# 2015-2016 Judicial Clerkships Handbook

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A judicial clerkship provides a valuable opportunity to deepen your understanding of the legal system. The benefits are numerous:

• By working directly with a judge or judges, you view the legal process from a judge’s perspective while gaining an important mentor.
• A judicial clerkship strengthens your resume, opening doors to a successful career path. Clerks find advantages in their pursuit of firm and faculty positions.
• Judicial clerks have the opportunity to network with practicing attorneys and other legal professionals.
• A clerkship can provide the chance to spend time in a new area of the country.
• Clerks learn a great deal about the law, legal procedure, and courtroom practice.

There are a wide range of clerkships available, most lasting one to two years. Judicial clerkships exist at state and federal levels, in trial and appellate courts, as well as in specialty courts and administrative agencies. Many law students apply for clerkships immediately following graduation, and increasing numbers of alumni choose to apply for clerkships as well.

The Judicial Clerkship Handbook is designed to introduce you to judicial clerkships and the application process. Please use this handbook in conjunction with the resources available on the Career Development Office Judicial Clerkships website.

You can learn the responsibilities of a judicial clerk through Professor Jones’ piece, titled “What Law Clerks Do for Judges” on page 3, and through letters contributed by alumni who have served as clerks, beginning on page 27. As you decide where to apply for clerkships, please consult “How to Choose Judges for Applications and Judicial Clerkship Opportunities” on page 12. You will find listings of federal judges on Symplicity and through OSCAR (the Online System for Clerkship Application & Review). NCSC (the National Center for State Courts) provides a listing of state court websites and the Guide to State Judicial Clerkships (check with CDO for log-in information) describes each state’s court system and clerkship application process. Deadlines for state applications vary by judge and by court.

Some students apply to a small number of courts in a particular geographic region, while others apply to a wide range of courts located across the U.S. and internationally. The listed Research Sources will direct you to helpful books and websites to strengthen your understanding of judicial clerkships. Please consult the Career Development Office as you strategize about where to apply for clerkships and as questions arise about the clerkship application process.
A Brief History of the Judicial Clerk

By John Paul Jones, Professor Emeritus of Law

The practice of employing a recent law graduate as a clerk in a judge’s chambers originated in Massachusetts in the summer of 1875. Horace Gray, then Chief Justice of the Massachusetts Supreme Court, engaged a Harvard Law graduate as his personal secretary. Notwithstanding the title then employed, the position involved the duties generally performed by judicial clerks today: review and organization of case records, research of applicable precedent, and preparation of memoranda or draft opinions. As support staff were not authorized by the commonwealth, Chief Justice Gray paid his clerk from his own pocket. When he accepted appointment to the United States Supreme Court in 1882, Justice Gray took both the practice of employing a clerk, and the practice of paying his wages, to Washington. The Attorney General of the United States first recommended creation of a paid position in 1885, and Congress created the first Federal judicial clerkships for the Supreme Court in 1886. Five justices filled the position its first year, and all nine had a clerk by 1888. At first, most justices hired law graduates for long-term employment, but Justice Oliver Wendell Holmes (who had followed Justice Gray from the Massachusetts Supreme Court) preserved the tradition of short-term employment which would later prevail for most of the judiciary. While it is only speculation that Horace Gray’s brother, the renowned John Chipman Gray, selected candidates for his brother from his vantage point on the Harvard Law faculty, it is clear that Justice Holmes, and later Justice Brandeis, relied upon then Professor Felix Frankfurter to select their law clerks from each Harvard graduating class.

Law clerks appeared in the chambers of the Supreme Court of California by 1930, and within the next three years began serving jurists of the highest courts of Illinois, New Jersey, New York, Oklahoma, and Pennsylvania as well.

The first judicial clerks in Virginia appeared in 1962, when the General Assembly, acting on recommendations by the Judicial Council of Virginia, the Virginia State Bar, and the Virginia Bar Association, appropriated for the employment of seven law clerks to assist the justices of the Supreme Court. That year, Justices Carrico, Snead, and I’Anson each hired “a graduate of an approved law school who would serve as a research assistant.” John M. Pedigo was Justice Carrico’s first law clerk. The General Assembly authorized a “Research Assistant” (as well as a secretary) for each judge on the Court of Appeals in the legislation creating the Court of Appeals in 1983.

Virginia does not yet furnish its trial court judges with law clerks. At some time prior to 1981, the local governments served by two northern Virginia judicial circuits appropriated funds for circuit court law clerks. By 2007, at least thirteen of the thirty-one state judicial circuits had law clerks furnished by local government. Since at least 1981, the Judicial Council has urged the General Assembly to appropriate funds for circuit court law clerk positions. The General Assembly has so far declined to do so.
What Law Clerks Do for Judges

By John Paul Jones, Professor Emeritus of Law

RESEARCH

The function that defines the role of the law clerk is research. Every law clerk will perform the sorts of research learned in law school to find, in printed or electronic form, cases, statutes, regulations, or scholarly commentary relevant to questions of law. Such questions are most likely to be presented by a particular case before the court, but they can sometimes arise from a judge's request for an answer he expects to be generally useful. Depending upon the context, the law clerk may report the results of such research to the judge orally and informally (as, for example, when supplying a quick answer while the judge waits to rule from the bench). Otherwise, the law clerk may report in writing and formally, in the sort of legal memo with which law school has made the law clerk so familiar. (This is likely to be the form desired when the judge intends the answer for incorporation in an opinion, or for reference in future, similar cases.)

Law libraries co-located with the seats of appellate courts are likely to have good collections and professional staff experienced in negotiating with other libraries to borrow what is not in the collection. On the other hand, law libraries co-located with the seats of trial courts, and law libraries found in chambers, are likely to be very small. The law clerk will likely be the only librarian. When a court or chambers is remotely situated, a great deal of seat-of-the-pants adjudicating used to be necessary. Nowadays, the virtual universality of access to electronic legal data bases like LEXIS and Westlaw brings very large collections of legal materials (not just cases and statutes, but treatises and law reviews as well) within reach of the remotest court. Thus, for law clerks working in remote chambers, electronic research skills are likely to be more important than traditional research in hard copy. Many judges budget funds for additional training of their law clerks in electronic research.

ANALYSIS

Almost as often as law clerks are called upon to conduct research, they are asked to perform analysis of contradictory versions of facts or law. Indeed, the two tasks are rarely distinguished in law school, where facts and issues are artificially limited to those necessary for a specific lesson on a particular legal doctrine. It is very different with real cases. Resolution of a case by a trial judge requires her to make findings of fact before she makes conclusions of law. Disputing parties will have offered contradictory evidence in various forms which must be sorted, compared, and evaluated in order to arrive at the judge's preferred version. The judge's preferred version becomes a finding enunciated in her opinion to justify her ruling. Some courts permit the parties to propose findings of fact; in these courts, the law clerk analyses record facts before endorsing to the judge one among the competing findings offered by counsel. In courts where the parties do not customarily propose findings, it is the law clerk who, after scrutinizing the pleading, transcript, and exhibits, drafts findings for adoption by the judge. Review of the record to establish that the trial court has found accurately the facts upon which its disposition can rest often requires a similar analysis of facts by law clerks in appellate courts.

DRAFTING

All law clerks will draft memoranda for use by their own and other judges. A memorandum for use within chambers is likely to be the briefest and least formal. A memorandum for circulation to other chambers is likely to be longer, and more formal. A law clerk should first make sure she has
understood completely and precisely the subject and purpose of the memo. She should then consult the chambers files for past memos to serve as models. She should adjust her plan for the length and complexity of the finished product to account for the judge’s deadline.

In preparation for a hearing, a law clerk scrutinizes the pleadings and exhibits in order to prepare a clear summary of the relevant facts, and examines the pleadings in order to prepare an evaluation of the legal points and authorities relied upon by each side. The resulting memorandum is commonly called a “bench brief” or “bench memo.” In appellate courts, the judges often divide among their clerks the chore of preparing bench briefs for the cases scheduled each court day and share their work products with the other judges assigned to hear each case.

Some law clerks will draft documents for the record: orders, jury instructions, or opinions; others will not. Among those who draft, some will see much of their draft appear in the judge’s final version; others will recognize but a word or two. For those who are expected to produce a first draft, it is important to realize that the draft belongs not to the clerk but to the judge. If a clerk’s draft serves only as a stimulus for the judge’s own crafting of an instruction or opinion, it has served an adequate purpose.

EDITING

All clerks will edit. They will read drafts produced by their judge, by a party, or even by another law clerk, checking to see that what they contain conforms to the proof and the law. This is more than simply editing for clear communication; it presumes that the clerk has an adequate prior acquaintance with the facts and law to make astute judgments about what has been written. Editing also includes the pedestrian jobs of proofreading, verifying quotations, and correcting citations to the court’s standard or bluebook form as appropriate. When opinions have been chosen for publication, a law clerk proofreads again before transmitting the opinion to the publisher, and again when it appears in advance sheet form. The misplacement of even a comma can prove embarrassing to a judicial author, so meticulous proofreading is expected.

FILING

The clerk of the court is responsible for maintaining the master file for each case formally entered in the court. When that file is in the judge’s chambers, it may be considered on loan from its custodian, the clerk of the court. Judges maintain their own files in their chambers; some of these files may pertain to active cases; others preserve the judge’s collection of important documents in completed cases, or paperwork associated with collateral matters such as judicial council activities, speeches, or court administration. Some judges direct their law clerks, as well as their secretaries, to assist in keeping these files complete and up to date.

Some judges require their law clerks to process incoming mail (usually excepting those items marked “personal” or “confidential”). The advantage of this arrangement is that the law clerk can serve as a filter for inappropriate inquiries or communications which, if made directly to the judge, could jeopardize her appearance of impartiality.

Another kind of mail and filing duty arises from the law clerk’s duty to maintain the chambers library. The task is only burdensome when it has been postponed, and the inserts, updates, and pocket parts have accumulated. The judge and her clerk are both presumed to have read the first prints, in slip opinion or advance sheet, of decisions by other judges of her court and of the courts that bind her. The
law clerk ought to make sure that the judge has seen important decisions among those that arrive in these formats.

**CALENDAR SCHEDULING**

Some law clerks keep their judge’s calendar, scheduling meetings and conferences at the judge’s direction, and, within guidelines set by the judge, rescheduling at the request of parties. Because the law clerk acts in this regard in a representative capacity, his communications with attorneys should be formal, tactful, and discreet. Clerks may also be responsible for handling scheduling for the hiring of the next judicial clerk.

**TAKING NOTES**

The law clerk takes notes at hearings and in chambers meetings where he attends his judge. These notes are for the aid of the judge, as well as the law clerk, enabling them to refer to a source other than an interested party in order to refresh their own recollections of what was said and decided. Often, in order to supplement his own notes taken on the bench, a judge can more conveniently consult his law clerk’s notes than he can replay an audio tape or wait for a written transcript. Chambers meetings are not always recorded verbatim, leaving the judge with only the notes of his clerk as an alternative to the recollections of interested persons.
Judicial Clerkship Opportunities

There are a wide variety of judicial clerkships available to graduating students and alumni. Opportunities exist at both federal and state levels for judicial clerks from a variety of backgrounds. While most clerkships last one year, increasing numbers of judges hire clerks for two-year positions, or career clerkships.

Competitiveness of the application process varies by court and by judge. In 2014, there were 2,394 applications for the eleven clerkship positions in the Fourth Circuit Court of Appeals listed in OSCAR. Throughout the Fourth Circuit, there were 8,453 applications for 54 positions posted in OSCAR—3,458 of those applications applying for 22 clerkship positions in Virginia’s two districts.

Many state courts and judges reported record application numbers as well. With this in mind, it is important for applicants to start the process early, to strategize where to apply, and to submit well-polished materials to a variety of courts and judges.

APPELLATE VS. TRIAL CLERKSHIPS

There are similarities between trial and appellate clerkships: both entail extensive legal research, analysis, and writing. However, the daily responsibilities vary between the two types of courts.

