of federal judges throughout the country. The profiles are usually written by the judges’ law clerks or others who know the judge well, and thus they are useful for learning “insider” information about judges.

## **The Federal Magistrate Judge’s Association**

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

## **Florida State Court Jobs**

[http://www.flcourts.org/gen\\_public/employment/index.shtml](http://www.flcourts.org/gen_public/employment/index.shtml)

Provides links to information on available positions throughout the Florida state court system.

## **Judicial Nominations Database**

<http://judges.law.yale.edu>

## **Just the Beginning Foundation Share the Wealth Clerkship Program**

<http://jtb.org/share-the-wealth/>

The Share the Wealth Judicial Law Clerk Program is a referral program run by judges. Participating judges screen qualified law student applicants, conduct panel interviews with twelve students, and consider them for full-time clerkship positions.

## **LexisNexis and Westlaw**

### ***Judicial Appointments and Nominations:***

Lexis contains an extensive library of legal and non-legal trade papers, magazines and newspapers and is an excellent source of articles about a particular judge, court, or case. It is particularly helpful in finding information on newly appointed or nominated judges. West Legal Directory offers office profiles and profiles of individual full-time judges from all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

***Judicial Legal Writings (Aside from Opinions):***

Search the U.S. Law Reviews and Journals, Combined database.

***Judicial Opinions:***

Lexis and Westlaw allow a researcher to find opinions written by a specific judge.

**International Court Links**

<http://www.ncscinternational.org>

**Guide to Opportunities with International Tribunals and Foreign Courts**

[http://www.law.yale.edu/documents/pdf/CDO\\_Public/CDO\\_International\\_Tribunals\\_Public.pdf](http://www.law.yale.edu/documents/pdf/CDO_Public/CDO_International_Tribunals_Public.pdf)

## **APPENDIX 2 - JUDICIAL CLERKSHIP SELF-ASSESSMENT**

### **Factors to consider when deciding about clerkships:**

#### **A. Type of Clerkship**

1. Trial or appellate
2. State, federal, or international

#### **B. Reasons for seeking a clerkship**

1. Research and writing; practical training
2. Work closely with a judge; gain a mentor
3. Gain insight into the legal system and how judges work
4. See different attorneys' styles of practice
5. Exposure to a variety of legal issues and areas of law
6. The credential on your resume

#### **C. Constraints on clerkship search**

1. Geography
2. Family ties
3. Place(s) you want to practice law
4. Type(s) of law you want to practice

### **Factors to consider when evaluating potential strengths and weaknesses in your application:**

#### **A. Law school experience**

1. Academic record (grades in LComm, Civil Procedure)
2. Law Review/Journal experience or other significant legal writing
3. Moot Court
4. Clinic
5. Other law school activities

#### **B. Other academic experience** (*e.g.*, advanced degree)

#### **C. Nonacademic experience and interests** (might show skills or interesting, well-rounded personality)

1. Jobs (paid and volunteer; emphasize public service)
2. Proficiency in more than one language
3. Travel
4. Any other interesting, distinguishing items



**D. Writing Sample** (substantive, self-edited legal writing with plenty of analysis)

1. Law school work
2. Work for employer (seek employer permission and redact/change party names and case number)

**E. Recommendations** (2 - 3)

1. Law Faculty
  - a. Earned high grade in class
  - b. Supervised writing
  - c. Research Assistant or Dean's Fellow
  - d. Known through a small class (1<sup>st</sup> year or writing course)
2. Legal Employers
  - a. Know your writing/analytical skills
  - b. Speak positively about other attributes (intellect, work habits, character, etc.)
3. Non-legal Employers or Faculty -- not viewed as strongly as recommendations from legal faculty/employers
  - a. Know your writing/analytical skills
  - b. Speak positively about other attributes (intellect, character, work habits, etc.)
  - c. Consider using as a last case scenario, perhaps where the person has a connection to a judge

## **APPENDIX 3 - ADDRESSING YOUR COVER LETTER**

To properly address your cover letters, use the following as a guide:

### **FEDERAL COURTS**

#### **Chief Judge, Courts of Appeals**

#### **Judge or Senior Judge, Courts of Appeals**

Address: The Honorable [Full name]  
Chief Judge [where applicable] or Senior Judge [where applicable]  
United States Court of Appeals  
for the [Nth] Circuit  
[Address, with zip code]  
Salutation: Dear Judge [Last name]:  
Close: Respectfully,

#### **Chief Judge, District Courts**

#### **Judge or Senior Judge, District Courts**

Address: The Honorable [Full Name]  
Chief Judge [where applicable] or Senior Judge [where applicable]  
United States District Court  
for the [Southern, etc.] District of [State]  
[Address, with zip code]  
Salutation: Dear Judge [Last Name]:  
Close: Respectfully,

#### **Magistrate Judge, District Courts**

Address: The Honorable [Full Name]  
United States Magistrate Judge  
[Address, with zip code]  
Salutation: Dear Judge [Last Name]:  
Close: Respectfully,

Follow similar format for Chief Judges and Judges on other Federal Courts

### **STATE COURTS \*Court names may vary state by state**

#### **Chief Justice, State Supreme Court**

Address: The Honorable [Full Name]  
Chief Justice of the  
Supreme Court of [State Name]  
[Address, with zip code]  
Salutation: Dear Chief Justice:  
Close: Respectfully,

**Justice, State Supreme Court**

Address: The Honorable [Full Name]  
Justice of the Supreme Court of [State Name]  
[Address, with zip code]  
Salutation: Dear Justice [Last Name]:  
Close: Respectfully,

**Chief Judge or Judge, State Court of Appeals (where the highest court in the state is called the “Court of Appeals”)**

Address: The Honorable [Full Name]  
Chief Judge [where applicable]  
Court of Appeals for the State of [State Name]  
[Address, with zip code]  
Salutation: Dear Judge [Last Name]:  
Close: Respectfully,

**Chief Judge, State Intermediate Appellate Court (District Court of Appeal in Florida)**

Address: The Honorable [Full Name]  
Chief Judge  
[State Name] [Nth] District Court of Appeal  
[Address, with zip code]  
Salutation: Dear Judge [Last Name]:  
Close: Respectfully,

**Judge, State Intermediate Appellate Court (District Court of Appeal in Florida)**

Address: The Honorable [Full Name]  
[State Name] [Nth] District Court of Appeal  
[Address, with zip code]  
Salutation: Dear Judge [Last Name]:  
Close: Respectfully,

**APPENDIX 4 - SAMPLE COVER LETTER 1**

**TO BE USED AS A GUIDE ONLY**

[Name and address – same heading as your resume]

[Date]

The Honorable David C. Turner  
United States District Court  
Southern District of Texas  
100 Clerkship Way, Room F-1005  
Houston, Texas 75241

Dear Judge Turner:

I am a third-year student at the University of Miami School of Law and wish to apply for a clerkship in your chambers. As a native Texan, I am particularly interested in returning home to clerk. [If you have a tie to the geographical location of the clerkship that is not otherwise evident from your application materials, you should state it here.]

[You may include a middle paragraph in which you emphasize particular skills or work experience you could offer, or describe relevant law school and/or pre-law school experience listed on your resume in more detail. Examples of things you would want to include: Law review membership, especially executive board positions, as well as any publications; high class rank; any previous experience interning with a judge; highest grade awards in LComm I or II. If you and the judge share a common alma mater, you may want to mention that as well.]

My resume, transcripts, and writing sample are enclosed, as well as letters of recommendation from Professor X and Y. A letter of recommendation from Professor Z, my supervisor in the Immigration Clinic, will follow under separate cover. I would be happy to provide any additional information you might require. Thank you in advance for your consideration.

