Table of Contents

Introduction ................................................................................................................................. 2

Section 1: How To Start Your Application? .............................................................................. 2
   A. What you need to know before you start ................................................................. 2
      1. What is a Judicial Clerkship? .............................................................................. 2
      2. Which Courts hire Clerks? ............................................................................... 2
      3. Type of Work Law Clerks do ......................................................................... 3
      4. Why Clerk? ........................................................................................................ 4
      5. Characteristics of the Judicial Clerk ............................................................. 5
   B. How to start the Process ....................................................................................... 5

Section 2: Strategies for your Search ..................................................................................... 7
   A. Strategies ........................................................................................................... 7
      1. Time Line ....................................................................................................... 7
      2. What Type of Clerkship? ............................................................................... 11
      3. One or More Clerkships? ............................................................................. 12
      4. Geography ................................................................................................... 13
      5. Curricular Preparation for your Clerkship .................................................. 14
      6. Choice of Judge ............................................................................................ 15
   B. Research on Judges and Courts ............................................................................ 20
   C. Resources available in the School ......................................................................... 20
      1. Judicial Clerkship Program – Director and other Faculty .......................... 21
      2. CSO: Logistics and Coaching .................................................................... 21
      3. On-line Resources ....................................................................................... 21
      4. Alumni and Friends of the School .............................................................. 23

Section 3: Interviews and Offers .............................................................................................. 24
   1. Schedule Interviews ......................................................................................... 24
   2. Interviews ........................................................................................................ 24
   3. Offers .............................................................................................................. 25

Section 4: In Conclusion, a Note on Internal Communication ......................................... 26
Introduction

Working for a judge as a law clerk is a unique experience, and the application process is as well. If you consider clerking after graduation, the first step is to read this handbook. Law clerks have been a vital part of the judiciary for more than a century. A law clerk’s duties have not been defined statutorily, which gives judges the discretion to use their law clerks in different ways. The common denominator is that law clerks assist judges with the disposition of cases. Judicial clerkships are an outstanding learning experience and provide a good bridge between law school and the practice of law.

Section 1: How to Start Your Application?

A. What you need to know before you start?

1. What is a judicial clerkship?

A law clerk position in federal and state courts of general and limited jurisdiction, at the trial and the appellate levels. Some clerkships are permanent or career clerkships (long-term), but most are term clerkships for 1 or 2 years.

There are different types of clerkships: elbow clerks (for individual chambers), staff attorneys (a pool of attorneys who work for a supervising attorney and are assigned to cases, and as such work with the judges to whom the cases are assigned), others are pro se law clerks (who work under a supervising attorney and are assigned to cases with pro-se parties, and thus work for different judges of the same court). The federal system is more or less uniform with regards to types of clerkships. More and more federal judges opt for an extra clerk instead of the judicial assistant position, which means that clerks share the administrative tasks such as answering the phone and door, as well as keeping the schedule of the judge. State courts all have different systems: some state appellate courts work with pools of clerks, in others, the trial and appellate court judges have elbow clerks.

2. Which courts can you apply for?

Judicial clerkships are available in federal, state and municipal courts across the United States. There are also specialized courts. In specialty courts the range of issues addressed is narrower, but the experience can be especially interesting if you plan to specialize in that particular practice area. Some federal agencies have clerkship positions as well. Federal appellate and some district courts have a number of staff attorneys as well. Judicial clerkships in state courts vary tremendously, in type and availability, but also duration.

Federal Courts

- U.S. Circuit Courts of Appeal and its Division of Pro Se and Staff Attorneys
- U.S. District Courts, U.S. Bankruptcy Courts, U.S. Magistrate Judges, Pro Se Division
- U.S. Specialty Courts: the Court of Federal Claims, Court of International Trade, Tax Court, and Court of Appeals for Veterans Claims.
- Administrative Law Judges in some federal agencies: Immigration Judges (apply through the Executive Office for Immigration Review (EOIR) in the U.S. Department of Justice Attorney Honors Program (www.usdoj.gov/oarm)
• **Note about the U.S. Supreme Court:** the Justices do not hire straight out of law school and another clerkship must precede the U.S. Supreme Court clerkship, preferably a U.S. Circuit Court Judge and one whose clerks regularly clerk for a U.S. Supreme Court Justice. If you want to see a list of the U.S. Supreme Court clerks throughout its history, you can check a simple Wikipedia table, where you can sort according to ‘feeder judge,’ U.S. Supreme Court Justice, Law School, etc. Note that because the U.S. Supreme Court Justices pay attention to recommendations of ‘feeder judges’ that applying for a clerkship with these judges is more competitive than with their colleagues.

**State Courts**
• Supreme Courts or Courts of Last Resort (names of courts vary according to state)
• Specialty courts, such as the New York State Supreme court, Commercial Division.
• Intermediate Appellate Court
• Trial Courts (not all trial courts have law clerks and not in all states)

**Note on Court Administration:**
Clerks of the Court and Court Administrators are nowadays more often attorneys. These are entirely different positions. Even junior positions in court administration require a couple of years of experience either in management, or, practice.

3. **Type of work?**

Legal research and drafting internal and public court documents: bench memos, court orders, opinions, jury instructions, and other court generated documents. Clerks typically edit, proofread, review papers and brief their judge. Clerks may also be responsible for library maintenance, document assembly, or may assist at trials and other courtroom procedures. Each judge or supervising attorney has his/her own style and demands for the clerks. These individual requirements vary from what number of vacation days the clerks have to what type of preparation they help the judge with in preparation for a trial or oral argument. Some judges ask their clerks to write first drafts, some judges write the first draft themselves and have their clerks edit and fine-tune the judge’s first draft. Some judges only ask their clerks to write court documents, other judges ask their clerks to write speeches, prepare them for moot court finals judging, to assist the judge in writing law journal articles, to provide assistance to the judge for his/her committee work, and to help in mediating settlements. Some judges prefer having an extra law clerk over hiring a judicial assistant. Law clerks in those chambers will share the administrative work: receiving mail, helping set the judge’s calendar, answering the door of chambers and the phone.

The scope of the court’s jurisdiction determines what types of cases the court works on, whether that jurisdiction is set by law or by traditional division of the work among judges of the same court.

4. **Why clerk?**

• To improve legal research and writing (a skill that is valued highly by all employers in the legal market)
• Exposure to a wide variety of legal issues
• To understand how decisions are being made by a judge in the privacy of his/her chambers, what arguments made by practitioners are convincing and what arguments are not convincing, how to write in the preferred voice of someone else.

• Offers insight into the judicial process and provides practical familiarity with the litigation process.

• To start a life-long mentor-mentee relationship with the judge and with the other chambers staff including other law clerks, courtroom deputies, supervising attorneys, and judicial assistants.