Appellate Court Clerkships – Strong focus on intensive research and writing with less time spent in the courtroom than trial clerks. Typical duties include researching and drafting memoranda on issues raised for appeal, drafting opinions, reading briefs, and attending oral arguments.

Trial Court Clerkships – Time-sensitive and litigation-related tasks are required. Typical responsibilities include researching and drafting trial memoranda, attending oral arguments, writing jury instructions, and performing administrative tasks. Trial court clerks have the opportunity to meet and observe a variety of legal professionals with a weekly schedule of hearing motions.

COURTS WHERE CLERKSHIPS ARE AVAILABLE

FEDERAL

United States Supreme Court – The Chief and Associate Justices may hire up to 37 candidates for these most competitive and prestigious of clerkships. Previous clerkship experience is required, typically in a federal court of appeals. Clerks are hired starting at Federal Judicial Salary Plan (JSP) 11, adjusted for locality. (Supreme Court clerks have received bonuses of up to $250,000 upon joining large law firms.)

Federal Court of Appeals – There are 13 federal courts of appeal: the Federal Circuit, D.C. Circuit, and First through Eleventh Circuits. The federal appellate court that includes Virginia is located in Richmond: the U.S. Court of Appeals for the 4th Circuit, which has fourteen judges: Chief Judge Traxler; Judges Wilkinson, Niemeyer, Motz, King, Gregory, Shedd, Duncan, Agee, Keenan, Wynn, Diaz, Floyd, Thacker and Harris; and Senior Judges Davis and Hamilton. Most federal circuit judges hire three to four clerks for highly competitive and prestigious one-year positions. Many hire only
experienced clerks who have previously clerked for a district court judge. Federal appellate clerkships serve as ideal positions for those who wish to join law faculty or appellate practice. All federal clerks start at JSP 11.

• **Special Note: Staff Attorneys** – Many federal appellate courts hire staff attorneys, who serve as law clerks to all judges on the court. Staff attorneys assist in the screening and pre-oral argument stages of the appellate process. Federal staff attorney openings can be found on OSCAR.

**Federal District Courts** – There are 94 federal district courts serving as the trial-level of the federal court system. Some federal district clerkships are more difficult to attain than others; the application process is especially competitive in D.C., the Southern District of New York, and the Western District of Texas. The U.S. District Court for the Eastern District of Virginia has four divisions: Alexandria, Newport News, Norfolk, and Richmond. The Richmond chambers include those of Judge Hudson, Judge Gibney, Judge Lauck, Senior Judges Spencer and Payne, and Magistrate Judge Novak. Federal district court judges typically hire two to three law clerks, often for very competitive one-year positions (though a trend has emerged toward two-year positions). Clerking for a well-respected federal district judge can positively impact clerks’ careers. Federal district court clerkships are ideal positions for prospective litigators and they can launch clerks to appellate-level clerkships. District court clerkships, magistrate clerkships, and bankruptcy clerkships are all paid at the JSP 11 grade, with locality pay in some locations, including Richmond. NOTE: although federal clerks are required by law to be United States citizens or lawful permanent residents (LPRs) who have applied for citizenship, this requirement is waived for clerks in Puerto Rico and other U.S. territories. There are also some other exempt categories, including 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 describe in 8 U.S.C. § 1408).

**Federal Magistrate Clerkships** – Federal magistrate judges are appointed by federal district court judges and serve eight-year terms. Magistrate judge duties will vary by court, with magistrate judges working to expedite the civil and criminal caseloads. Magistrate judges often hear the same matters heard by federal district judges. Magistrate clerkships are fast-paced positions ideally suited for prospective litigators.

**Federal Bankruptcy Courts** - Each federal district has a bankruptcy court, and judges typically hire one law clerk. There are two federal bankruptcy court judges in the Richmond division of the Eastern District of Virginia: Judge Huennekens and Judge Phillips, who is a University of Richmond School of Law alum. Judge Black, in the Western District of Virginia bankruptcy court in Roanoke, also is an alum. While bankruptcy clerkships obviously are well-suited for those who wish to practice in the areas of bankruptcy or tax, they also provide valuable experience and contacts for those who want to practice commercial and business law.

**Specialized Federal Courts** – Article III and non-Article III judges in specialized courts hire judicial clerks. Specialized federal courts include the U.S. Court of International Trade, U.S. Court of Federal Claims, U.S. Tax Court, U.S. Court of Appeals for the Armed Forces, and U.S. Court of Veterans Appeals. Most specialized federal courts are located in D.C., though the U.S. Court of International Trade is located in New York. The application process for specialized federal courts can be less competitive than that for federal district courts. Evidence of strong interest in the subject matter can give a candidate an edge. Compensation for clerks in specialized courts also starts at Federal JSP 11.

**Administrative Agencies** - Administrative law judges (ALJ’s) at a number of government agencies (including the Environmental Protection Agency, Department of Labor, and International Trade Commission) hire judicial clerks. There are 1,150 ALJ’s employed in 28 administrative agencies.
Applications to ALJ clerkships can be less competitive than those to other federal judges. Clerking with an ALJ is especially valuable if you wish to practice in a field regulated by the agency where you clerk. Further information about administrative law clerkships can be found on the website. Additional information can be found on the U.S. Department of Justice’s Agencies website.

STATE

Highest State Court – A state’s highest court can be called by different names – such as the Supreme Court of Virginia, or the Court of Appeals in D.C., New York, and Maryland. Judges in a state’s highest court usually hire one or two clerks for a term of one to two years. The selection process is highly competitive, but less so than with federal appellate clerkships. Currently, the Supreme Court of Virginia has six active justices (Chief Justice Lemons, and Justices, Goodwyn, Kelsey, McClanahan, Millette, Mims, and Powell). Some Supreme Court of Virginia justices hire judicial clerks during the summer months, while others hire in the fall. Justices’ chambers are not always located in the state capital, and the application process may vary from one justice to another. Clerkships in a state’s highest court are prestigious positions well-suited to those interested in appellate law. Salaries vary by state and range from $30,000 to $63,000.

- Special Note: Staff Attorneys – Many state appellate courts hire staff attorneys, who serve as law clerks to all judges on the court. Staff attorneys assist in the screening and pre-oral argument stages of the appellate process. Virginia state appellate court staff attorney positions are advertised on the Commonwealth’s Virginia Jobs website.

State Intermediate Appellate Courts – Most but not all states have intermediate appellate courts. Intermediate appellate court judges hire one or two clerks for a term of one to two years. The Chief Judge of the Court of Appeals of Virginia is the Honorable Glen A. Huff. The Virginia Court of Appeals has ten additional Judges (Judges Alston, AtLee, Beales, Chafin, Decker, Frank, Huff, Humphreys, Kelsey, McCullough, O’Brien, Petty, and Russell). State appellate court clerkships are great positions for those interested in appellate law, and the application process is often less competitive than for federal clerkships. Salaries vary by state, ranging from $30,000 to $55,000.

State Trial Courts – Many state trial courts (in Virginia, “Circuit Courts”), hire clerks. In some, clerks are assigned to particular judges and, in others, clerks are shared among two or more judges. State clerkships provide unique contacts with the state and local political communities, particularly in states with elected trial judges. State trial courts are fast-paced, with less formality than appellate courts. There is less emphasis on writing and more contact with the public and local practitioners. State trial court clerkships are ideal positions for those who hope to become prosecutors, public defenders, and litigators. Salaries vary by state (and in Virginia by jurisdiction), with a range of $30,000 to $60,000. Not all circuit courts in Virginia hire law clerks.

Specialized State Courts – Many states have specialized courts which handle probate, family, juvenile, or environmental matters. Some specialized state courts hire law clerks. These clerkships provide an opportunity to deepen your understanding of an area of focus, while also networking with professionals in that field.
INTERNATIONAL
There are some opportunities—clerkships and short-term positions—available to law students and graduates with international tribunals and foreign courts. Rarely do these positions pay, however. It may be possible to find funding through the Foundation Center or PSJD.

International Tribunals – Opportunities include trainee programs and internships with the European Court of Justice, the UN’s International Court of Justice, the International Criminal Court, the International Criminal Tribunal for Rwanda, and the World Trade Organization Appellate Body.

National Courts – Opportunities include clerkships, associate positions (often, one year in length), and internships with the Supreme Court of Israel, Constitutional Court of South Africa, and High Court of Australia.

“OFF THE BEATEN PATH” CLERKSHIPS

Many Richmond Law applicants migrate to federal and state appellate and trial courts, especially those located along the East and West coasts. You increase your chances of attaining a clerkship by looking off the beaten path. Here are a few clerkship options to consider:

Administrative Law Judges
Judges Who Sit in National Parks
Judges Who Sit in U.S. Territories
Judges Who Sit in Less Populated Areas (e.g., North Dakota)
Judges with Senior Status
International Tribunal and Foreign Courts
Native American Tribal Courts
Federal Specialty Courts
Judicial Internships and Externships vs. Clerkships

What is an intern/externship and how is it different from a clerkship?

Although a judicial internship or externship involves working in a judge’s chambers, it differs from a clerkship in several ways. An externship is generally a volunteer position and can be eligible for course credit. Judicial externships are performed while still a student, during the school year, and internships during the summer. A clerkship is a post-graduate, paid position. Interns and externs perform duties very similar to that of judicial clerks, including: legal research, preparing memoranda and drafting orders, writing draft opinions and stipulations, assembling documents and reviewing motions, memoranda, briefs, and other documents submitted to the court.

Judicial externships for course credit can be obtained through applying to the Clinical Placement Program, which is available to second- and third-year students. Volunteer internships and externships, available to all law students not for credit, can be obtained by individually applying to a judge’s chambers. Contact the CDO to learn how to find out the specifics for applying to judges.

ADVANTAGES

The advantages of judicial internships or externships are almost the same as the advantages of a clerkship: the opportunity to work closely with a judge and receive insights into the judicial system. They can also offer a nice boost to your resume. A summer judicial internship provides a student with practical legal experience to add to the resume and boost their qualifications. Another big advantage of is that it can be a springboard to a post-graduate clerkship, particularly if your grades are not as competitive as you would like. Judges will often hire clerks who previously worked for a judge; however, some judges make it a rule to not hire their own interns/externs as clerks. If you are very interested in clerking for a judge after graduation, and you do not want to foreclose the opportunity, inquire with the judge about his or her policies before accepting an externship or internship. Another advantage is having a judge that may be willing to help you through the clerkship application process by serving as a reference.
Planning and Application Process

Preparing for a Clerkship

Preparation for a judicial clerkship requires advanced planning and can begin as early as your first year of law school. There are a few things that you can begin to work on quite early in law school to ensure that you are properly prepared when the time comes to apply. Here are some suggestions of what you can be doing NOW, or what you might need to catch up on, depending on which stage of law school in which you find yourself.

TIPS FOR FIRST-YEAR STUDENTS

• Focus on your academic performance. If your first semester did not turn out as you had hoped, work hard in future semesters to improve your GPA. Make grades and performance your first priority. However, it is not just the top performers in each class who secure clerkships.

• Start cultivating relationships with faculty, adjunct faculty, and legal supervisors who can serve as recommenders. Recommenders should be able to speak highly of your research and writing skills, as well as your character and fitness. Take the time to visit your faculty during their office hours to ask questions. Seek opportunities to function as a faculty research assistant. Get to know your supervisor at work. Talk to faculty members at the end of spring semester about your clerkship plans, and see the clerkship advisor before you leave campus for your 1L summer job.

• Polish your writing skills through journal experience and publication. Give the journal competition your very best effort. Participate in national writing competitions. Try to get your upper-level writing requirement completed during your second year. Strive to create a polished writing sample.

• Participate in Moot Court programs and assume leadership roles in organizations.

• Consider applying for a judicial internship, or a judicial externship through the Clinical Placement Program. Judges look highly on an applicant with previous court experience.

• Take every opportunity to meet judges – attend campus events with judges, bar events, and conferences or seminars where judges will speak. Introduce yourself.

• Discuss your judicial clerkship aspirations with alumni, faculty, and acquaintances – your best advice may come from those who clerked with judges or who know judges.