Respectfully,

Marcia Oliver

Enclosures

**APPENDIX 5 - SAMPLE COVER LETTER 2**

**TO BE USED AS A GUIDE ONLY**

[Name and address – same heading as your resume]

[Date]

The Honorable Marianne Taylor  
Chief Judge  
United States District Court  
for the Southern District of Florida  
100 Clerkship Way, Room F-1005  
Miami, Florida 33000

Dear Judge Taylor:

I am a second-year student at the University of Miami School of Law. I am writing to express my interest in serving as your judicial law clerk for the year 2020-2021. Miami has been my home for the past six years, and I plan to practice here.

I have taken the opportunity to complete a substantial amount of research and writing in law school, providing me a strong background for a clerkship in your chambers. As a participant in \_\_\_\_\_, I [describe work you performed]. As a result of \_\_\_\_\_, [describe outcome and perhaps how it enhances your skill set]. I also recently completed a note on [describe subject matter], which will appear in a forthcoming issue of the University of Miami Inter-American Law Review.

My resume, transcript(s), writing sample and list of references are enclosed. Recommendations will be forthcoming from Professors A, B and C. I would welcome the opportunity to interview with you and look forward to hearing from you.

Respectfully,

Susan Black

Enclosures

## **APPENDIX 6 - SAMPLE WRITING SAMPLE COVER PAGES**

[Sample format where writing sample has not been excerpted]

[Name and address – same heading as your resume]

### **WRITING SAMPLE**

I prepared the attached memorandum while working as a summer associate at Smith and Smith. The memorandum examines whether the fees charged by commercial tax preparers for “instant refund loans” violate the state usury laws in Florida, Georgia or Alabama.

To preserve client confidentiality, all individual names, locations and other identifying facts have been changed. I have received permission from the firm to use this memorandum as a writing sample. The writing sample is in its original format and has only minimal grammatical edits after review by my supervising partner.

---

[Sample format where the writing sample has been excerpted]

[Name and address – same heading as your resume]

### **WRITING SAMPLE**

The following Memorandum of Law in Support of Defendant’s Motion for Summary Judgment was the final assignment in my first year, second semester legal writing course. I earned an “A” on the memorandum. The memorandum is my own work product and has not been substantially edited by any other person.

In its original format, the memorandum is 25 pages long. For the purpose of serving as a writing sample, and as a means of reducing its length, this submission includes only the Introduction, Sections A and C of the Argument, and the Conclusion, so that the memorandum is now 15 pages long. A copy of the original memorandum, in its entirety, is available upon request. (If you received an “A” in the course, you can include that as well.)

## **APPENDIX 7 - SAMPLE LIST OF RECOMMENDERS**

### **LIST OF RECOMMENDERS**

**Lars Noah**

Professor of Law, University of Miami School of Law

(305) 663-7812

lnoah@law.miami.edu

Professor Noah was my torts professor. I also worked as his research assistant.

**Jim Wilcox**

Associate Professor of Law, University of Miami School of Law

(786) 583-9745

jwilcox@law.miami.edu

Professor Wilcox was my civil procedure professor. I later served as a Dean's Fellow for Professor Wilcox's civil procedure course. He also supervised my law review article.

**Natalie Guilbert, Esq.**

Staff Attorney, Legal Services of Greater Miami, Inc.

(305) 609-8921

natalie.guilbert@lsgmi.org

Ms. Guilbert was my supervising attorney during my externship last summer in the Tenant's Rights Division of Legal Services of Greater Miami, Inc.

## **APPENDIX 8 - SAMPLE QUESTIONS A JUDGE OR CLERK MIGHT ASK DURING A JUDICIAL CLERKSHIP INTERVIEW**

### Personal Goals and Background

- Why do you want to clerk?
- What are you looking for in a clerkship?
- Why do you want to clerk for the (district, magistrate, bankruptcy, etc.) court?
- Do you enjoy writing?
- What are your plans after clerking?
- Do you prefer a one year or a two year clerkship?
- Why do you want to clerk in this city, state? To which other judges have you applied?
- Why did you go to law school?
- Tell me about your family and where you grew up.

### Substantive or Legal Topics

- What areas of law interest you?
- What are some of your favorite law school courses? Least favorite?
- What did you write about for your law review/journal topic? Why did you choose that topic?
- What are your views on [ANY] topic? (This may be a topic of a legal nature, a news item, or personal politics)
- What is your most or least favorite U.S. Supreme Court decision and why? How would you have decided the case differently?
- Who is your favorite U.S. Supreme Court Justice and why?