• To have an opportunity to be introduced to the local legal market through the chambers network.

• To learn from the general perspective of the bench how to contribute to the development of the law, and how to assist courts and clients to shape the law.

• To learn from observation of practitioners during trial or in oral arguments, or settlement conferences how you will choose to practice law.

• To be exposed to different areas of law, some of which you know something about already, and some of which you have never worked in.

• To learn how to manage a small group of people (what works, what doesn’t work)

• To learn how to work in a small team

• To learn the best way to make decisions (quickly, decisively and well-informed)

• To add a highly valued experience to your resume, even if it is not a necessary credential for your future career path. Some firms hire a certain percentage of their associates from judicial clerkships. The U.S. Department of Justice actively recruits judicial law clerks for its Honors Program (the only avenue through which entry-level attorneys are hired at DOJ). Most public interest fellowship programs value judicial clerkship experience. Clerkships are especially beneficial to those interested in pursuing an academic career.

• Even for someone who does not plan to litigate, a year or two of work with a judge in chambers and observation of a court in action is an additional education in itself

• Value of judicial clerkships to a transactional career: learn to review and thoroughly analyze complex facts and laws. Insight in how deals can unravel in litigation helps the transactional lawyer to structure better transactions for the client. Law clerks get exposed to many attorney products and increase confidence among clerks that their own skills are advanced. This helps in transactional work when a new attorney is confronted with an experienced attorney on the other side. Specialty courts, such as bankruptcy courts, have a higher concentration in cases relevant to transactional lawyers and offer clerks the opportunity to gain insight in the substantive law of their area of practice. Even if the clerkship does not directly train a clerk for day-to-day practice in the transactional world, the experience is intellectually stimulating. Transactional lawyers will find a clerkship right after graduation more useful than a few years after they started their transactional career. Judges who hire clerks with experience, will also prefer someone with experience in litigation over someone with transactional experience.

• Clerkship provides a year or two of exponential learning at the beginning of your career, and a perspective on litigation, lawyering and on life that you cannot easily get elsewhere in a non-competitive environment.

• Gives you an extra short period of time where you can consider what your next step should be. Gives you a great learning period even if you know what your next step will be. If big law is your call, then a clerkship will be taken as one of your partnership track years, so you will gain seniority at least as fast as 2nd year associate, if not ahead of a 2nd year associate.

• State Court clerkships are advantageous to show your commitment to the geographical area, valuable for a career starting in public interest, a state agency or law firm that operates in state-court venues.
Note: the experience of a judicial clerkship stays with you all your life and is a credential that opens many doors, but it has to be good for you. The application process is rigorous and only a small percentage of the applicants do get the opportunity to do a clerkship, while by no means all successful IU Maurer applicants are ranked in the top 10% of the class, many are. As in all other career paths, in order to succeed, you have to be tenacious in your search, but also keep into consideration that there are a large number of applications per vacant position.

5. Characteristics of the Judicial Clerk

- Enjoy legal research and careful analysis
- Organized, hard-working and efficient
- Clear writing
- Able to challenge a person in authority
- Patient with yourself and others
- Interest in doing generalist work for a time
- Intellectually curious
- Decisive

B. How to start the Application Process?

The search process for a judicial clerkship is similar to that of other job searches: you start with a self-assessment. Think about the work you would be doing in a judicial clerkship, consider your interests and needs, and assess your strengths and weaknesses for this particular type of employment. Analyze your qualifications, academic records, work experience and other activities and decide whether a clerkship is good for you, and if so, what clerkship would be the best fit. Do your research: once you determined what you want through self-assessment, do the research on the judges who would be a good match for you. Focus on particular location or type of clerkship strategies (see below). Gather basic information through on-line and published sources, and fine-tune your search by networking with alumni, faculty and staff.

Based on this information prepare a list of judges to who you want to apply when positions become vacant. Do consider that you are ultimately looking to work for someone with whom you feel compatible on a professional and personal level. That is ultimately what the judge is looking for as well.

Application packets usually consist of an updated resume, transcript, one or two writing samples, recommendation letters and, sometimes, additional references.

- **Resume**: must be updated.
  - General issues: no typographical errors, does not have to be kept to one page. Competition for interview spots is tough and your resume must make you stand out.
  - Specific issues: emphasize your intellectual abilities, legal reasoning experience, writing experience (not limited to legal writing, can be any substantive writing you have done as an undergraduate (thesis e.g.) or in your previous work experience, give a sense of who you are and what you are about (personal interest section, volunteer work, foreign language, travel, unusual experience, and explain idiosyncratic titles (don’t spend a lot of time explaining regular externships for example, but do explain if you received an XYZ scholarship at your
law school so someone from the outside can figure out its importance). Emphasize significant and unusual experiences. Do provide your GPA, but also your ranking in the class: you should not expect the judge to have a great familiarity with the specifics of your school.

- Have your resume reviewed by faculty members, CSO counselors, and alumni who have clerked, or, students who have obtained a clerkship already.

- **Cover Letter:**
  Take advantage of this space to show off your writing skills. Review and proofread it carefully. In the cover letter do not just list the materials attached, but take the opportunity to stand out among other applicants. Highlight experiences that you are relevant to a judicial clerkship, explain why you want to apply for a clerkship in the geographical area, and why you apply for the particular judge. This is a letter to make yourself stand out in positive ways: you can highlight your strengths and express what you can learn from a judicial clerkship, but do not forget that the judge is also interested in how you will fulfill the needs of the chambers, and that you need to fit into the team of staff who works in chambers.
  Have your cover letter reviewed by faculty members, CSO counselors, and alumni who have clerked, or, students who have obtained a clerkship already.

- **Transcripts:**
  The school’s unofficial transcript from the Registrar’s office will suffice when you apply while still in law school. If you have an updated transcript while your application is pending, make sure you send the updated transcript and a cover letter to the judges to whom you have applied for a judicial clerkship.

- **Writing Samples:**
  Many opinions exist about what type of writing sample you best submit. What everyone agrees with is that the writing sample must be the best work you have written, and work that represents your own writing (i.e. what you can do without outside edits). Writing samples can be: moot court briefs, documents you worked on in a summer job or externship (ask permission from your supervisor first), a seminar paper, the writing you submitted to be selected for journal, your journal note, etc. Most judges prefer a writing sample that is 10 to 15 pages long, if it is long than that, you can send a discrete section, but you can also send the entire document if longer and the judge has not specified a page or word limit.
  Your writing sample must be accompanied with a cover letter, explaining what type of writing you are submitting. If it is a work product, explain how much editing was done to the sample you submit, that you have permission of your supervisor to use this, and the context in which the sample was written. Edit the sample in particular for confidentiality breaches, and client identification information! Proofread it carefully, and check your bluebook citations. Make sure you refer to your writing as yours; do not write “this is an opinion/brief I wrote,” but rather “this is an opinion/brief I drafted.”