• Remain open-minded in your clerkship search, considering courts and geographic regions of all types.

• Attend CDO programs related to judicial clerkships, cover letter and resume preparation, and interviewing and networking skills.

• Before fall semester of your 2L year, you will be able to create an OSCAR account.
How to Choose Judges for Applications

By John Paul Jones, Professor of Law

Here, I offer one answer, or set of answers, with the qualification that this set is but one of many, and may not be optimal in your particular circumstances.

First, assess your marketability. At this stage, marketability is measured by resort to rather narrow criteria, those used in most chambers to choose among many applications the few to which an interview can be offered, given the time a judge can set aside during the brief season of law clerk hiring.

The most marketable candidate offers the best evidence of skill in research, analysis, and writing. For most judges, law school grades are relevant evidence of these competences, so marketability varies directly with GPA and class standing. Most judges also consider relevant what John Douglass calls “a journal experience.” A journal experience can be either membership on the staff of a law review or publication in a law review. If you are one of the top ten in the class, and on the flagship journal, you are as marketable as your law school's reputation permits. If you are not, then your marketability is less.

Anybody in the top 20 percent here at Richmond, active on any of our journals or successful in moot court, is competitive for a federal clerkship. If you are nearer the top of that group, you probably still have a reasonable chance, even without the journal or moot court experience; if you are near the bottom of that group, those experiences are more important, and without them your chances are lower, but certainly not nil.

At any level of marketability, your chances increase or decrease depending on the degree to which you are geographically challenged. If a particular location is more important than career success, your chances are reduced to the number of clerkship vacancies in the court at that location, divided by the number of those applying. Greg Golden, U.S. District Judge Merhige’s last law clerk, told those assembled for the 1998 Judicial Clerkship program sponsored by the Career Services Office, that "Harvard Law School graduates will go anywhere for a federal clerkship." John Douglass, a top Harvard Law graduate with experience on Harvard's flagship journal, admitted to applying to a number of federal judges around the country, and clerked in Baltimore, a city with which he had no previous tie. If those at Harvard are willing to relocate from the attractive environs of Cambridge and Boston, they must know something about the value of a federal clerkship, something they’ve learned from credible and trustworthy advisors.

Besides the performance factors generally relied upon by federal judges for the first phase of the selection process, you may have other traits or characteristics of interest to particular judges. Senior Judge Wallace of the U.S. Court of Appeals for the Ninth Circuit is a devout Mormon and favors graduates of the law schools of Brigham Young University and the University of Utah. Most judges have a soft spot for the graduates of the law schools from which they came. Judge Stamp of the U.S. District Court for the Northern District of West Virginia has certainly exhibited a willingness to hire grads from Richmond. Only a relatively few students from Richmond have ever applied to our other graduate on the Federal bench, Judge Schlesinger of the U.S. District Court for the Middle District of Florida, so it is hard to say whether he, too, would favor applicants from his law school, but I have no reason to believe he would act atypically.

As you research judges, you might find that you share a college or university, a fraternity or sorority,
or a particular experience, like participation in a varsity sport or military service. Among those who have excelled in school while competing athletically, there is clearly a sympathetic bond. Among those who have served in an elite military unit, there is a similar attachment. Some federal judges maintain close ties with their ethnic group. Perhaps you and a federal judge have both been law enforcement officers, or offshore racers. Perhaps you have mutual acquaintances. If you’ve impressed your law professors, they might have special connections with particular judges for whom they themselves once clerked or with whom they have worked on committees.

Now look at the other side of the equation. Some courts and judges attract much more attention than do others, so that competition is greater for some clerkships than for others. Most law clerks serving justices in the U.S. Supreme Court have already served as a law clerk for a judge on a U.S. Court of Appeals. A few come directly from the elite among law schools, with sterling credentials and strong recommendations from former clerks and professors. The U.S. Supreme Court is the toughest market to crack, and a graduate from Richmond Law hasn’t yet. For it to happen, a very successful Richmond student would have to serve first as a clerk to one of the judges on a court of appeals to whom a justice routinely turns for his or her clerks.

Some judges on the U.S. Courts of Appeals hire only those who have clerked before, but this practice is far less prevalent than it is on the U.S. Supreme Court. The prestige of a federal appellate clerkship attracts the most applicants, so most of these go to those at the elite schools with sterling credentials and strong recommendations from former clerks and professors. Remember that law students from Stanford, Yale, and Harvard will go anywhere to get a federal clerkship, so that they can be found clerking in Fargo, N.D., Abingdon, Va., and Reno, Nevada. By the same token, because many students are, or imagine themselves to be, geographically challenged, re-location reduces competition, and some federal appellate clerkships are within the reach of some of you. Rita Poindexter, L’00, worked after graduation for Chief Judge Arnold of the U.S. Court of Appeals for the Eighth Circuit. While the Fourth Circuit’s judges are most likely to know something about Richmond alums, because more of our graduates practice in this circuit, and its headquarters is located in our backyard, the Fourth Circuit is also home to a disproportionate number of the top law schools in the country. Thus, the disadvantage of applying to a distant circuit court may be more illusory than real. At least when I was in his chambers as a humble extern, Judge Wallace of the Ninth Circuit declined to interview any applicants but those from the top ten percent at the top ten law schools who had a journal experience (and the top students from BYU or Utah). Judge Wallace’s chambers are in San Diego, and he attracted 600+ applications each year. I have a hard time believing that Judge Christen, whose chambers are in Anchorage, or Judge Thomas, whose chambers are in Billings, face the same avalanche of applications each year.

Having said all this, I suppose that I still believe that only the top ten from your class have a realistic chance of winning an interview this spring with any judge on a federal court of appeals, without some personal connection. Those of you who clerk for a federal district judge immediately after graduation, however, may well have a shot at an appellate clerkship afterward.

The biggest federal market is that of the district judges, each of whom may hire two clerks each year. Everything I’ve said about credentials, connections, and geographic flexibility applies here as well. Some federal district court judges attract more applications, including more from the elite schools, than do some federal appellate judges. When John Douglass and I both sought clerkships in 1980, District Judge Gerhard Gisell attracted many applications because he had recently presided over Watergate-related cases in the district court for the District of Columbia. I would imagine that, more recently, District Judge Thomas Penfield Jackson attracted similar attention, given his role in the Microsoft antitrust case.
There are plenty of federal judicial districts in which there are no law schools situated, so that all of the law clerks have to come from somewhere else. Other districts are located in states with only one or two law schools, without much academic reputation. The absence of a home-field advantage in such districts is therefore an advantage for you.

Judges have judicial careers and make for themselves judicial reputations. The most attractive are those with excellent reputations, especially those still actively trying cases or hearing appeals. Some senior judges carry full case loads; others are in the twilight of their careers, now physically unable to carry a full load any more. Newly appointed judges have yet to acquire a reputation, except that which lingers from an unpleasant confirmation process. Clerking for a rookie judge is an investment of one’s contributions in the first critical years of that judge’s tenure, a sort of joint venture, with the expectation that the judge will grow in power and prestige. A judge’s first law clerks enjoy a special status thereafter. Rookie judges are the least likely to depend on narrow pipelines or referral networks for their clerks.

All judges have the capacity to advance the post-clerkship careers of the law clerks with whom they are satisfied. Some judges intervene more directly than others; the reputations of some judges are enough to aid their protégés, without the judge’s active involvement. What sort of lawyering you want to do after the clerkship (or at least now suspect you might) ought to make some judges more attractive than others. If you want to try cases as a federal prosecutor, a judge who is a former federal prosecutor ought to be of more help to your post-clerking career than a judge who was formerly a medical malpractice litigator. If you want to practice in a law firm with global aspirations, then a judge who used to be a partner in that firm ought to smooth your employment there more than any other judge could. These are but examples of a general proposition embracing all sorts of legal careers.

While the federal district courts have a common subject matter jurisdiction, some are going to hear more of one sort of case than others. The law clerks who work for the district courts in Norfolk, New Orleans, or Jacksonville are much more likely to hear admiralty cases than are those who work in the district courts in Abington, Boise, or Columbia, S.C. If you want to be a federal prosecutor, go where crimes are tried in federal courts. (In the Eastern District of Virginia, for example, Project Exile has made “guns and drugs a tradition.”) The same sort of advice should work for those with an interest in immigration law, environmental enforcement, tax, patent, securities, or construction law.

There are a few specialized federal courts: the Court of Federal Claims, the Tax Court, the Court of International Trade, the Court of Appeals for the Federal Circuit, and the Court of Veterans Appeals. The Court of Federal Claims hears cases from all over the country in which contract claims are asserted against the federal government, whether by corporate government contractors like General Dynamics or IDS, or by government employees. It has an important Indian treaty jurisdiction. The Court of International Trade hears cases arising under multi- and bi-lateral trade agreements. The Court of Appeals for the Federal Circuit hears appeals from the Patent Office and from the Court of Federal Claims. The names of the others give at least a hint of their jurisdictions. We have had good connections with the Court of Federal Claims, where I clerked many years ago and where Senior Judge Loren Smith, a friend and collaborator of Professor Wolf (a member of our faculty for many years who is now at Florida State), used to be the Chief Judge. A clerkship there offers employment futures not only in the area of federal government contract law, but also with large full-service law firms in which such a department is commonplace, and with other federal agencies like Justice, the SEC or FTC. It is most likely to lead to a career based in D.C., but not necessarily.

Clerkships with magistrate judges are generally viewed as less prestigious than clerkships with judges in the district courts by whom they are directed. On the other hand, some magistrate judges have excellent reputations and disproportionate influence. One holds court in the Grand Canyon. A
clerkship with a magistrate judge may be the answer for those of you who are committed to a clerkship in a geographically attractive, and therefore competitive, district.

Everything I have said about the influence a judge can have on your post-clerking career is true for magistrate judges as well. Before you apply to one of them, familiarize yourself with the subject matter jurisdiction of a federal magistrate judge.

Clerkships with **bankruptcy courts** are generally viewed as less prestigious than clerkships with the district courts with which they are associated. Unlike district court judges and magistrate judges, bankruptcy judges hear no criminal cases. That bankruptcy courts entertain only actions in bankruptcy means that they proceed by different procedure than the Federal Rules of Civil Procedure, but bankruptcy cases involve a very wide range of commercial and contractual affairs, so that clerking in a bankruptcy court offers very fine preparation for a career in commercial law or business law, especially one concentrating in commercial and business litigation.

Some federal district courts have judicial clerks who deal with prisoner litigation and other cases brought by pro se plaintiffs. **Pro se clerks** are most likely to be found in those courts in districts in which federal prisons are located. One judge of the district court takes on the pro se clerk as his or her assistant. These clerkships, because they do not deal with civil cases or with high profile criminal prosecutions, are often regarded as less desirable by many students, although they deal with civil rights issues, often of constitutional dimension. Nevertheless, they offer the same benefits, tangible and otherwise, as do other federal clerkships.

Can you see how you can assign yourself a **composite attractiveness value** based on your credentials and connections, and then assign composite values to judges based on connections, court level, geography, and types of cases?

Based on all this, I suggest a plan:

- **Consult OSCAR (The Online System for Clerkship Application & Review)** to discover what judges will be buying when you will enter the market selling.

- **Browse the books** which give background information on federal judges, looking for connections of the sort I’ve described, the diversity of their cases, and their geographic locations.

- Based on your estimate of your own marketability, **focus your search** on a tier of courts and pick twenty judges you find attractive and think you can make a connection with.

- Go to the higher tiers and pick five more; go to the lower tiers and pick five more. You’ve now got a **list of thirty**, including five long shots and five sure things.

- **Focus on those thirty**, collecting what information you can in the library, the CDO, and online. After initial research, you may find half a dozen should be replaced or abandoned. When you have a manageable list of good prospects, it will be time to make some phone calls. After the phone calls, it will be time to plan the process by which you prepare and submit your applications.
Finding the Right Clerkship for You

It is important that you meet a court’s **hiring criteria** before you apply for a judicial clerkship. You need to analyze your own long-range career goals as well as the strength of your application to determine which clerkship is best for you. Please refer to the **Judicial Clerkship Opportunities** section to familiarize yourself with the wide range of available clerkships.