- Some judges may ask you to comment on specific recent decisions, especially those pertinent to their jurisdiction.

#### Qualities as a Potential Law Clerk

- What qualities do you possess that make you an attractive candidate?
- What do you believe is the role of a law clerk?
- Tell me about your work experiences?
- Tell me about X on your resume (practice talking about transferable skills and stories which illustrate those skills. Everything on your resume is fair game.)
- What are your greatest strengths/weaknesses?
- Do you like working independently or with others?
- If you had to front a rock band, which one would it be?
- What do you do for fun?
- Present a closing argument to the judge and his/her clerks advocating yourself as the best candidate for the position.
- Can you impartially draft an opinion for me even if you disagree with the holding or reasoning?
- Tell me everything that you know about me.

**APPENDIX 9 - SAMPLE QUESTIONS  
TO ASK DURING A JUDICIAL CLERKSHIP INTERVIEW**

**Questions an Applicant Might Ask the Current Clerk**

- Describe a typical day as a clerk in this court.
- What responsibilities do you have?
- How is the work divided among the clerks?
- Describe your relationship with the judge.
- What are the judge's greatest strengths, weaknesses?
- What contact do you have with the 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?
- How has this clerkship affected your career goals?
- What percentage of time do you spend in court, conducting research, drafting opinions, interacting with the judge?
- Do you 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 criteria seem to affect the judge's selection of a clerk?

**Questions an Applicant Might Ask the Judge**

- What are you looking for in a clerk? / What makes a clerk successful?
- How is a typical case handled from start to finish?
- Do clerks have the opportunity to observe court proceedings?
- How much time is spent working in chambers versus in the courtroom?
- Are clerks involved with the "screening" docket (appellate cases screened to determine

whether or not to be placed on oral argument calendar)?

- Does the Judge sit in other cities? If yes, do the clerks travel with the judge?
- What is the size of the docket? What types of cases are on the docket? Do certain types of cases predominate? (Note: this information is available for many federal courts on LexisNexis' Courtlink.)
- How is the work divided among the clerks?
- Do you prefer to closely guide your clerks through the writing process, or do you discuss their projects after they are completed?
- How would you describe your relationship with your clerks?
- Do you keep in touch with your former clerks? Do you encourage them to keep in touch?
- What is the timing for extending offers?
- How much time, if any, do you provide to consider an offer?

## **APPENDIX 10 - FORMER LAW CLERKS AMONG OUR LAW FACULTY**

<b><u>FACULTY MEMBER</u></b>	<b><u>COURT</u></b>
David Abraham	U.S. Court of Appeals – Third Circuit
Jill Barton	Florida Third District Court of Appeal
Ricardo Bascuas	U.S. District Court – Southern District of Florida
William Blatt	U.S. Court of Appeals – D.C. Circuit
Sergio Campos	U.S. Court of Appeals – First Circuit U.S. District Court – District of Massachusetts
Kathleen Claussen	U.S. Court of Appeals – Seventh Circuit The Permanent Court of Arbitration – The Hague
Charlton Copeland	Constitutional Court of South Africa U.S. Court of Appeals – Sixth Circuit
Caroline Mala Corbin	U.S. Court of Appeals – Fourth Circuit
Andrew B. Dawson	U.S. Court of Appeals – Third Circuit U.S. Bankruptcy Court – District of Delaware
Michele DeStefano	U.S. District Court – District of Massachusetts
Marc Fajer	U.S. Court of Appeals – Ninth Circuit
Zanita Fenton	U.S. District Court – Eastern District of New York
Michael Froomkin	U.S. Court of Appeals – D.C. Circuit U.S. District Court – Northern District of Illinois
Michael Graham	U.S. District Court – Southern District of New York
Patrick Gudridge	California Supreme Court
Celeste Higgins	U.S. District Court – Southern District of Florida
Stanley Langbein	U.S. Court of Appeals – Fifth Circuit
Caroline Bettinger-López	U.S. District Court – Eastern District of New York
Martha Mahoney	U.S. Court of Appeals – Ninth Circuit