- **Recommendation letters:**
  For Judicial clerkships, recommendation letters are much more significant than for other job applications. It’s important to have them ready to go before you start your application process. For the federal system, the faculty can upload them directly (through Ms. Kim Bunge in CSO) to the OSCAR system and they will be automatically personalized for each judge. For state court judges, you will have to ask for one letter, and personalize the letter yourself.
Review your strategy with the Director of the Judicial Clerkship Program. You should plan to arrange for three recommendation letters. Some judges also ask for additional references. If you have externed with a judge, you may run into judges who do not write recommendation letters based on their interpretation of the judicial ethics rules, but do ask those judges if they are willing to be a reference, because judges are generally interested in the evaluations of you from faculty members and by other judges. Your recommenders should include permanent faculty members, faculty who know your work, your personality, and with whom you have had contacts other than in-class discussions. Generally, we do not recommend letters from employers, unless the employer knows the judge’s work, or is well-informed about judicial clerkships.

A reasonable lead time for a faculty member to produce a good recommendation letter is about 4 weeks. You should make an appointment with the faculty member, explain what you need, communicate clearly when you need the letter, and follow up closely. It is common courtesy that you keep your recommenders in the loop about your application process, in particular when you have been invited for an interview. It is good for the faculty member to know to whom his/her recommendation is being sent, and your faculty member may reach out to the judge if he/she has a connection to talk about your application. Make sure you apprise your recommenders and references of your progress and success, and to thank all who have been involved in assisting you in the process, including administrative assistants, CSO counselors. Materials you should prepare for your recommenders are: an updated resume, transcript, cover letter, and if possible, a writing sample. Bring these to your meeting or send them ahead of time, so the faculty member can review before your meeting. Do not wait until you have fine-tuned and completed all these documents; it is better to send out a well-worked-through drafts to your faculty member and give him/her more lead time to write a letter. Faculty will be happy to review and comment on your materials when you ask them to.

Section 2: Strategies for Your Search

A. Strategies

Should you apply for a trial court or an appellate court? Students have preferences for one or the other. However, the general advice we give at the IU Maurer School of Law is to apply for the judicial clerkships that you are interested in, of all types. The competition is strong, and the timing of announcing clerkship vacancies for all courts starts happening most commonly these days from the beginning of the spring of your 2L year through the summer of your 2L year. That is also the case for a lot of the appellate state courts.

1. Time-line strategy

(a) Applying while a Law Student

Below we have provided a time-line of what you should achieve in each semester with regards to preparing yourself for a judicial clerkship application that starts right after graduation. Note that most federal judges will want to have three semesters of grades. Some judges (Federal Circuit Courts, District court judges in the Southern and Eastern Districts of New York and the DC Circuit) are competitive, and will look at just 2 semesters of grades. Such competitive judges hire from the top of the class only and often limit themselves to hiring from certain schools.
Federal judges hire generally about 18 months before the start date of the clerkship, but each year, there are judges who hire last minute because they unexpectedly lost a clerk, or, the judge was just recently appointed.

- **1L spring:**
  - First workshop on judicial clerkships takes place the same day Judge Hamilton of the 7th Circuit presents to the 1L class on writing-for-judges: the judge and 3Ls who have been successful at being hired for a post-graduate clerkship and recent graduates have a panel discussion with 1Ls on judicial clerkships and judicial externships.
  - Recommendation letters: start thinking which faculty you will approach about recommendation letters or references for judicial clerkship applications.
  - Registration for fall classes should include advanced writing and/or seminar enrollment so you can collect different writing samples during that fall. They can include a class paper, a note for a journal, your write-on assignment for a journal, or your moot court brief.

- **1L summer:**
  - Enroll for Oscar (the federal judicial clerkship database, i.e. the Online System for Clerkship Application and Review): create your profile, and sign up for the broadest range of clerkship announcements you can. Start screening the vacancies.
  - Whatever work you do, a paid legal job or an externship, let your supervisors know that you are particularly interested in accomplishing one good writing sample throughout the summer to use for a judicial clerkship application. You MUST ask for permission from your supervisor before you may use a writing sample for a job application, and your supervisor may ask you to redact certain information, a request that you must fulfill. We advise you to provide the supervisor with a finished writing sample you’ve written under his/her supervision and ask for permission to use it as is. Please, do so, as closely as possible before or right after the end of your summer experience, so you don’t need to ask your supervisor last-minute.
  - End of summer: make an appointment with the Director of Judicial Placements, Inge Van der Cruysse at ivanderc@indiana.edu, to discuss your plans, timeline and approach, and report back on your progress throughout the application process.

- **2L fall:**
  - Create an OSCAR profile and Monitor Oscar offerings, and be in touch with Kim Bunge at the CSO office who will be helping you with the logistics of uploading parts of your applications on Oscar (she will track recommendation letters and upload them in Oscar, she will help you with sending out applications).
  - Work on your writing sample
  - Talk with faculty and work-supervisors about writing recommendation letters and permitting you to use them as a reference. Make sure you have references and letters in hand before Thanksgiving (i.e. before exams start). Make sure you have three recommendation letters.
  - Edit your resume, cover letter and writing sample(s) and get input from the Director of Judicial Placements, any faculty member who knows you or has done a clerkship in the past, and with CSO counselors.
  - Gather information on using resources available to monitor state court clerkships and develop a tracking strategy.
o Talk to 3Ls who already have a clerkship lined up, faculty, externship supervisors, etc. to ask for their input on what strategy you should follow (who you will apply to, where you will gather information, etc.)

- 2L winterbreak:
  o Complete your application packet: update your resume with input from everyone who reviewed it. Update your cover letter with the language you will use for every judge and adjust one or two paragraphs with information on the specific judge after you’ve done your research on him/her when you are ready to apply. Finalize your writing sample(s), and confirm that your recommendation letters are ready to be added to your application. Update a list of references and their contact information which you can add to your application packet when asked or automatically.
  o Complete your strategy and adjust your schedule re how you will monitor vacancies, your applications, follow-up, interviews, etc.

- 2L spring:
  o Apply
  o When you have an interview, inform the Director of Judicial Placements who will connect you with graduates who have or had a clerkship and are willing to conduct mock interviews with you. You can also make an appointment with your CSO counselor to do the same, 3Ls with clerkships lined up and faculty often are willing to conduct mock interviews as well.