You will find comprehensive listings of federal judges and federal clerkship openings on **OSCAR**. State courts and clerkship application procedures can be found through the **Guide to State Judicial Clerkships** (Contact the CDO for login credentials).

Consult the Career Development Office and your faculty as you strategize where to apply. The **Research Sources** at the end of this handbook provide additional information to assist you in selecting the courts and judges to whom you should apply.

**SPECIFICS ABOUT THE JUDGE**

After you have decided the courts to which you will apply, seek specific information about specific judges to refine your application list. Here are a few questions to ponder as you create your list:

- Do you and the judge share political viewpoints? (Some judges prefer to hire clerks with opposing viewpoints, for challenge and balance, but it’s good to know where she/he stands.)
- How recently was the judge appointed?
- Do you have a plausible connection to or interest in the judge’s geographical location?
- What kind of law did the judge practice before being appointed to the bench?
- What kinds of cases does the court tend to hear?

Finding the answers to these questions will require time, but is not too difficult. Lexis/Nexis and Westlaw can be valuable tools in researching judges, as is the **Leadership Directory**, available through Richmond’s **Muse Law Library website** (accessible only from the University of Richmond network or when logged into the VPN).
Contents of the Application

Your applications will generally include a cover letter, resume, transcript, writing sample, and at least two, and often three, letters of recommendation. **Everything must be impeccably proofread!** With so many high-quality applicants, typos and other small mistakes can automatically result in your application going in the trash. One judge indicated that *approximately 30% of all applications he receives are tossed away* because of errors, including typos, mistakes in the judge’s title (“justice” instead of “judge,” for instance), inappropriate abbreviations and incorrect naming of the court. Judges seek clerks with strong research and writing skills. *Everything in your application packet (including your resume and cover letter) is considered a writing sample.*

**RESUME**

Make an appointment the beginning of your 2L year (preferably before you leave campus for your first summer job) to go over your resume with the CDO judicial clerkship advisor. It is important to emphasize the research and writing experience that you have gained in law school and your legal work experience. Keep the resume to one page, and be sure it is concise and clear. Remember that some older judges may have difficulty reading a resume with a particularly small font size. Your career advisor can help you format and edit your resume to keep it to one page without being unreadable or overly crowded.

**COVER LETTER**

Cover letters should emphasize your interest in a judicial clerkship, and clerking in the particular court or with the particular judge to whom you are applying. Be specific about the term for which you are applying, as some judges may be interviewing for two different terms at the same time. Also emphasize the skills you have obtained in law school that pertain to the qualifications of a judicial clerk, namely research and writing skills, journal experience, academic performance, or previous judicial intern experience.

Two common mistakes that students make on cover letters are making them too lengthy or too generic. Do your best to customize each letter for each judge. For this reason, we recommend that you do not use the online editor feature on OSCAR. Judges are very interested in knowing whether you sincerely want to work for them or if they are just one employer on a long list. If you have properly researched the judge before applying, tailoring your cover letter to the judge should be much simpler. Address your interest in clerking in the specific court, which might include interest in the subject matter, or decisions of the specific judge. This extra effort sends a message that you have done your research, and that your interest is sincere and deliberate. Remember that your cover letter is a writing sample and is also a demonstration of your research skills. It must be polished, concise, customized, and engaging. Please refer to the guidelines for “How to Address Justices and Judges in Correspondence,” as well as the sample cover letter, included in the Appendix of this publication.

**TRANSCRIPT**

A transcript should be included in every judicial clerkship application that you send. If your application submission is via OSCAR, you will enter your grades via an online form (accessible from the “My Documents” tab). OSCAR provides three different types of grade sheets: law school, undergraduate school, and other (typically used for advanced degrees). You can create up to two law school sheets (appropriate for transfer students), and three “other” sheets. You can update your grade sheet when you have new grades to add. For additional information, please see the Applicant User Guide available on OSCAR.
If your application will be mailed, you should include an official copy of your transcript. You should request official transcripts from the campus registrar’s office. The Registrar’s Office requires up to five business days to provide more than ten transcripts. You may view the Registrar’s Official Transcript Policy online. The Transcript Request Form can be accessed online, but it must be signed and faxed, mailed, or dropped off in person. Please note that there is no charge for receiving up to 80 copies of your transcript. If you request more than 80 transcripts for clerkship applications, the CDO can request a fee waiver on your behalf. Remember to order official transcripts early.

**WRITING SAMPLE**

Your writing sample must reflect your very best writing efforts. The best writing sample is one that a judge is likely to start AND finish. Judges may have a length restriction: check listings in OSCAR or the CDO’s judge lists. If you have several writing samples to choose from, select the one that reflects your very best writing. Be sure that the sample illustrates your analytical abilities and has been edited entirely by you. You may ask that your writing samples be reviewed by the legal writing faculty. If you are using something you have written for an employer, get permission, and redact client names. Use a cover sheet to explain what the piece was written for, that you have any necessary permissions, and if you have shortened it from its original length.

**LETTERS OF RECOMMENDATION**

Judges will require two or three letters of recommendation as a part of your application. These letters help a judge to distinguish among many qualified applicants. At least one letter should be from a law school professor.

The best letters of recommendation are written by individuals with personal experience as a judicial clerk and with personal knowledge of your skills in legal research, analysis, and writing. You also want your letters to inform the judge about your diligence, integrity, and your work relationships with others. Be sure to ask faculty members or supervising attorneys who can attest to these qualities to serve as your recommenders. Keep in mind that asking a faculty member to write a letter for you simply because you got a good grade in his/her class does not necessarily mean that he or she will write you a strong letter. It is better to identify a faculty member who knows you well enough to attest to the attributes and experience stated above. Make use of opportunities to participate in class discussions, visit professors during office hours, or serve as a research assistant, so that faculty recommenders know enough about you to write something meaningful.

**Guidelines for Approaching Faculty Recommenders**

When you are ready to approach a recommender, you should provide him or her with a copy of your resume, your grade list, and a short narrative of any additional information that might be pertinent and useful, including your experience prior to law school, why you decided to attend law school, why you want to clerk, and your future plans.

Faculty members generally have experience writing letters of recommendation for students and should be well versed in the law school’s process. However, they may not, so it is vital that you have a good understanding of the system. Below is the basic procedure for faculty recommendation letters. For specific dates, see the Application Timeline on the clerkship website.

**Procedure for Faculty Recommendation Letters**

1. Ask faculty if they would be willing to write letters for you. Submit a FERPA waiver form to the CDO for each faculty member who agrees to recommend you.
2. Faculty will draft letters and submit them to the CDO.

3. Once you have created applications in OSCAR, submit properly-formatted spreadsheets to the CDO for mail-merging letters as you apply to available clerkships. See sample on the Richmond Law clerkship page. You can easily export your spreadsheet from the clerkships module in Symplicity.

4. The CDO will format and mail-merge letters and upload them to OSCAR in accordance with your applications and spreadsheets. Printed letters will be held in the CDO for you to pick up for inclusion in application packets.

5. Students must “Finalize” each OSCAR application so that judges will receive the applications. If there is an impending deadline, students may “finalized” the application before the letters are attached to the application, and the judge will be notified that letters are pending, and again when letters are available. But, it is preferable to finalize after letters are attached so that the judge receives a complete application.

Guidelines for Approaching Non-Faculty Recommenders

Most likely, your non-faculty recommender has written few letters of recommendation for judicial clerkships. It is your responsibility to be very clear as to what it will take in order to complete your request. You need to be very up-front about the number of applications that you plan to send, the fact that some of the judges may accept application letters only through OSCAR, and your application timeframe.

IMPORTANT NOTE: When you ask a non-faculty recommender, it is important that you communicate the amount of work that you are asking of him or her. Some non-faculty recommenders are familiar with OSCAR. For others, talk to the CDO. The CDO cannot produce paper letters for non-faculty recommenders, but we can occasionally provide assistance to non-faculty recommenders unfamiliar with OSCAR.

Rules on Asking Judges to Act as Recommenders

The canon of judicial ethics does not restrict a judge from writing a letter of recommendation, but it does require that a judge take necessary steps to not lend the prestige of his or her office to advance private interests. Some judges will not write letters, but may still be willing to serve as a reference. Each judge has his or her own policy on recommendations.
Interviewing with a Judge

Goals of the Interview:
If you are offered an interview, you know that you have the qualities—on paper—that the judge is seeking. At the interview, the judge is looking for “fit.” A law clerk (sometimes referred to as an “elbow clerk”) works extremely closely with a small group of people: the judge; the judge’s assistant; one or two other clerks; perhaps a court reporter or bailiff. The judge wants to know that you will be a good addition to this tightly-knit working group. Look for previous applicants’ interview summaries on our website (and in Symplicity).

While a few judges pose legal questions in interviews, or require applicants to perform a writing exercise, most judges ask “getting to know you” questions, to try to get a sense of your personality and work style. This is your chance to present yourself as someone who can not only do the work required but is someone the judge would want to have in his or her chambers for a term.

Qualities Judges Seek
• Legal analysis: while this should be clear from your application materials before the interview, some judges may pose hypotheticals to assess your analytical abilities, or because that is part of their process when preparing to draft opinions.
• Journal experience: be prepared to discuss your role on your journal, and what you have written. If published, be sure you know the subject you wrote about thoroughly! Be prepared to discuss pieces you have worked on/edited.
• Legal writing ability: re-read your writing sample—be prepared to explain the topic and demonstrate a sophisticated understanding of the issues.
• Prudent and thoughtful judgment: when asked about something, be measured in your response and demonstrate your awareness that there are arguments on both sides.
• Professional demeanor and comportment: you may need to interact with attorneys, other court personnel, and members of the public.
• Composure: district courts are a formal, but high-pressure environment, so judges seek those who can handle the workload and stress.
• Work ethic: judges will expect that you would work late or over a weekend if there is a deadline.
• Discretion: You may be working on cases involving sensitive information.
• Humility: it is better to be direct and say you do not know something, than to bluff your way through it.

Before the interview
• Make sure your outgoing voicemail message sounds professional (and references your full name, so that when the clerk or assistant calls to schedule the interview, they know they have reached the right person). If you are not in a place where you can comfortably speak or check your calendar, let your calls go to voicemail, but do call back immediately to schedule the interview.
• Research the district, the court, and the judge—again. Make sure you are aware of any pending or recently-decided litigation in that court, that district, and that circuit, as well as any new U.S. Supreme Court cases. If you are interviewing in a different district than the one in which you live, make sure you are up on pending cases in your district—the judge may have questions about your district!
• Seek guidance from the clerkship advisor and from faculty recommenders. They may know the judge, or be able to connect you with current or former clerks who can help you prepare.
• Review our clerkship interview summaries (on the website, and in Symplicity’s Clerkship section). There are summaries for many judges in Virginia especially, but even if there is not one for the judge with whom you are interviewing, you may get a sense of how many clerkship interviews are
Self-presentation
• Avoid informality: wear conservative attire, including pantyhose with a skirt suit for women. Get feedback on your outfit before the interview. Check your hair and teeth before you enter the interview.
• Good interpersonal skills are important, so speak with respect to all courthouse personnel.
• Take a deep breath, stretch and loosen your shoulders before the interview (before entering) so you can appear confident (but not arrogant!)
• It is best to not bring your phone in to the interview – but, if you do, make sure it is turned off.
• Try to answer questions fully but succinctly.

