the Nuts & Bolts of applying for judicial clerkships

How to apply for federal and state clerkships

Spring 2016
Why clerk?

**Supreme Court Justice Sotomayor:** “It is the best way to learn the law. You can learn more in one year of clerking than you learn in eight years of practicing at a firm.”

**Dean Wendy Perdue** observes that “clerking is a unique professional opportunity. You get to observe litigation as it really happens, see lawyers at their best (and sometimes less than their best), and get an inside view of how judges approach cases. A clerkship can also be an important credential in the job market and often results in a relationship with a judge that will have enduring personal and professional value. You may also develop a professional network that includes current and former clerks, other judicial personnel and lawyers. Finally, clerking can be great fun and an enormously satisfying professional experience.”

**Hunton & Williams’** website: “A judicial clerkship offers an attorney an unparalleled learning experience, providing valuable exposure to effective trial and appellate advocacy, courtroom procedure and judicial decision-making. We actively recruit judicial clerks to join our team of attorneys. Incoming entry-level attorneys who have clerked for ... a federal appellate or district judge, receive highly competitive judicial clerkship bonuses and can receive up to two years of seniority credit for purposes of partnership consideration and compensation. On a case-by-case basis, former state Supreme Court clerks may also be considered for seniority and salary credit.”
Who should apply?

Federal clerkships are particularly competitive: there may be more than 200 applicants for each position. State clerkships are less so. Factors judges consider in deciding whom to interview:

* **Grades and Class Rank:** Some judges will only consider students in the top 10-25% of their class. Other judges do not specify, but grades still play a role.

* **Journals and Competitions:** Some judges seek students with Law Review, other journal, Moot Court or other competition experience. Even if not specified, these activities will make students more competitive.

* **Geographic ties:** many judges like to employ clerks who will remain in the local legal community and practice before them. Students with geographic ties to the judge’s district may be more competitive.
What about grades?

The chart below shows the number of UR students in different GPA ranges who have obtained federal and state clerkships since 2009.
Timeline: Federal

Beginning in May of 2L year
- Identify recommenders, and alert them that you will be applying for clerkships.
  - Provide your recommenders with your resume, grade list, and personal summary. File FERPA form with CDO.
  - Beginning in July, create OSCAR account, create gradesheets in OSCAR, begin researching judges.
  - Identify writing samples, edit and revise.
  - Make an appointment with Valerie L’Herrou, clerkship advisor.
  - Finalize your cover letters and resume, submit to CDO for review.
  - Attend fall Judicial Clerkships programs (view Videos online).
Timeline: State

- The timeline for applying to state court clerkships is very different. In Virginia, courts that hire judicial clerks, in descending order, are the **Supreme Court of Virginia**, the **Virginia Court of Appeals**, and **Circuit Courts**.
- Some Supreme Court of Virginia justices and Virginia Court of Appeals judges post their clerkship positions through Symplicity. Others expect applicants to apply individually. Talk to the clerkship advisor about applying for these positions.
- Not all state circuit courts hire clerks. In Virginia, each court must decide whether to request funding for a clerk as part of its budget.
- Most Virginia state circuit courts that hire clerks will post a listing in Symplicity or participate in on-campus interviewing in the fall.
- The **website** includes a spreadsheet of state circuit courts hiring clerks and expected application deadlines.
- Some state courts require recommendation letters; some do not.
- Check with the CDO for resources regarding state clerkships outside Virginia:
  - Guide to State Court Clerkships
  - NALP’s *Insight and Inside Information for Select State Court Clerkships*
Your main role as clerk will be legal research and writing. Much of your writing will be incorporated into the judge’s final written opinion; therefore, judges want to know how well you write.

- Use a sample that reflects your very best writing.
- Some judges have page limits; some do not. You may want to have two versions of your sample (one abridged) or two different samples. You also may have different samples depending on the judge to whom you are applying (ie, for a specialty court such as bankruptcy, you may want to submit a relevant piece).
- Include a cover page (sample from clerkship website) to explain what the piece was written for, if you gained permission to use it (if for an employer or another judge), and to what extent you received feedback on your writing.
- The legal writing faculty will review your samples and give feedback. See website for guidelines.
Cover letters

- Cover letters introduce you to the judge.
- They are very important: the first example of your writing that the judge sees.
- First paragraph:
  - The first paragraph is especially vital: persuade the judge to continue reading your letter and your other materials.
  - It should address why you want to clerk and why you are applying to this judge.
- Second paragraph:
  - The second paragraph should explain what is special or unique about you, including information not available on your resume: what do you bring to the judge’s chambers?
- Poor cover letters are one reason some highly-qualified candidates are not selected for interviews.
- Always have your letters reviewed by CDO and others.
Letters of Recommendation

✦ Most judges require at least two letters of recommendation to accompany your application; some want three.

✦ Consider faculty with whom you have taken more than one class, have had a seminar, have had interactions with outside the classroom, or for whom you have done research.

✦ Meet with your prospective recommender in person, or send an email request. Follow up with your resume, grade list, and a brief personal statement—what brought you to law school, what area of practice you intend to pursue, why you want to clerk.

✦ Faculty who have clerked; faculty who have practiced in the courts of judges to whom you hope to apply; and faculty whose area of expertise is in the area of the judge’s specialty (ie, bankruptcy) are all excellent recommenders.

✦ Students may consider non-faculty for their third recommender. These should be someone who has substantially supervised your legal work, especially writing. You should provide information to non-faculty recommenders about how to write a good clerkship recommendation letter (available on the website).

✦ Follow-up with faculty to ensure they know when your are submitting applications and that there is no confusion about their plans to recommend you.
Where to apply?

✦ Although the University of Richmond School of Law is best known in Virginia, our “area of influence” includes the entire Fourth Circuit. There are three federal alumni judges in the Fourth Circuit.

✦ We also have an alumni judge in the Southern District of Florida, and alumni have clerked in many different districts, including Puerto Rico and other geographic areas. Check the website to see where alumni have clerked.

✦ If you have connections (such as family members, or where you grew up or attended college), to an area outside Virginia or the Fourth Circuit, apply. In your cover letter, address your connection to that locality. Judges often prefer to hire someone who intends to settle in that community, but that is not a requirement.

✦ Virginia appellate judges may live and have their chambers anywhere in Virginia; state circuit courts hiring clerks tend to be clustered in larger metropolitan areas.

✦ If you need to travel outside the immediate Richmond area for a clerkship interview, there are funds available to help reimburse your travel costs, up to $200 per student.
Final thoughts

1. Attend all clerkship programs offered by the CDO:
   ♦ These, including the Judges Perspectives Panel and Clerkship Interview Program, provide an opportunity to hear from judges, professors, and clerks about the application process.

2. Meet with the clerkship advisor:
   ♦ Have your resumes and cover letters checked by the CDO for errors and style.
   ♦ Send your writing sample to the writing faculty for review.

3. Submit properly-formatted judge spreadsheets to CDO for recommendation letter generation (use Symplicity).

4. Keep the CDO informed:
   ♦ What have you learned about any particular judge’s plans?
   ♦ Regarding offers to interview (the CDO will connect you with former alumni clerks, law partners, or practitioners who can give you insight on interviewing with that judge)?
   ♦ Did any issues arise during the interview that we should know about?

5. Summarize your interview in Symplicity so that future applicants may have the benefit of your experience (required for travel reimbursement).
Resources

- Clerkship website
- OSCAR
- Federal Courts website
- Virginia state courts
- The faculty clerkship committee:
  Professor Kristen Osenga, Chair
  Professor Carl Tobias
  Professor Rachel Suddarth