- 2L summer:
  o Same as 2L Spring
  o Continue to gather feedback and networking opportunities from your summer work-place

- 3L fall and spring:
  o Same as 2L Spring
  o Continue to gather feedback and networking opportunities from your summer work-place, externship placements, etc.

(b) Applying Later

A number of graduates have chosen to clerk after they completed a year or two of practice. Some judges hire a couple of years ahead of the vacancy being open, because they count on having clerks with a couple of years of practice under their belt. Some new judges decide to hire only recent graduates with experience, because they are new to the bench themselves and wish to learn from their law clerks in areas where the judge lacks experience, rather than lead the clerk by the hand through the basics.

Why wait until later?
  o Some judges do require actual work experience because they appreciate the candidates’ substantive knowledge in a certain area that the judge lacks confidence in, they are mature, and bring a perspective that comes with work experience.
  o The experiences on your resume are much fuller: if you apply in the spring of your 2L year, rather than 2 years after practice, you have a lot more to add to your resume. You’ll also have perhaps some leadership position in a pro bono project, clinic, or journal that you may not have come around yet if you apply in your 2L year.
Your references will be stronger, because they will be able to talk about your achievements rather than your potential.

You are most likely more motivated to do the clerkship: you know why you want to do it, rather than doing a clerkship right out of school in the hopes of defining more closely what you would like to do.

Better benefits: your work experience gives you access to salaries and benefits commensurate with your years of work and you don’t lose seniority.

You are more flexible on your start date: some circumstances force judges to hire clerks off-cycle (i.e. a clerk leaves unexpectedly, the judge is newly appointed and needs a clerk immediately, ...)

Why not wait until later?

If you have a gap year after law school, it is often difficult to find a paying job for that time.

More and more law firms are not willing to have associates leave for a clerkship because an associate becomes profitable in his/her 3rd year after law school, and there is a fear that the associate won’t come back to the firm after the clerkship (which happens more and more) → so, you may also be careful about which law firms you look at: if you are interested in a judicial clerkship and your firm has no interest in hiring people with clerkship experience, then you may not want to wait until later to do the clerkship.

This is particularly difficult for graduates who do two clerkships

Deferring or foregoing federal government honors programs or public interest fellowships with require a 2-3 year requirement

If the issue is not a gap year, but rather more than a few years after graduation, a clerkship may offer you a good way out of the job you are in, as a transition to a different job, but you would have to be able to be flexible to move around for a year or two.

2. What Clerkships will you apply to?

(a) Why take an appellate clerkship?

The work differs greatly. Students who got clerkships with a Federal Circuit Court of Appeals, typically ranked from top 1% to top 5% with exceptions. Students who got clerkships in State Appellate Courts and State Supreme Courts typically rank no lower than the top 10% of the class, with exceptions.

In an appellate court you will receive the briefs of the cases you are assigned to, whether you are in a law clerk pool or an elbow clerk, read them, write a bench memo or have an face-to-face conference with the judge in preparation of the oral argument, draft the opinion, summary order, ...
and voting memos. You may be involved in reading all the petitions for rehearing and rehearing en banc, and may be asked to give recommendations. From the inception to the end of an appeal, you will be asked to read the transcripts, records, etc. The judge will in particular be interested in being briefed on cases and individual issues on the cases. In the case of pro-se cases you may also be involved in the communication with the pro-se party.

Special note on State Supreme Courts and State Intermediate Appellate Courts:
Congress and the U.S. Supreme Court have moved toward constricting federal jurisdiction, which results in state courts having a broader array of issues to consider and their decisions have taken on increasing significance. Since the intermediate appellate courts are in most cases making final decisions, they are interesting placed to work, and help shape the law in directions that are new and exciting. The state supreme courts tackling new legal questions, are re-examining state constitutions to find ways to maintain or expand civil rights, criminal law, and environmental law doctrines in some states. Clerks often get involved in the decision which cases the state supreme court will take on. The diversity of cases is similar to that of appellate courts in the federal system.

For graduates expecting to work in a certain geographical area where they do not have a close networking system, a state court clerkship is a great way to establish roots and to become familiar with the state’s legal system, including its constitution, statutes, the law practice of law firms, state agencies, public defender’s office, attorney general. State clerkships give access to network with local practitioners and gain insight in the practice of law in the state. Several state courts have a close working relationship between the judges, which means that some allow clerks of their chambers to work with clerks and judges of other chambers to work on a complex issue. State court decisions are rarely discussed in the large doctrinal classes, giving a judicial clerkship in a state court the direct benefit of learning how states differ from the federal system and how their courts specifically operate.

- Some prefer intellectual issues over actual advocacy and debate: law school doctrinal classes focus mostly on appellate courts, and working in a trial court is a different experience the nitty-gritty of the daily trial court schedule
- Some have no desire to litigate or try cases
- Clerks in appellate courts have more time and resources to consider the issues in detail and to remain free from distractions
- What you did in law school was mainly study appellate decisions: you can think abstractly in appellate cases and are caught somewhere between that position and the position of day-to-day legal practice
- Center of the nerve center on how decisions are reviewed: standard of review, jurisdiction, the record, etc. May even have access to the discussions (by e-mail) of the judges among each other as they circulate drafts and give each other feedback.

(b) Why take a trial court clerkship?

Trial courts in the federal system, U.S. District Courts, Magistrate Judges and Bankruptcy Courts, typically hire students from our school who are ranked typically in the top 15-20% but with more exceptions, especially in the bankruptcy courts. State trial courts typically hire law clerks, if they have clerkship positions available in the court as highly ranked as they can get, but preference for top half of the class, with the most variety of all courts here, and we have a much wider range in these clerkships of clerks hired from the middle of the class.
What is different about a trial court clerkships? You see litigation at work first hand: you will be reading motions, see oral arguments and briefings on motions, and draft court orders. You will be involved in discovery issues that need to be decided by the judge, review evidence, do research and writing and write bench memos in preparation for trial, draft court orders and opinions for motions, plea memoranda, and jury instructions. You will observe all types of hearings, may sit in on in-chambers discussions between the judge and all parties, will observe trials. You may also be involved in preparing the judge for sentencing hearings and observing the hearings. Clerks may be in charge of, or share responsibility for case management with the bailiff or courtroom deputy, deal with scheduling the court calendar, extensions of time, and telephonic communication with attorneys about the case status and the judge’s procedures.

- Great training for someone with an interest in litigation
- Most time spent in legal research and writing, but a lot of observation of above listed hearings
- Introduction to all substantive areas of the law and intricacies of court procedures and practice
- Broad range of practicing styles in oral arguments, jury trials, bench trials, pre-trial conferences, etc.
- Also great training for appellate court judges (who did not all sit on the trial bench or practiced litigation prior to joining the court): it’s good to understand what happens in the trial court to make solid judgment calls on the appellate level
- Center of the nerve center on how judicial decisions are made promptly to keep things progressing, well-informed, and within the limits of the facts and evidence provided.