General Points
• Know your motivation for being a clerk: the judge will want to know why you want the position. Be able to speak both generally about clerking and specifically about that court.
• Geography: the judge wants to understand your commitment to living in a particular geographic location, particularly if it is somewhere remote (not where you are from, or where you went to law school). Know something about the kinds of cases that court hears, and be able to articulate something particular about the location, and about the judge; i.e., opinions, expertise.
• Other interviews: the judge may ask where else you have applied, or interviewed. You should answer honestly, but minimally – do not comment about other judges.
• The judge will expect you to ask questions: ask those that demonstrate your research, and your willingness to do the tasks expected: i.e., questions regarding what types of cases are handled in that court, or how much writing you will be able to do. Some examples:
  - What is the most important quality you look for in your clerks?
  - Do you require that clerks take the bar exam before the clerkship begins? Does it matter which state’s exam?
  - This is a two-year clerkship: how will my role change in the second year?
  - What are your expectations of your clerk in the first week or first month?

Meeting with current clerks and assistants
• This is still an interview; conduct it formally.
• They will report back to the judge about you.
• Have questions prepared for the clerks (e.g., what will be expected of a new clerk? What is your favorite part of the position? Do you have frequent opportunity to observe court proceedings?)

After the interview
• Send a formal thank you note to the judge, each clerk, and the judicial assistant after the interview.
• If the judge’s decision will be made quickly, it is okay to email your thanks to the clerks and assistant – as well as sending a formal note – but never email the judge.
• Be prepared: you may be offered the position in the next day or two after the interview (or even on the spot!), so know what your answer will be. Respond quickly.
• If you are offered the position, you should accept, unless you think you would really not be able to work in that court for the length of the term. If you have other interviews scheduled, it is better to accept immediately and cancel the other interviews, rather than attempt to pick the “best” clerkship.
• Once you accept the clerkship, contact all the judges with whom you have outstanding applications to withdraw yourself from consideration. It is an expected courtesy, and since you may appear in front of that judge one day, you will want to be on good terms.
Etiquette of Accepting a Judicial Clerkship

Federal judges and many judges of state courts of last resort are offended if you do not accept an offer immediately. Unlike other legal employers, judges will not let you hold their offer while you wait for a better one. You should be prepared at the time of the interview to accept the judge’s offer of a clerkship. If you are not, then withdraw your application (some judges may make offers at the interview). Many judges will make an offer to you by telephone within a day or two after your interview. If you do not withdraw your application shortly after an interview, the judge will assume your willingness to accept the position if offered.

Once you have accepted a clerkship offer, be sure to notify the other judges with whom you have interviewed or have scheduled interviews that you have accepted another offer. Withdraw any pending applications in OSCAR.

Let your faculty recommenders and the CDO know of your acceptance.
I am a 2007 University of Richmond School of Law graduate currently halfway through my one-year clerkship with Justice Cynthia Kinser of the Virginia Supreme Court. I started my clerkship a few weeks after taking the Virginia bar, so I went to work the first week with my brain crammed full of Virginia law. Yet I had no idea how that law would apply to the real world or – scarier yet – to my job as a law clerk. Following a brief in-chambers training and two days of training in Richmond, all the new clerks were baptized by fire, participating in writ panels and, one week later, experiencing the exhilaration that is court week.

My clerkship experience has been wonderful – and unique in a few ways.

First, justices on the Supreme Court of Virginia can live anywhere in the state (something I didn’t know when I applied!) and only two of the current justices – Chief Justice Hassell and Justice Lemons – work full-time in Richmond. Justice Keenan works from Arlington, Justices Agee and Koonz have offices in Salem, Justice Goodwyn is in Chesapeake, and Justice Kinser has an office in her hometown of Pennington Gap, Virginia. Pennington Gap is in the far southwest tip of Virginia – a 6 hour drive from Richmond (when traffic on 81 is not too bad). Instead of working in a courthouse, as most law clerks do, we have an office in what should be a strip mall but PG is rural and there is nothing resembling a mall here – you have to drive to Kentucky for that! Our office consists of an amazing (helpful, resourceful, and intelligent) secretary, offices for two full-time law clerks, and an office for Justice Kinser. It’s a pretty quiet place, but we manage to have fun and often eat lunch together at the conference table. The best part is that Justice Kinser keeps her office door open and always has time to answer questions or help you determine how to present a particular analysis of an argument. Justice Kinser is brilliant – while never making others feel unintelligent (though I am sure that many of the questions I have asked her, particularly as I was getting started, were just that!). When in PG, my day is truly an 8:30 to 5 job, much more-so than I expected. During writ panels and court week, it starts closer to 8 am and runs until 6 or 7 pm, depending upon how many cases are being heard, if there are last minute issues to research, if court runs late, etc.

Second, I clerk for an appellate court, so I have no interaction with attorneys. The job is mostly reading and writing. Luckily, I find appellate work enthralling – in large part because to get to see the case from every level. When the record for an appeal is before you, you have the original pleadings, evidence, opinions from trial court and sometimes Court of Appeals judges, briefs of appellants and appellees, and (often massive) joint appendices. I was worried I would not learn how to be a good trial attorney by working at the appellate level, but through reading dozens of transcripts, I have observed what works and what you really should avoid (including interrupting the trial judge; they really do not like that!). I have also observed oral arguments both for writ panels (where three judge panels decide which cases to grant) and when court is in session.

The Supreme Court runs on a seven-week schedule, with writ panels on the Wednesday of the fifth week and court week lasting the whole seventh week. That gives my co-clerk and me about two weeks to research and edit opinions (remember: you do not write opinions – your judge or justice does!); one week to write two writ memos; one week to finish editing opinions, help with concurrences or dissents, and begin researching bench memos for the upcoming cases; and one week to write as many bench
memos as necessary/possible. There is never a shortage of work, but the assignments seem to ebb and flow between leisurely paced reading, analysis, and writing to crunch-time case printing/cite checking/memo writing/eat-your-lunch-while-you-finish-a-memo-to-send-to-all-the-justices-before-they-have-a-bench-conference moments.

The most influential role of a clerk for the Supreme Court of Virginia is played in the writ panel process. Each clerk prepares two cases for each session, putting together a ten-page summary of the facts, assignments of error, legal analysis of the petitioner and respondent as to why the case should or should not be heard by all the justices (either it is a case of first impression for this Court, the trial court or Court of Appeals erred, or there is a split among the jurisdictions). At the end of the memo, you add any legal arguments or case law that the parties neglected in their petitions and present your own analysis of why each assignment of error should or should not be granted. Impressively, the justices give thoughtful consideration to your arguments and opinions. At the Wednesday afternoon writ panels, you actually get to “hand up” your case to the three-justice panel and hear the petitioner’s 15-minute argument as to why their case should be granted. It’s amazing to listen to a case that you know all the intricacies of – and pretty marvelous to hear the justices’ questions. I especially love when Justice Kinser asks a question based on suggestions in my memo or discussions we have had about the case. She, like the other justices on the court, values the opinions of her law clerks and wants them to be part of the processes of the court – even if she disagrees on what the outcome of a case should be.

Court week is pretty much writ panels to the nth degree. It includes everything enjoyable about writ panels, from diving into a case and really learning the facts and law to analyzing the positions of the appellants and appellees. My fondest memory of this job was during my first court week, after working really hard with my co-clerk on a case that was set to be written by Justice Kinser. The oral argument was persuasive on both sides and the justices all had questions at every turn. Following opinion conference, I was anxious to find out what the justices had decided but I did not know how or when we would be told and had spent the whole afternoon wondering. As soon as she came back to the office, I asked Justice Kinser how it had gone. She invited my co-clerk and me to grab chairs in her office to talk about it. Then, instead of telling us how they had decided she said “so, Trish, what do you think the outcome is?” I briefly explained the arguments at trial that I found persuasive, those that I thought were not-so-good, what cases I found reliable, finally, and what I presumed the justices had decided. She laughed and said they had – unanimously – decided the exact opposite. More intrigued than embarrassed, although feeling a tad bit foolish, I sat and listened to what the justices had reasoned and why. It was the why of their decision that got me – and continues to do so. Whether it’s a procedural issue, a unique presentation of the facts, or the establishment of precedent that will impact the law throughout the state, the “why” is the crux of what matters to all of the justices and all of the law clerks. And that is the reason you should be a law clerk – to be able to look at the law through the eyes of a judge; to learn how to write pointedly and persuasively to best support your clients cause; and to really understand what our legal system is all about.

My clerkship has been an invaluable experience and I encourage all law students to consider pursuing one. I boldly – and naively – sent out more applications than most of my peers combined (to which I was profusely apologetic to my faculty recommenders and grateful to the CDO for their immense assistance!). The Supreme Court of Virginia was on the bottom of my list, because I did not think I had a prayer of clerking for a Justice. I am glad I wasted some money on stamps, envelopes… and paper, ink, and labels… this has truly been a “dream job” experience and one I will not ever forget.
I knew early in my law school career that I wanted to clerk at the federal level. Having this career goal in mind, I strove to establish myself as a strong candidate through academic performance, journal membership, summer work experiences, judicial clinic participation, and extracurricular activities. After applying for clerkships during my third year of law school, I was fortunate to have been selected to serve as law clerk to United States District Judge Rebecca Beach Smith of the Eastern District of Virginia, Norfolk Division, for the 2006-2007 term, and to United States Circuit Judge Edith Brown Clement of the Court of Appeals for the Fifth Circuit, in New Orleans, for the 2007-2008 term. Based on my experiences in both applying and serving as a law clerk, I hope to provide you with some insight into the position and strategies to help prepare your application.

MY EXPERIENCE

Although I have only completed half of my federal trial court clerkship, I have already had an extremely rewarding experience. The following list provides a synopsis of my job responsibilities and explains what I enjoy most about my clerkship:

- **Research and Writing**: My primary job responsibilities are conducting legal research and drafting bench memoranda and proposed opinions. Thus far, I have helped the judge with twelve civil opinions, many of which have been selected for publication in the Federal Supplement Second Series and on Westlaw and LexisNexis. In addition, I have drafted bench memoranda on a variety of issues, both for civil motions and criminal sentencing hearings. The issues vary greatly and have provided broad exposure to many different types of law.

- **Hearings and Trials**: While research and writing predominate, I have also attended numerous hearings and trials. In civil cases, I have attended hearings on motions to dismiss and motions for summary judgment. In criminal cases, I have attended four jury trials, three guilty pleas, and over twenty sentencing hearings.

- **Exposure to Different Lawyering Styles**: When drafting bench memoranda and proposed opinions or attending hearings and trials, I have been exposed to a wide variety of legal writing and oral argument styles. Law clerks evaluate a tremendous number of pleadings and motions and get to observe attorneys present their cases in the courtroom. Through these observations, I have been able to learn how to be a more effective attorney.

- **First-Hand Observation of Judicial Decision-Making**: The most interesting aspect of my clerkship has been discussing legal issues with the judge. This one-on-one interaction is unique and has served as an incredible learning experience.

- **Breadth of Experience**: Every case exposes law clerks to a new set of legal issues and frequently an entirely new area of law. Clerks are generalists in the truest sense, so I have become comfortable tackling a variety of legal issues.

Next fall, at the federal appellate level, I will continue to conduct legal research and draft bench memoranda and proposed opinions. These responsibilities will include reviewing appellate briefs, trial transcripts, and district court opinions. In addition, I will attend oral arguments at the Fifth Circuit.

ADVANTAGES OF CLERKING
Aside from having the opportunity to serve your country or state, the following list summarizes what I perceive to be the main advantages of clerking:

- **Enhance Legal Research and Writing Skills**: With the overwhelming majority of a law clerk’s time spent on research and writing, it is inevitable that these skills improve and further develop. Practice makes perfect, and with such a research and writing intensive job, law clerks are able to strengthen these skills, which are essential in the practice of law.

- **Learn Federal/State Court Systems and Procedural Rules**: As you would expect, law clerks deal with rules of procedure on a daily basis. Federal law clerks become extremely familiar with all facets of the Federal Rules of Civil and Criminal Procedure, as state law clerks do with their particular state’s procedural rules. In addition, law clerks are exposed to each jurisdiction’s local rules, which attorneys must also follow.

- **Live in New Location**: Clerking provides a unique opportunity to live in a new geographic location. In addition to providing an overall good experience, this also allows law clerks to gain exposure to different law firms, styles of lawyering, and localized legal issues.