JoNel Newman	U.S. Court of Appeals – Eleventh Circuit
Scott Rogers	U.S. Court of Appeals – Eleventh Circuit U.S. District Court – Northern District of Florida Florida Supreme Court
Laurence M. Rose	U.S. District Court – District of Vermont
Keith Rosen	U.S. Court of Appeals – Second Circuit
Andres Sawicki	U.S. Court of Appeals – Second Circuit
Stephen Schnably	U.S. Court of Appeals – Third Circuit
Rachel Stabler	U.S. Court of Appeals – Eleventh Circuit
Scott Sundby	U.S. Court of Appeals – Eleventh Circuit
Marcia Narine Weldon	Supreme Court of New Jersey
William Widen	U.S. Court of Appeals – First Circuit

## **APPENDIX 11 – THE ROLE OF FEDERAL MAGISTRATE JUDGES**

A magistrate judge is a judicial officer whose authority derives from 28 U.S.C. Section 636 (a)-(h) and Article I of the Constitution. District judges supervise and appoint magistrate judges within their judicial districts. Magistrate judges serve eight-year terms renewable at the discretion of the U.S. District Court.

In civil proceedings under the rule, the magistrate judge enters orders on non-dispositive pre-trial motions. On dispositive matters, such as motions to dismiss and motions for summary judgment, the magistrate judge issues reports and recommendations and, in certain cases, proposes findings of fact. A magistrate judge may determine any preliminary matters and conduct all necessary evidentiary hearings or other proceedings arising in the exercise of his/her authority. When all parties consent, a full-time magistrate judge may conduct any or all proceedings in a civil case filed with the court and enter a final judgment. If you are interested in civil litigation, clerking for a magistrate judge can give you great hands-on training in the discovery process.

In criminal proceedings, a magistrate judge administers oaths on criminal complaints, issues search and arrest warrants, conducts preliminary hearings, tries persons accused of misdemeanors (with district court authorization), enters orders on non-dispositive pretrial motions and issues reports and recommendations and, in certain cases, proposes findings of fact. Magistrate judges also review state habeas corpus actions. Accordingly, clerking for a magistrate judge can also be a very useful experience if you are interested in criminal law.

For more information on the role and authority of magistrate judges, please consult:  
<http://www.fmja.org/>

**APPENDIX 12 - ADMINISTRATIVE AGENCIES**  
**THAT HIRE LAW CLERKS OR ATTORNEY ADVISORS**

Atomic Safety and Licensing Board, Nuclear Regulatory Commission  
Department of Agriculture  
Department of Health & Human Services, Departmental Appeals Board  
Department of Labor  
Environmental Protection Agency  
Federal Energy Regulatory Commission  
Federal Mine Safety and Health Review Commission  
Securities and Exchange Commission  
Department of Justice  
    Drug Enforcement Administration  
    Executive Office for Immigration Review  
Equal Employment Opportunities Commission  
Department of Health & Human Services, Office of Medicare Hearings and Appeals  
Department of Housing & Urban Development  
    Office of Administrative Law Judges  
    Office of Appeals  
Department of the Interior  
    Board of Land Appeals  
    Probate Hearings Division  
    Board of Indian Appeals  
    Departmental Cases Hearings Division  
Department of Transportation, Office of the Secretary  
Federal Communications Commission  
International Trade Commission  
Small Business Administration

***Federal Administrative Law Judges' Post Graduate Clerkship Hiring Information***  
<http://www.nalp.org/aljclerkshipinfo>

This resource is made available through the efforts of the ALJ Working group of NALP's Judicial Clerkship Section, which compiled this Excel document with information on the hiring practices of ALJs. While every effort has been made to insure the accuracy and timeliness of this information, NALP encourages applicants to contact clerkship sponsors directly to verify deadlines and other information. Note that this information was compiled in February 2016.

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