3. One or more clerkships?

Some students want more than one clerkship and more particularly they would like to line them up in a specific order, e.g. first trial court and then appellate court. There are both advantages and disadvantages to the choice. The most important question to consider is how the clerkship(s) fit into the overall career-path you envision.

Advantages:
- Intellectual stimulation
- More than one mentorship
- Trying out new locations
- Gaining insight in the full development of cases (through trial and through appeal)
- For specific career paths such as academia

Disadvantages:
- Delaying your other career goals
- Potentially incurring additional debt
- Go through the application process twice or continually and figuring out how to negotiate your schedule

Different approaches to application strategy

Federal courts often hire a couple of years in advance:
- Apply for both clerkships at the same time: issue with timing: you may have to ask judges for deferrals so you can fit both into a reasonably time-frame
If you want to complete your clerkships in a certain order, you can consider applying for the first one in your 2L year, and for the 2nd one in your 3L year (this gives you the advantage in your 3L year that you can already list your first clerkship in your second round of applications).

State courts do not usually hire in advance, but only hire when there is a vacancy (about one year to 18 months in advance of the vacancy. This is usually strictly related to the state budgets that put constraints on state courts in a way federal judges do not have to take into consideration. If you wish to take a sequence of clerkships, you may want to consider how the state court application may figure into your career path.

4. **Geographical Strategy**

The location of the court is a factor many clerkship applicants (and judges) consider for a number of reasons. If you have ties with certain geographical areas and want to establish your law practice there, a clerkship would expose you to judges, practitioners, the practice of law in the area, etc. Some consider a clerkship an ideal opportunity to explore a certain area of interest to see if that is the right place to practice in the future.

You should try to be flexible about geographic locations: clerkships in the 2nd Circuit, the 9th Circuit, the DC Circuit, the 4th Circuit and the District Courts in Boston, New York City, Washington DC, Baltimore, and Philadelphia are very popular, as well as those in San Francisco and Los Angeles where graduates from all schools apply for clerkships. The number of applications per judge in those areas is much higher than in other areas around the country.

5. **Curricular Preparation**

**Judicial Externships**

Many judges are willing to have law students volunteer in their chambers during the summer or 1 day a week during the school year to allow students to gain experience in how a chambers works and to assist the judge and clerks with their work. These positions are usually referred to judicial internships (not for academic credit) or judicial externships (for academic credit).

Judges seeking law clerks generally view the experience gained as a judicial extern as very valuable. Judicial externs have the benefit of being familiar with law clerk positions, the role of law clerks, the work done in chambers. Judicial externs typically are able to develop their legal research and writing skills, and may wind up with a solid writing sample. In addition, a judicial externship may allow a student to develop a strong relationship with a judge, who may be willing to write a recommendation letter or function as a reference in the student’s clerkship search.

Some judges have a policy of not accepting clerkship applications from former externs in their chambers. However, others have been known to solicit applications from students who externed for them in the past. Even if the judges do not hire former externs, they are usually willing to be a reference for the student, or advocate for the student’s judicial clerkship application in a colleague’s chambers.
Courses taken during law school

There are no “required” courses for clerking but it is a good idea to keep your clerkship plans in mind as you put together your second-and third-year curriculum. Especially in the fall of the 2L year, it is important to take a seminar or advanced writing class when you can. Some judges will like to know that you have taken, or intend to take, certain courses that will come in especially handy given the nature of their docket. Also, always look for opportunities to improve your legal writing.

For a federal court clerkship, it is important that you take Federal Courts which, among other things, will acquaint you with special issues involving the Article II judicial power, and the most important federal causes of action. Advanced procedural classes are, both civil and criminal procedure, important as well as Administrative law. Specialty courts, such as Bankruptcy courts, will be interested that you are taking courses, relevant to the court’s docket. When you have secured a clerkship, you should ask the judge if there are any particular classes the judge wants you to take.

6. Choice of Judge

(a) Hiring Criteria

Differ from judge to judge. Good grades, a high ranking, journal assignments, good writing sample, judicial externship are not the only criteria judges look at. Also public interest activities, work or practice experience, maturity, evidence of teamwork and personality are important to some judges as well. Recommendation letters and references will play a significant role, if the judge you apply to knows the IU Maurer School of law, its faculty and/or staff.

Skills:
- Research and writing
- Legal analysis
- Recognition of legal issues, fact patterns and legal doctrines
- Articulation of your position
- Meeting deadlines
- Multitasking and project management
- Teamwork
- Discretion and confidentiality
- Good stress management

(b) The Judge’s Background

You can do some research about it on-line or through former law clerks of the judge, but the interview in chambers will give you the best opportunity to assess your compatibility with the judge. A judge’s background shapes him/her for the rest of their career, as it shapes his or her approach to the bench. This background will also be the perspective from which you learn from the judge during your clerkship. The judge’s judicial philosophy will most likely become more apparent in opinions, published articles, organizational memberships, etc.

When you consider the ideology of the judge, what is important? Which president nominated the judge may give a clue as to what the judge’s political leanings are, however, do not forget that the senators of the state from which the judge is nominated may be the decisive factor for the president.
to appoint a judge. The judge’s opinions, published articles, speeches and perhaps books will give you some indication about the judge’s political leanings. Former clerks can be helpful to you with that type of information.

Some judges like clerks on the same place on the political spectrum, other judges prefer spirited conversations with clerks of different opinions. Your choice depends on what you feel comfortable with. There may be issues such as same-sex marriage, the death penalty, etc. that you have a passionate view about that the judge opposes. You have to determine what you can handle on a day-to-day basis. Judges are bound by precedent, except in the U.S. Supreme court and in the State Supreme Courts. Both judges and judicial clerks have to issue and draft opinions with which they personally do not agree.

(c) The Chambers

The judge manages chambers according to his or her personality and background, and the atmosphere in chambers is an indicator of how the judge handles his or her business, works with the law clerks and other staff. Most judges have their law clerks do part of the interview as well: that is an important time for you to try to find out as much as possible about the tone the judge sets for the atmosphere in chambers and whether that fits your work style. The interaction between the judge and the law clerks varies from formal communication by e-mail or memo to having lunch together regularly and being engaged in each other’s personal lives. It varies from a hierarchical system in which clerks read briefs and write memos, to a chambers where the judge walks in and out of the clerk’s offices to ask questions, discuss cases, and other subjects.

The personality of the judge sets the tone for what he/she expects of their relationship with the Clerks, and it is up to you to find out what will best benefit the experience you want out of your clerkship. The staff is important in a chambers: it is usually a very small group and you need to get along with everyone: co-clerks, judicial assistant, bailiff/court room deputy.