- **Enjoy Good Quality of Life**: While law clerks work hard, as a general rule, they work less than first-year associates in law firms. In addition, the government provides a sufficient salary and excellent benefits.

- **Increase Job Prospects/Refine Job Search**: Many employers, both private and government, actively recruit judicial clerks. Because law clerks are attractive candidates for employment, doors may open that were once closed when applying as a law student, both in terms of the type of employer and geographic location. In addition, for those who have not decided on a specific area of practice, the clerkship provides exposure to new areas of the law and gives clerks more time to decide on a main area of interest.

**APPLICATION STRATEGY**

Having explained my clerkship experience and provided what I perceive as the main benefits, which should give you more perspective on the position, I now want to provide advice on the application process. First, this process is extremely competitive, as you are applying alongside the top students of top law schools. As a result, clerkship applicants should start early in establishing an application strategy and finish strong in putting together a professional application packet. To do this, I would suggest the following:

- **Grades**: This goes without saying, but the number one criterion for most judges is grades. If you apply during the fall of your third year, judges are able to evaluate your performance during your first two years of law school. Therefore, applicants must perform well in the classroom to have a good shot at obtaining a clerkship. Many judges provide grade cut-offs for applicants, so you should generally abide by that guideline, unless you have a personal connection, publication, or particularly strong summer employment or extracurricular activity.

- **Journal Membership**: Next to grades, participating on a journal is the most important requirement for judges. Journal members cultivate skills that judges value highly and many will not consider an applicant without such experience.

- **Recommendations**: If an applicant makes the grade and journal cut-off for a judge, recommendations from faculty and/or legal employers can help to distinguish candidates from
the rest of the pack. In order to secure good recommendations, students should seek to develop relationships with faculty members. Specifically, serving as a research assistant or working on an independent study with a professor is an excellent way to establish such a relationship. In addition, when applicants ask professors to prepare recommendation letters, which should occur during the spring of their second year, they should provide a resume and memorandum summarizing the relationship. This simple step will provide the faculty member with ammunition to use in the letter, which benefits both the applicant and professor.

- **Writing Sample**: Applicants must also provide an excellent writing sample in their application packet. I would suggest using an academic piece, such as a note or comment from a journal competition, over a legal brief from moot court or trial advocacy. I would also recommend sending your entire paper, with a cover sheet on top, which provides a short summary and directs the reader to the strongest ten-page section of the piece.

- **Publications**: Judges also like to hire students that have published an article in a legal journal. While securing a publication in law school journal competitions is very competitive, if not chosen, I would recommend sending your note or comment to other legal journals, who have a tendency to publish student pieces.

- **Clinical Placements**: In the second year of law school, students have the opportunity to participate in Clinics, which are administered by Professor Margaret Bacigal. If possible, I would strongly recommend participating. Judicial clinics provide a clerkship-like experience. Other clinics give students the opportunity to actually appear before federal and state judges, both in the form of written work product and oral argument, which is also valued.

- **Spread Your Risk**: Applicants must determine the type of court and geographical location in which they would be willing to clerk. To maximize a candidate’s chances, an applicant should spread their risk and apply to a variety of courts in many locations. For the federal judiciary, apply to circuit, district, magistrate, and bankruptcy. At the state level, apply to the state’s highest court, intermediate appellate court, and trial courts. As far as geography, applicants should apply to a variety of areas, in order to enhance their chances of landing a clerkship.

I hope you will find this information helpful as you decide whether to apply and how to proceed in the clerkship application process. A clerkship at any level can be a very rewarding experience, and I highly recommend it.
Alumni Letter on Judicial Clerkships

By Ryan D. Frei – Class of 2005

February 2007

When I was applying for judicial clerkships during my third year of law school, each former law clerk with whom I spoke for advice explained that their clerkship year was, by far, the most personally and professionally rewarding year of their legal career. The general sentiment was that, as a law student, you really could not ask for a better way to transition from law school into the “real legal world.” Many people referred to their clerkships as “intellectually stimulating” and “rigorous,” yet “relaxing.” At least one person mentioned that clerking gives you “one more year to put off billing your time.” Everybody labeled their clerkship as an invaluable learning experience. After absorbing all of this advice, I figured that most of it was generally true, but somewhat exaggerated. In hindsight, all of these positive thoughts were dead-on accurate.

I was honored to have been given the opportunity to clerk during the 2005-2006 term for the Honorable James R. Spencer, Chief Judge of the United States District Court for the Eastern District of Virginia. It was an immensely enjoyable year. Based on my own experience, and the experiences of others, I would like to share my thoughts on the many advantages of serving as a law clerk.

As a disclaimer, I am speaking from having clerked for a federal district court judge. One’s clerkship experience will, of course, vary depending on whether the clerkship is with a trial or appellate judge, whether the court is in the federal or state system, whether the court is specialized with limited subject matter jurisdiction, and myriad other factors (e.g., the geographic location of the court, the judge’s personality and delegation style, the co-clerk’s personality, etc.). Notwithstanding these possible distinctions, clerking has numerous common advantages.

First and foremost, clerking is a wonderful way to bridge the gap between the theory learned in law school and the reality of actually practicing law. It is also a great choice for students who are not exactly sure of which practice area(s) they want to pursue. Much like a freshman in college who takes a wide variety of courses before declaring a major during sophomore year, a law clerk necessarily benefits from a generous sampling of experience in different substantive practice areas. As a law clerk, this will arm you with knowledge and a more focused perspective when conducting your post-clerkship job search.

It is hard to overemphasize the breadth of experience associated with clerking. In the civil context, a law clerk sees dozens of cases evolve from the filing of a complaint to resolution through a dispositive motion ruling, settlement, or trial. As a clerk, I worked on countless contract disputes, several employment discrimination claims, state-law actions founded upon diversity of citizenship, a high profile patent infringement case on remand from the Federal Circuit, and much more.

Those interested in criminal law will also get plenty of experience. As the year goes by, you develop a sense for which types of cases will likely result in plea bargains, which defenses and trial techniques might win over juries, and which sentencing factors carry the most weight. Again, the variety of substantive experience is remarkable. I researched Fourth, Fifth, and Sixth Amendment case law to make recommendations on motions to suppress; prepared nearly one hundred sentencing memoranda; and confronted and had to work through knotty issues in reviewing prisoners’ §§ 2254 and 2255 habeas corpus petitions. Perhaps my most personally challenging criminal matter was a condemned inmate’s execution-eve §1983 challenge to Virginia’s two prescribed methods of execution.

Aside from the variety of experience, the quality of experience is simply unmatched. Most judges
naturally take their clerks under their wings, so to speak, and enjoy imparting wisdom they have gleaned from their years on the bench. When you return to chambers with your judge after a court session, you will hear his or her honest reaction to the advocacy efforts of the attorneys who just appeared. This “behind-the-scenes” feedback will serve you well as you begin to practice law.

The legal research and writing experience a clerkship offers is another highlight. A law clerk’s primary responsibilities are to read through the parties’ submissions; research the applicable law; write an in-depth bench memorandum for the judge to use in learning the background of the case and preparing for a hearing; discuss any concerns or issues the judge raises; and draft an opinion and/or order after the judge decides on a ruling. Going through this routine for a year or more teaches you a great deal about effective legal writing and advocacy. By reading hundreds of briefs, you will surely expand your legal vocabulary; learn to recognize specious arguments and faulty logic; and come to appreciate how to organize and present arguments in a way that will make it easier for a law clerk to educate the judge on the merits of your case (e.g., avoid generic case citations and, instead, try to provide helpful parentheticals to show exactly how the case supports a particular argument). Also, by drafting opinions for the judge, you learn to write with an authoritative tone, which paves the way to writing more persuasive briefs once you begin to practice.

One advantage many people do not often think about before clerking is that law clerks join “the courthouse family” and stay a part of it even after the year ends. Courthouse personnel are the backbone of any legal community. Because most clerks work closely with the clerk’s office staff and with the members of other judges’ chambers, a former clerk benefits from a certain level of rapport and comfort in dealing with courthouse staff in future years.

The contacts a law clerk establishes are not limited to courthouse staff. At the trial court level, law clerks interact with practitioners on a daily basis. If you plan to remain in the same region in which you clerked, knowing many of the local practitioners can be quite helpful. Also, most clerks work with co-clerks on whom they depend for advice, assistance, and friendship throughout the year. I was fortunate to have had a wonderful co-clerk. We helped each other work through tricky situations and would always run issues by each other before consulting with our judge. We also cracked each other up and will always keep in touch (especially given that we share the same birthday!). Befriending your co-clerk and other law clerks in the building adds so much to your clerkship experience and will provide you with contacts wherever they go on to work.

Finally, a law clerk’s quality of life is difficult to beat. Judges know that their clerks worked hard in law school and expect them to work hard as law clerks, but also want them to enjoy their year of clerking. Most judges are not concerned with the number of hours their law clerks spend in the courthouse. Rather, judges care about how well they are prepared when they go on the bench and how polished their opinions are when issued. Once a law clerk gets beyond the steep learning curve, leaving at a reasonable hour every day might become the rule—not the exception.

As for disadvantages, it is honestly difficult for me to articulate a single one. Obviously, law clerks make less money (in some cases, literally a third less) than they would have if they had gone straight to a law firm. That said, however, my salary was enough for me to pay my bills, begin to make student loan payments, and attend about eight weddings that year. You have to be frugal, but you can certainly live comfortably (depending to an extent on the cost of living of the city in which you clerk). Importantly, law clerks often receive lucrative clerkship bonuses immediately after signing on with a law firm. These bonuses seem to increase on an almost yearly basis. Another perk is that many firms will reimburse a law clerk for Bar-related expenses, even if the clerk was not a summer associate with that particular firm. Also, many firms set law clerk salaries based on the year in which they graduated from law school.
I have also heard people worry about falling behind their law school classmates if they spend a year clerking before joining a firm. While there are certainly skills that law clerks do not have the opportunity to develop while clerking (e.g., propounding and responding to discovery requests, negotiating with opposing counsel, counseling clients, etc.), in my opinion, the skills they do improve more than compensate. This is surely part of many law firms’ reasoning for giving law clerks a year of partnership credit for clerking.

Overall, from a practical standpoint, law clerks have tremendous advantages in entering practice. Though you are no longer an official court employee, you will forever have an insider’s perspective as to how judicial decisions are made and what goes on in a judge’s chambers. People—in many cases, partners with dozens of years of experience—will come to you in your first year at the firm to ask your opinion on how they should handle a matter pending in the court in which you clerked. People often want to “pick a former law clerk’s brain.” Consequently, you will feel respected and rewarded with a high level of responsibility early in your career.

Of all the encouraging things I could say, perhaps the most significant is this observation: I have never known a former law clerk who regretted having made the decision to clerk, but I have spoken with countless attorneys who expressed remorse over not having applied for the opportunity to do so. This should be pretty revealing.