(d) Others

Some students take into consideration the judge’s reputation, his or her approach to cases, the prestige of the court or the judge, the amount of work and number of required work hours in chambers.

(e) Special types of Judges

Chief Judges, Chief Justices: in the federal system, the chief judge of a court is selected by seniority and serves as chief judge for a period of seven years or until taking senior status, until retiring, until attaining the age of 70. The chief judge is assisted in the day-to-day management of the court by the Circuit Executive (U.S. Circuit Courts) and the Clerk of the Court. In state courts, the chief judges or presiding judges are assisted by a court administrator and a clerk of the court. The Chief Judge may have a lesser caseload, or, may hire an extra law clerk. In the state court system, the selection of chief judge varies: either by appointment for unlimited term by the Governor (e.g. Indiana), by public elections (e.g. Ohio), ...

Senior Status Judge. Federal judges are eligible for senior status at age 65 when he or she meets the certain time-in-service requirements. They can either retire entirely or take senior status and
continue to work full-time or part-time while they are vacating their seat on the bench for a new presidential appointee. What consequence? Judges with Senior Status do not preside over appellate panels any more, and therefore do not divide up the writing assignments. Senior judges in the circuit courts, will not participate in en banc hearings anymore, unless they were part of the panel whose opinion is re-heard en banc. Senior Judges in the district courts can do the same: they can stop working entirely, or continue to work in full or part-time capacity. They can choose – in collaboration with the chief judge of the court—to take on only certain types of cases, or take on a full-spread of cases.

Senior judges in both the district and the circuit courts can sit by designation in courts of other geographical areas that are struggling to stay on top of their caseload. Usually they take their clerk with them. The number of judicial clerkships a senior judge can hire is determined by the caseload the judge chooses to maintain.


In the State Courts, senior status and retirement of judges is regulated by state statute. Judges on most state supreme courts and the U.S. Supreme Court who choose to serve as senior judges, can sit by designation (arranged per state statute) in any lower court, but cannot continue serving on the supreme court.

**New judges** often opt to not hire law clerks who are recent graduates so they can teach the judge some of the expertise the judge is lacking in certain areas of the law, or because they can hit the ground running. When a new judge does hire judicial clerks straight out of law school, you have to determine if you can handle the additional advantages or disadvantages of breaking new ground alongside a judge.

Disadvantages:
- Clerk cannot always get an answer from a judge or an old file when the judge is new
- Clerk spins his/her wheels more often on issues not very familiar to the judge because the judge learns alongside the clerk

Advantages:
- Assist the judge in setting new efficiencies and routines
- More democratic collaboration between the new judge and the law clerks
- More input by the clerks to set up operations in chambers

**Magistrate Court Judges** (or **Commissioners** in state courts): have long-term contracts but are mainly hired by the other judges in the court, have limited jurisdiction determined within each court, and do not always make final decisions. They are usually involved in all pre-trial issues and sometimes handle trials.

Pro Se and Staff Attorneys clerkships in federal court are positions filled attorneys who get hired for pro se cases, and work under the supervision of a senior attorney who hires the clerks. The attorneys get assigned to particular cases and work with the judges assigned to the same case. The work staff attorneys do is similar to that of the elbow clerk, except that these attorneys work for many judges and get direct supervision by a senior attorney in a permanent position.
**Federal and State Administrative Law Judges.** Federal and state agencies have administrative law judges, who are employees hired on a short-term basis. They conduct formal administrative hearings and issue decisions based on a trial-type of hearings. These are useful clerkships, in particular if you are interested in working for the agency in the future, or, if you are interested in practicing law for clients who appear before ALJs on a regular basis (e.g. utilities law). You should contact the agencies in which you are interested and inquire directly to determine whether the ALJs are hiring clerks and what the application process is. You should check the online job postings on CareerNet and www.usajobs.gov as federal agencies occasionally announce openings for clerkship positions on these websites. See on-line resources below.

(f) **How Many Judges?**

This is a difficult question to determine. Based on anecdotal information from the class of 2015 graduates who succeeded in obtaining a judicial clerkship, some students applied to very few judges, and others applied to about 50 judges. Your strategy (geography, type of judge, etc.) will determine to how many judges you should apply, but keep in mind that any judge you apply to may invite you for an interview and offer you a clerkship to which you won’t want to say no because you didn’t want to apply to that judge in the first place.

There are no set criteria re how many you have to apply for to get one or more interviews and/or job offers. Each judge has an individual approach to hiring criteria, which may differ depending on the pool of applicants. It is very difficult if not impossible to predict how many interviews you might be offered or in which order they will come.

The Federal clerkship system, Oscar, limits the number of active applications to 100 at any given time.

(g) **Competition**

Strong competition, the reputation of the school is important. Talk to alumni, faculty, and people you know who have served as clerks for the judges you are interested in. Look for judges you would enjoy working for and who would appreciate your strengths. When you know early that you are interested in a post-graduate judicial clerkship, consider the courses you take, the ways in which your resume can be bolstered.

(h) **Finances & Time Off**

The federal judiciary follows the JSP scale pay grade which is for graduates straight out of law school at a level of $57,000 per year. Seniority is taken into consideration: you will earn more when you pass the bar (taking the bar exam before your first clerkship starts may translate into an increase of up to 10% when you start your second clerkship), you will earn more after your first year in your first clerkship, but years worked in other areas of the law before you start your clerkship will count toward seniority. E.g. bar admission and at least one year of legal experience can give you a grade level higher in your second year with an increase of up to $11,000. If you have not passed all of your requirements for graduation from law school, you will be paid as an administrative assistant, which starts at the $39,000 range depending on location.

Information about **state court salaries** can be found in the Vermont Law School’s Guide to State Judicial Clerkship Procedures. The majority of states pay in the $50,000 range and 10 jurisdictions offer salaries in the $60,000 range with a couple in the $70,000 range. New York State Court of Appeals clerkships pay more than $76,000 per year, and up to $89,000 in the second year. New Jersey Supreme Court salaries start at $60,000.

**Time off**: Vacation time is offered at the discretion of the judge, but the ten federal holidays are respected by all courts. How much time a law clerk spends in chambers each week also depends on the judge’s discretion.

**(i) U.S. Citizenship and Clerkships**

Federal judges and other federal agencies require either U.S. Citizenship or authorization to work under U.S. immigration laws under F-1 Optional Practical Training (OPT) which allows you to stay 12 extra months in the U.S. for additional practical training such as a clerkship. The issue is that you should obtain the authorization and a job with a start date that occurs within 60 days of your graduation date. The H1B visa is another option, with an obstacle that the judge sponsor the candidate and that the court will pay the fee. It is recommended that you hire your own attorney specialized in this area to guide you through the process.