I hope that all University of Richmond law students with an interest in clerking seriously consider applying. I can assure you that it is a year well spent—one that you will fondly remember for the rest of your life.
<table>
<thead>
<tr>
<th>Name</th>
<th>Court/Position</th>
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<tbody>
<tr>
<td>Ronald J. Bacigal</td>
<td>U.S. District Court for the Western District of Virginia</td>
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<tr>
<td>Carole Brown</td>
<td>Hon. Sharon L. Blackburn U.S. District Court for the Northern District of Alabama</td>
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<tr>
<td>Christopher A. Cotropia</td>
<td>Hon. Alvin A. Schnall U.S. Court of Appeals for the Federal Circuit</td>
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<td>John G. Douglass</td>
<td>Hon. Harrison L. Winter U.S. Court of Appeals for the Fourth Circuit</td>
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<td>David Epstein</td>
<td>Texas Supreme Court</td>
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<td>Jessica M. Erickson</td>
<td>Hon. Michael Boudin U.S. Court of Appeals for the First Circuit</td>
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<tr>
<td>James Gibson</td>
<td>Hon. Karen Nelson Moore U.S. Court of Appeals for the Sixth Circuit</td>
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<tr>
<td>Meredith Harbach</td>
<td>Hon. Nancy F. Atlas U.S. District Court for the Southern District of Texas</td>
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<tr>
<td>Mary L. Heen</td>
<td>Hon. James M. Fitzgerald U.S. District Court for the District of Alaska</td>
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<td>John Paul Jones</td>
<td>Hon. David Schwartz U.S. Court of Claims</td>
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<tr>
<td>Corinna Barrett Lain</td>
<td>Hon. John C. Porfilio U.S. Court of Appeals for the Tenth Circuit</td>
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<tr>
<td>Julie E. McConnell</td>
<td>Hon. James W. Benton, Jr. Virginia Court of Appeals</td>
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<tr>
<td>Kristin Jakobsen Osenga</td>
<td>Hon. Richard Linn U.S. Court of Appeals for the Federal Circuit</td>
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<tr>
<td>John R. Pagan</td>
<td>Hon. Ozell M. Trask U.S. Court of Appeals for the Ninth Circuit</td>
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<tr>
<td>Wendy Collins Perdue</td>
<td>Hon. Anthony M. Kennedy U.S. Court of Appeals for the Ninth Circuit</td>
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<tr>
<td>John F. Preis</td>
<td>Hon. Royce C. Lamberth U.S. District Court for the District of Columbia</td>
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<tr>
<td>Kimberly Jenkins Robinson</td>
<td>Hon. James R. Browning U.S. Court of Appeals for the Ninth Circuit</td>
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<tr>
<td>Rachel Suddarth</td>
<td>Hon. Elizabeth Lacy Supreme Court of Virginia</td>
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<tr>
<td>Mary Kelly Tate</td>
<td>Hon. Robert R. Merhige, Jr. U.S. District Court for the Eastern District of Virginia</td>
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<tr>
<td>Kevin Walsh</td>
<td>Hon. Paul V. Niemeyer U.S. Court of Appeals for the Fourth Circuit</td>
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<tr>
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<td>Hon. Antonin Scalia U.S. Supreme Court</td>
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Research Sources

*Almanac of the Federal Judiciary* - Contains biographical sketches of all federal judges, major cases decided, and anonymous critiques. *(Law Library KF8700.A19 A4 2010 and Westlaw)*

*The American Bench* - Complete directory of state and federal judges including biographical information and addresses. *(Law Library KF8700.A19 A47)*

*BNA’s Directory of State and Federal Courts, Judges, and Clerks* - Describes court structure and jurisdiction, lists judges’ contact information. *(Law Library KF8700.A19 B15)*


*CourtLink, by Lexis-Nexis* – Provides case data, court profiles, and judicial profiles.

*The Courts: An Excellent Place for Attorneys of Color to Launch Their Careers*


*The Federal Judiciary / U.S. Courts* – News and information about all federal courts and judges, also includes recent appointments.

*Federal Judges and Justices* - Lists nominations, confirmations, elevations, resignations, and retirements. *(Law Library KF8700.A19 F42)*

*Federal Judicial Center* – Provides information on federal court operations and procedures, court history, selected educational materials, and judges’ biographical information.

*Federal Magistrate Judges Association*

*JudicialClerkships.com* – blog about clerking, applying for clerkships, news about clerkships

*Leadership Directory, Judicial Yellow Book* - Contains judges’ biographical and contact information, as well as the names of current law clerks. *(online: Richmond’s Muse Law Library website (accessible only from the University of Richmond network or when logged into the VPN)).*


*Westlaw Directory of Judges* – Provides information for federal and state courts *(WLD-JUDGE).*
National Center for State Courts – Describes state courts and provides website links.

National Tribal Judicial Center – Resources for prospective Native American tribal court clerks, including a Guide to Tribal Court Clerkships.


Symplicity – State clerkship openings are often posted here; the clerkship module provides a comprehensive listing of federal judges, along with summaries of interviews from prior applicants.

Judiciary News – Lists current federal nominations, confirmations, appointments, elevations, resignations, retirements, and death of judges.

Understanding the Federal Courts – An overview of the federal judicial system provided by the Administrative Office of the U.S. Courts.

U.S. Department of Justice Agencies – Links to DOJ agencies, many of which have administrative law clerk opportunities.

List of Federal Agencies with Administrative Law Judges

U.S. Senate Index of Nominations


Virginia Attorney’s/Secretary’s Handbook – Current listing of Virginia courts and judges, with contact information. (Career Development Office)

Virginia’s Judicial Branch Recruitment Register – Lists employment opportunities in Virginia’s courts. (Note: clerks of court are not judicial clerks, and judicial clerkships are rarely if ever posted here.)

Virginia’s Judicial System – Provides general information relating to Virginia’s courts.

Want’s Federal-State Court Directory – Provides an overview of each state’s court system and judges. (Law Library Reference KF8700.A19 F47).
## APPENDIX

### JUDICIAL CLERKSHIP APPLICATION TIMELINE: CLASS OF 2017

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
</tr>
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<tbody>
<tr>
<td>June 15, 2015</td>
<td>Create account in OSCAR, begin researching federal courts and judges</td>
</tr>
<tr>
<td>June–July 2015</td>
<td>View “Nuts &amp; Bolts of Applying for Judicial Clerkships” online webinar</td>
</tr>
<tr>
<td>June–August 2015</td>
<td>Review online resources, including Judicial Clerkship Handbook, at <a href="http://law.richmond.edu/career/students/clerking.html">http://law.richmond.edu/career/students/clerking.html</a></td>
</tr>
<tr>
<td>August 1, 2015</td>
<td>Federal clerkship positions available now viewable by 2Ls on OSCAR</td>
</tr>
<tr>
<td>By September 1, 2015</td>
<td>Identify potential faculty and non-faculty recommenders, alert them of plans to apply, request recommendations</td>
</tr>
<tr>
<td>By October 1, 2015</td>
<td>Identify writing samples, send to writing faculty for review (see guidelines for submission)</td>
</tr>
<tr>
<td>September 2015 – June 2016</td>
<td>Identify and research court and judges, develop list including application time-frames</td>
</tr>
<tr>
<td>September 18, 2015</td>
<td>Attend Judicial Clerkships: What’s it All About?</td>
</tr>
<tr>
<td>By October 1, 2015</td>
<td>Meet with Clerkship Advisor. Draft your cover letters and resume, submit for review, finalize writing sample.</td>
</tr>
<tr>
<td>By Mid-October 2015</td>
<td>Provide your recommenders with copies of your resume, grades, and personal summary. File FERPA form with CDO</td>
</tr>
<tr>
<td>October 2015–August 2016</td>
<td>Continue to apply as clerkships are posted. Update your materials as needed to reflect your academic, clinical, &amp; work experience(s)</td>
</tr>
<tr>
<td>November 13, 2015</td>
<td>Attend Judges’ Perspectives on Judicial Clerkships</td>
</tr>
<tr>
<td>Mid-January 2016</td>
<td>Update gradesheets in OSCAR, begin applications</td>
</tr>
<tr>
<td>January 2016</td>
<td>Choose new writing sample as necessary from Fall Semester</td>
</tr>
<tr>
<td>By January 31, 2016</td>
<td>Incorporate feedback and finalize your writing sample by this date</td>
</tr>
<tr>
<td>February 5, 2016</td>
<td>Attend Judicial Clerkships: Interviewing With Judges</td>
</tr>
<tr>
<td>Beginning January 2016</td>
<td>Make sure your outgoing phone message is appropriate; be prepared to receive calls from judges to schedule interviews. Report interview invitations to the clerkship advisor and your recommenders</td>
</tr>
<tr>
<td>March 2016</td>
<td>Begin applications to Virginia State Appellate Judges</td>
</tr>
<tr>
<td>July 2016</td>
<td>Begin Applications to Virginia Circuit Courts</td>
</tr>
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QUICK GUIDE TO APPLYING FOR CLERKSHIPS

If you plan to apply for a judicial clerkship, review all of the resources on the Career Development Office’s clerkship website. After familiarizing yourself with the process, make an appointment to meet with Valerie L’Herrou, the clerkship advisor, to develop your individual clerkship application strategy.

• **Clerkships are highly competitive.** Your application package should demonstrate that you have a strong academic record, excellent writing skills (evidenced by your writing sample), and a keen attention to detail (evidenced by error-free application materials).

• **Hiring timelines vary by type of court.** For more information, particularly for Virginia courts, see the spreadsheets and the timeline on the clerkship website.

• **Judges rely on letters of recommendation** from faculty who can give a detailed assessment of your candidacy. Thus, it is important to get to know your professors so they will know enough about you to write a meaningful letter. Speak up in class, visit professors during office hours, and seek research assistant and independent research opportunities.

• **Many judges prefer candidates with journal experience**, so consider participating in the unified competition. Moot court and other trial-related experience also can be persuasive.

• **Attend all clerkship-related programming** at the law school!

**WHAT YOU WILL NEED TO APPLY:**

*Resume and Cover Letter*
These are considered by judges to be your first writing sample, and they must be perfect. Have them reviewed by your career advisor.

*Letters of Recommendation*
• Most federal judges require two or three letters of recommendations: many students ask two faculty members and one employer to write letters. Secure your recommenders early enough to give them sufficient time to write your letters before you apply.
• Letters written by law school faculty will be emailed to the CDO, where staff will format them for OSCAR, or print them on letterhead. You will work directly with your outside recommenders to obtain their letters.
• When requesting your recommendation letters from the CDO, you will submit a properly-formatted spreadsheet with the contact information for the judges to whom you are applying. You may download these spreadsheets from Symplicity (not OSCAR).

*Writing Sample*
• Use a sample that reflects your very best legal writing.
• Because some judges have page limits while others do not, you may need more than one sample (or version of your sample) to meet applicable requirements. Have it reviewed by the legal writing faculty (see guidelines on the clerkship website).

• Include a cover page (see sample from the clerkship website).
• Obtain permission to use documents prepared for an employer. Redact names if necessary, and indicate this on your cover page.

*OSCAR account (if you are applying to federal clerkships)*
• You may create an OSCAR (the Online System for Clerkship Application and Review) account starting in June after your 1L year. You will be able to view and apply to available clerkship positions beginning on August 1, though most judges will post positions later.
• You must create “grade sheets” in OSCAR for both law school and undergraduate grades, so you may want to order transcripts from any undergraduate institutions you attended.
FREQUENTLY ASKED QUESTIONS ABOUT JUDICIAL CLERKSHIPS

What does a judicial clerk do? Judicial clerks conduct research, perform analysis, draft memoranda and perhaps documents of record (orders, jury instructions, or opinions), edit drafts, and take notes at hearings and in chambers meetings. The role of the judicial clerk varies by court, with appellate court clerks focusing their time intensively on writing and research while trial court clerks often focus on time—sensitive and litigation—related tasks.

I have heard that a clerkship makes a nice addition to a resume. Why? Many legal employers, including law firms and government agencies, seek to employ lawyers who completed a judicial clerkship. Judicial clerks have undergone a rigorous application process, demonstrating their strong research and writing skills as well as their academic talents. Most have developed strong working relationships with their judge(s) and court personnel. They have gained insight into a judge’s decision—making and thought process, providing value in the employer’s future interactions with the court(s).

What is a judicial clerk’s salary? Federal clerks are hired under grade 11 of the Judiciary Salary Plan (JSP), approximately $50,000 per year. This salary is adjusted for cost of living differences in some metropolitan areas, including Richmond (roughly $58,000) and Washington, D.C. (roughly $62,000). Clerks also receive benefits, including health insurance.

State clerk salaries vary by state and locality. Supreme Court of Virginia clerk salaries are approximately $68,000, Court of Appeals of Virginia salaries are approximately $66,000, and circuit court salaries vary widely (from approximately $30,000 to $60,000). Most state clerks are eligible to receive benefits, including health insurance.

Do I need to be in the top of my class to attain a clerkship? While judges look closely at academic performance, there are numerous variables judges consider, including writing ability and prior judicial extern/internship experience. Over the past several years, we have had students with GPAs of 3.4 and above attain federal clerkships and 3.0 and above attain state clerkships. A strong GPA is no guarantee you will receive a clerkship; a GPA at or below the median is no indication that you will not receive a clerkship.