The Federal Appropriations Act banned federal agencies from paying non-U.S. citizens with appropriated funds in most cases. The 2009 Amendments have limited more strictly the categories of qualifying non-citizens who can be paid with appropriate funds. Check the federal judiciary’s website for the latest explanation at www.uscourts.gov/Careers/CareerCitizenshipRequirements.aspx, were you can find the text below.

**Citizenship Requirements for Employment in the Judiciary (last visited July 2015)**

Current appropriations law prohibits the use of appropriated funds to pay the compensation of any employee of the U.S. federal government where the duty location is in the continental U.S. unless such person:

1. is a U.S. citizen;
2. is a person who owes allegiance to the U.S. (i.e., nationals of American Samoa, Swains Island, and the Northern Mariana Islands, and nationals who meet other requirements described in 8 U.S.C. 1408 (link is external));
3. is a person admitted as a refugee or granted asylum who has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or
4. is a lawful permanent resident who is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B).

To comply with requirement No. 4 above, an individual must be a lawful permanent resident (have a green card) and apply for citizenship within a short time of first becoming eligible to do so. An individual is not eligible to apply for citizenship until he or she has been a permanent resident for at least five years (three years if seeking naturalization as a spouse of a citizen). When that occurs, he or she must apply for citizenship within six months of becoming eligible and must complete the process within two years of applying (unless there is a delay caused by the processors of the application). NOTE: A lawful permanent resident who is not yet eligible to apply for citizenship at the start of judicial employment may lawfully be employed by the judiciary, provided that he or she submits an affidavit indicating the intent to apply for citizenship when eligible to do so. A sample form of this affidavit has been provided to the courts.

Judicial Clerkship Handbook - 18
The appropriations law requirements apply to anyone appointed into a paid position within the judiciary in the continental U.S. The appropriations law requirements do not apply to employees with a duty station in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, or the Northern Mariana Islands, nor do the requirements apply to unpaid volunteers.

Judiciary offices must obtain concurrence from the Administrative Office of the U.S. Courts, Office of General Counsel, to appoint an individual who is not a U.S. citizen.

In addition to the above appropriations law, The United States Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), mandates all federal government agencies in the continental U.S. comply with the Immigration Reform and Control Act of 1986 (IRCA) which states that federal government agencies must hire only U.S. citizens and aliens who are authorized to work in the United States. All individuals appointed by a judiciary office must complete the Employment Eligibility Verification Form (Form I-9) certifying their eligibility to work in the U.S.

Note: if anyone is hired in violation of these restrictions, the Administrative office of the U.S. Court is required by statute, to remove the person from the payroll immediately and may demand reimbursement of the funds paid.

If you are not a U.S. citizen, you should notify the chambers in which you are seeking employment, to permit the judge to determine if you are eligible for consideration. For detailed information on the Appropriations Act and other regulations and orders, see https://my.usajobs.gov/ResourceCenter/Index/Interactive/NonCitizensEmployemen#. For further information call the General Counsel’s Office of the Administrative Office of the U.S. Courts at 202-502-1100.

State Court citizenship requirements depend on the individual state’s laws. Non-U.S. Citizens should check directly with the state court(s) in which they are interested.

Once you define the strategy and the judges who respond to your strategy, try to find if any alumni have worked for them, any alumni/friends have appeared before them, and any other connections you, the school or people in your network may have with the judge or the judge’s chambers.

B. Research on Judges and Courts

Federal Courts:

- **OSCAR** (Online System for Clerkship Application and Review)
- **Almanac of the Federal Judiciary**: 2-volume, semi-annually updated directory of federal judges containing biographical information, evaluations submitted anonymously by attorneys, and summaries of noteworthy opinions. Law Library and Online on Westlaw: “AFJ” is the database identifier
- **Alliance for Justice, Judicial Selection Project**, www.afj.org/judicial-selection/: Provides information about the names and number of judges in each Circuit, demographic information, ethnicity, and president who appointed the judge.
- **Federal Judicial Center**, http://www.fjc.gov: contains the Federal Judges Biographical Database, which you can use to create customized lists of judges based on nominating president, type of court, dates of service, or demographic groups.
- **U.S. Department of Justice, Office of Legal Policy, Judicial Nominations**, http://www.justice.gov/olp/judicialnominations113.htm: The U.S. Department of Justice’s Office of Legal Policy maintains a list of federal court nominations, confirmed nominees, and vacancies for each Congress.
You can also find information about judges in their application materials which are sometimes available on-line.

- **Senate Nominations:** [www.senate.gov/legislative/legis_act_nominations.html](http://www.senate.gov/legislative/legis_act_nominations.html)
- **Federal Judiciary:** [www.uscourts.gov](http://www.uscourts.gov) and its newsletter *The Third Branch:* [www.uscourts.gov/ttb](http://www.uscourts.gov/ttb)
- **The Judicial Yellow Book:** [www.leadershipdirectories.com](http://www.leadershipdirectories.com) provides information about judges, chambers, staff, clerks, schools they graduated from

### Resources for researching state judges:

- **The Guide to State Judicial Clerkship Procedures**, available in hardcopy in the CSO, and on-line at: [forms.vermontlaw.edu/career/guides/](http://forms.vermontlaw.edu/career/guides/) (contact CSO for login information): Contains details about the clerkship hiring procedures for trial and appellate courts in all 50 states and U.S. territories, along with hiring timelines, website listings, and contact information.
- **NALP Insight and Insider Information for Select State Clerkships**: CSO: Contains insider information on select state court clerkship application procedures.
- **State Court Structures** as compiled by the Court Statistics Project for the National Council for State Courts: [http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts.aspx](http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts.aspx)

You can get to individual state court websites through this general state court by clicking on the map and find information about current listings in some states.

### Resources available in the School

**Introduction:** Understanding when judges wish you to apply is a challenge. The federal judiciary has a centralized on-line application system where all judicial clerkships are posted at different times, but the state courts do not have such a centralized system for all states, and most states do not have a central system of vacancies for judicial clerkships within the state. Many courts post judicial clerkships on their court website, or, the website for the specific judge’s chambers.

As of the fall of 2015, the I.U. Maurer School of Law, will start up gathering information about clerkships of our alumni with specific judges, the application process, etc. The I.U. Maurer students and alumni are the most formidable resource for information for our database, and we ask you that you report back to the Director of Judicial Clerkship Program any information you have gathered during your clerkship application process to expand the database in the school and help make the clerkship application program more successful for those who come after you.

To protect the privacy of the students who provide information to the database, only the Director of Judicial Clerkship Program initially and later the CSO Counselors will have access to the database.