<table>
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<th>&lt;3.00</th>
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<th>3.20-3.39</th>
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<th>3.50-3.59</th>
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<th>3.80-3.89</th>
<th>3.90-4.00</th>
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<td>3</td>
<td>0</td>
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<td>1</td>
<td>3</td>
<td>6</td>
<td>7</td>
<td>3</td>
<td>5</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Other Fed Court</td>
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<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>State Appellate</td>
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<td>0</td>
<td>7</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
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<tr>
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<td>16</td>
<td>13</td>
<td>5</td>
<td>3</td>
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</tbody>
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What do judges look for in successful clerkship applicants? Most judges look closely at students’ academic records, writing experience, research abilities, and letters of recommendation. Participation in a journal, moot court involvement, prior judicial internship/externship experience, and research work with a professor can enhance your application.

What do I include in my application to a judge? You should review the judge or court’s posting to verify the specific application requirements. Most federal judges request a resume, cover letter, law school transcript, 10-15 page writing sample, and three letters of recommendation. Some federal judges also require a college transcript. Some federal judges specify that two letters of recommendation should come from professors and one letter should come from an employer.
Most state appellate courts request the same materials requested by federal judges. Most state trial courts request a resume, cover letter, and law school transcript. Some state trial courts will also request a writing sample and either letters of recommendation or references. There may be page limits on the writing sample.

**Who should I ask to serve as recommenders?** You should ask three individuals to write letters of recommendation or to serve as references (depending on whether you are applying for federal or state clerkships and based on the particular court/judge’s requirements). You may ask faculty, employers, or other individuals. The best recommenders will know you well enough to describe your intellectual abilities, research and writing skills, and personal characteristics. If possible, make your request in person. Follow up with a thank you note/email, enclosing your resume and, for faculty, your transcript and writing sample. Make certain your recommenders know why you are interested in clerking and what you hope to gain from the experience. Stay in close contact with your recommenders and, when appropriate, seek their advice on which courts and judges to target for applications. For faculty recommenders, you will need to file a FERPA waiver form (available on this website). Refer to the document Obtaining Good Judicial Clerkship Recommendations, available on this website, for tips.

**To how many judges or courts should I apply?** There is no magic number of judges or courts to which you should apply. Judicial clerkships are highly competitive, so apply as widely as you are able. If applying at the federal level, apply to as many geographic locations as you have ties and/or interest. In addition to federal district or appellate judges, consider applying to magistrate and bankruptcy judges. If applying at the state level, you will gain the most value from clerking where you wish to practice. Consider state appellate, intermediate appellate, and trial courts.

**Should I apply to both federal and state courts?** Consider your long-term objectives. If your goal is to join a large national law firm, you will gain the most value from a federal or state appellate clerkship experience. If you wish to be a prosecutor, you may gain the most benefit from a state trial court clerkship. If interested in general practice in a small- to mid-size firm, both federal and state clerkships could be valuable. Seek the advice of your career advisor, professors, and mentors, as well as Richmond Law alumni, regarding how to target your applications.

**Are there any courts which receive fewer applications and to which it makes sense strategically to apply?** There are a number of specialty courts as well as courts located in remote areas which receive fewer applicants than the average court. Check with the Career Development Office for more information about these “off the beaten path” courts.

**I have not secured my summer internship. Are there particular summer experiences judges prefer?** As you apply for summer positions, consider the level of writing and research you will be able to contribute. As just two examples, working as a judicial intern or a professor’s research assistant can prepare you to assume the duties of a judicial clerk while also securing great references. Most judges do not post internship opportunities, so you must take the initiative to seek out the opportunity.

**When do I apply for Clerkships?** Many federal judges post their clerkship openings in the fall or early spring semester of the 2L year. Many post their application requirements and timeframes in OSCAR. The Career Development Office also annually updates a list of Federal and State Appellate Judges hiring preferences. Check the website for updates on these individuals’ hiring schedules.

Typically, state clerkships are posted in late summer, with August and September application deadlines in the 3L year. However, deadlines vary widely, from as early as July to as late as March. See the website for a list of Virginia circuit courts that hire clerks and their usual hiring schedules.
# How to Address Judges/Justices

## FEDERAL COURTS

<table>
<thead>
<tr>
<th>Addressee</th>
<th>Exterior of Letter/Envelope</th>
<th>Salutation</th>
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</thead>
<tbody>
<tr>
<td><strong>U.S. Supreme Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Chief Justice</td>
<td>The Honorable (full name) Chief Justice Supreme Court of the United States</td>
<td>Dear Chief Justice _:</td>
</tr>
<tr>
<td>Associate Justice</td>
<td>The Honorable (full name) The Supreme Court of the United States</td>
<td>Dear Justice _:</td>
</tr>
<tr>
<td><strong>U.S. Court of Appeals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Judge</td>
<td>The Honorable (full name) Chief Judge United States Court of Appeals for the...</td>
<td>Dear Chief Judge _:</td>
</tr>
<tr>
<td>Judge or Senior Judge</td>
<td>The Honorable (full name) United States Court of Appeals for the...</td>
<td>Dear Judge _:</td>
</tr>
<tr>
<td><strong>U.S. District Court, including Bankruptcy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Judge</td>
<td>The Honorable (full name) Chief Judge United States District Court for the...</td>
<td>Dear Chief Judge _:</td>
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<tr>
<td>Chief Magistrate Judge</td>
<td>The Honorable (full name) Chief Magistrate Judge United States District Court for the...</td>
<td>Dear Chief Magistrate Judge _:</td>
</tr>
<tr>
<td>Judge or Senior Judge</td>
<td>The Honorable (full name) United States District Court for the...</td>
<td>Dear Judge _:</td>
</tr>
<tr>
<td>Magistrate Judge</td>
<td>The Honorable (full name) Magistrate Judge United States District Court for the...</td>
<td>Dear Judge _:</td>
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<tr>
<td><strong>Other Federal Courts</strong></td>
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<tr>
<td>Chief Judge</td>
<td>The Honorable (full name) Chief Judge Name of Court</td>
<td>Dear Chief Judge _:</td>
</tr>
<tr>
<td>Judge or Senior Judge</td>
<td>The Honorable (full name) Name of Court</td>
<td>Dear Judge _:</td>
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## STATE COURTS

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<td><strong>Highest State Court</strong></td>
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<tr>
<td>Chief Justice</td>
<td>The Honorable (full name) Chief Justice Supreme Court of (State name)</td>
<td>Dear Chief Justice _:</td>
</tr>
<tr>
<td>Justice</td>
<td>The Honorable (full name) Supreme Court of (State name)</td>
<td>Dear Justice _:</td>
</tr>
<tr>
<td><strong>Other State Courts</strong></td>
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</tr>
<tr>
<td>Chief Judge</td>
<td>The Honorable (full name) Chief Judge Name of Court</td>
<td>Dear Chief Judge _:</td>
</tr>
<tr>
<td>Judge</td>
<td>The Honorable (full name) Name of Court</td>
<td>Dear Judge _:</td>
</tr>
</tbody>
</table>
Sample Cover Letter

September 6, 2015

The Honorable Vaughn R. Walker
Chief Judge
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Chief Judge Walker:

As a second-year law student at the University of Richmond School of Law who hopes to pursue a career in intellectual property law, I would like to be considered for a judicial clerkship position for the 2015-2016 term. I am originally from California, and I would like to return to the area. I am applying to your chambers specifically because of the intellectual property cases being brought before your court.

I am in the top fifteen percent of my law school class and serve as Managing Editor of the Richmond Journal of Law and Technology, the nation’s oldest student-edited journal published exclusively online. My writing and research skills have been honed through my journal experience and through a research assistant position with Professor James Gibson. I have experienced the practice of intellectual property first-hand through the Intellectual Property & Transactional Clinic, assisting entrepreneurs and non-profit clients in drafting licensing contracts and applying for patent protection. Last year, through a Judicial Clinical Placement, I served as an extern to Judge Henry E. Hudson of the United States District Court for the Eastern District of Virginia. I assisted in the drafting of opinions, observed court proceedings, and conducted research. I believe my law school experiences have prepared me well to assume a clerkship in your chambers next year.

I look forward to meeting with you to discuss employment as your law clerk. Enclosed, please find my application materials. Please advise me if you should require any additional information and thank you for your consideration.

Sincerely,

Tara C. Williams  [handwritten signature: do not use italic/script font in lieu of signature]

Tara C. Williams

Enclosures
February 20, 2016

The Honorable Vaughn R. Walker  
Chief Judge  
United States District Court for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Dear Chief Judge Walker:

It was a pleasure meeting with you yesterday. Thank you for the opportunity to interview with you for a law clerk position for the 2015-2016 term. I enjoyed learning more about the jurisdiction of the Northern District of California and specifically about the duties of your law clerk.

I am pleased that you enjoyed my article, "Electronic Discovery and Employment Litigation," and that you have expressed an interest in reading my Journal note. I will send you a copy of the note upon its completion.

As I indicated in my interview, I am keenly interested in serving as your law clerk. Please contact me if you require further information. I look forward to hearing from you.

Sincerely,

Tara C. Williams  [handwritten signature: do not use italic/script font in lieu of signature]

Tara C. Williams
Once faculty have written your recommendation letter and submitted it to the CDO, you may request letters to accompany your OSCAR or paper applications. Letters of recommendation cannot be uploaded unless there are live applications pending there, so send your spreadsheets to Susan Manning to format your recommendation letters after once you have draft applications.

Spreadsheets are created using Symplicity’s clerkship module (OSCAR-created spreadsheets do not contain the necessary address information for mail-merging your letters with your spreadsheet). Creating the spreadsheet is quite easy once you know how! Here is a step-by-step guide, but do ask for help if you have difficulty.

1: Register with Symplicity’s clerkship module and fill out the required information. Once you have done so, you will have access to the list of judges (figure 1).

2: Select those judges to whom you are applying by clicking the box next to their names (figure 2).

3: Review resulting spreadsheet. Check that names are correct and the correct information is in each column (figure 3).

4: It is especially important to check the “Salutation” column. This column provides the title of the judge, and will populate the field after the word “Dear.” Because magistrate judges should always be addressed “Dear Judge Blank,” and not “Dear Magistrate Judge Blank,” delete the word “Magistrate” if it appears in this column—UNLESS the column displays “Chief Magistrate Judge,” in which case, leave it as is! (figure 4).
Submitting Clerkship Applications

Not all federal judges accept applications via OSCAR (which is strictly for federal clerkship applications). Students applying to state judges, or to federal judges who accept only paper applications, must usually send their applications through the mail (some state judges use Symplicity, or their own online application system; some accept via email). Some aspects of applying to judges through the mail are the same: You also will provide a spreadsheet to the CDO for your letters to be produced via mailmerge—the difference is your letters will be printed and provided to you in sealed envelopes for inclusion with the rest of your application materials, rather than being converted to PDF and uploaded to OSCAR.

There are some special considerations for hard-copy applications that do not apply to those submitted online. For instance, instead of OSCAR’s grade sheet, you must obtain and submit a transcript. Transcripts are available from the University’s registrar’s office, conveniently located across from the Law School in Sarah Brunet Hall. You may request transcripts online, or in person—they can often be completed while you wait.

http://registrar.richmond.edu/services/policies/transcript.html.

It is important that hard-copy materials are printed on high-quality paper. Your cover letter and resume should be printed on white or off-white “resume” bond paper. Your writing sample (and writing sample cover page) can be printed on regular photocopy-quality paper.

Send your materials in a flat 9 inch by 12 inch envelope. It can be manila or white, or match your resume paper. Addressing the envelope is important too. The judge, and the personnel in the judge’s chambers, are paying attention to your professionalism. You should use address labels, available from any office-supply store. Use a typewriter or a printer to print the “to” and “from” addresses. Affix them neatly to the envelope. There are templates, typically referenced on the blank label packaging, to help you print labels.