We ask students and current clerks to report to the Director of the Clerkship Program when judges contact students, conduct interviews, issue offers, and hire. The Director will aggregate the information anonymously and make it available to students who are in the midst of their search. This will be helpful to students who are still pursuing a clerkship, but the information is only as good as the data provided to the office.
1. Judicial Clerkship Program – Director of Judicial Clerkship Program & Other Faculty

If you are interested in a post-graduate judicial clerkship, do make an appointment first with the Director of the Judicial Clerkship Program, Inge Van der Cruysse, ivanderc@indiana.edu. You will get assistance on how to start your search, and get follow-up throughout your search program. She can get you in touch with alumni who have indicated they will provide mock-interview experience over skype, or in person. And, she can set up mock interviews with faculty once or twice a semester.

Other faculty, especially those whom you ask to write a recommendation letter, will be able to help you comment on your cover letter, resume, and in particular your writing sample. As discussed above in the time-line, make sure you make an appointment with your recommending faculty members in a timely fashion so they have time to write a good recommendation letter for you. A reasonable lead time is four weeks. It is helpful if they have a draft of your cover letter, your resume, transcript and writing sample so they have a good sense of what is in your application. Do not wait to ask them for a recommendation letter or to send them these materials until you have entirely completed your drafts of each document! They will be happy to comment on each document if you ask them.

2. CSO: Logistics & Coaching

Ms. Kim Bunge is your resource in CSO to help you with mail mergers, etc. on paper applications for judicial clerkships you want to apply to, and she is also an expert in the use of the OSCAR system, and will collect recommendation letters from faculty and upload them on the system.

The CSO office’s career counselors will be able to help you with the review of your resume, cover letter, and mock interviews.

3. On-Line Resources

(a) Get to know the courts:

- Federal Courts:
  - on circuit and district caseloads: [www.uscourts.gov/iudbususe/iudbus.html](http://www.uscourts.gov/iudbususe/iudbus.html)
  - OSCAR system (On-Line System for Clerkship Application and Review): the Administrative Office of the federal judiciary has made the system available at [https://oscar.uscourts.gov](https://oscar.uscourts.gov) All federal judicial clerkships are posted on OSCAR, but each individual judge has discretion at how he/she uses OSCAR, how applications have to be submitted. Some judges do not use OSCAR and their names are listed in grey and are not linked to a record. Some judges communicate more details about the preferred application process than others.
  - Some judges communicate with the school directly to make the school aware of details of the application process.
  - First step is to create a profile on OSCAR (use the Register button), which you should do in your 1L summer or at the beginning of your 2L fall semester, so you can track nation-wide vacancies and get used to the system. Make sure you familiarize yourself with the on-line training tools in OSCAR, so you are familiar with the system.
• Second step: look for positions available by using the tab “Search Positions.” Any of the search tabs (basic/advanced) will help you get an update on which judges you are interested in are hiring. If the judge’s name is highlighted, click on it, and you will see their “information tab” which provides details on hiring preferences. If the judges has posted a vacancy, it will be listed under the judge’s name on the main results page.
• If the judge accepts electronic applications, you should follow that instruction: it is a fast process once your application materials and recommendation letters are uploaded. Details on how to do that, can be found in the OSCAR training video and tip sheets. If you have any particular problems, contact Kim Bunge in the CSO office, and she will help you.

○ State Courts:
  • Same as hard-copy applications process in federal courts
  • The Guide to State Judicial Clerkship Procedures, produced by the Vermont Law School, is the best resource to use for determining state court clerkship application procedures. You can link to the “Vermont Guide” from the OPS Resources web page at http://forms.vermontlaw.edu/career/guides/ Contact CSO or Inge Van der Cruysse for the login password.
  • The Vermont guide is good in particular for Alabama, Arkansas, Delaware, Georgia, Iowa, Carolinas, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington state and Wisconsin. Many state court judges accept applications on a rolling basis or at their individual discretion.
  • Some Courts have one deadline and require one application for all the state court vacancies in that state. That is the case for Oregon for example.

○ Federal Agencies with Administrative Law Judges:
  • Department of Agriculture: http://www.dm.usda.gov/oaljdecisions/about.htm
  • Commodity Futures Trading Commission: http://www.cftc.gov/index.htm
  • Department of Education: http://oha.ed.gov/organizations.html
  • Environmental Protection Agency: http://www.epa.gov/oalj/
  • Federal Communications Commission: http://www.fcc.gov/office-administrative-law-judges
  • Federal Energy Regulatory Commission: http://www.ferc.gov/about/offices/oaljdr.asp
  • Federal Labor Relations Authority: http://www.flra.gov/ALJ
  • Federal Mine Safety and Health Review Commission: http://www.fmshrc.gov/
  • Federal Trade Commission: http://www.ftc.gov/ftc/alj.shtm
  • Dept. of Health and Human Services, Dept. Appeals Board: http://www.hhs.gov/dab/
  • Department of Health and Human Services: Food and Drug Administration: http://www.fda.gov/
  • Department of Health and Human Services,Office of Medicare Hearings and Appeals: http://www.hhs.gov/omha/index.html
  • Dept. of Housing and Urban Development: http://portal.hud.gov/hudportal/HUD?src=/program_offices/hearings_appeals
  • Department of the Interior: http://www.doi.gov/oha/about-oha-director.cfm
  • Department of Justice: Executive Office for Immigration Review: http://www.justice.gov/EOIR/ocahtinfo.htm
  • Department of Justice: Drug Enforcement Administration: http://www.justice.gov/dea/ops/oalj.shtml
- Department of Labor: http://www.oalj.dol.gov/
- National Labor Relations Board: http://www.nlrb.gov/who-we-are/division-judges
- Occupational Safety and Health Review Commission: http://www.oshrc.gov/about/ALJ_bios.html
- Department of the Treasury: Office of Financial Institution Adjudication: Ph: (202) 906-6000
- Small Business Administration: http://www.sba.gov/about-offices-content/1/404
- Social Security Administration: Ph: (703) 605-8500
- Department of Transportation Office of the Secretary: http://www.dot.gov/mission/administrations/administration/hearings
- U.S. Postal Service: http://about.usps.com/who-we-are/judicial/welcome.htm

(b) How to manage your applications?
1. make a list of judges you are interested in.
2. Get your materials ready for applications to be sent in.
3. Create an excel spreadsheet that allows you to track your applications. Please, upload it on CareerNet and update it, so Director of Judicial Clerkships can access it and you can also from anywhere you are at any time as well.
4. Hardcopy applications: Ms. Kim Bunge, in the CSO office helps you with hardcopy applications. how does CSO assist in that? What is the best method to get help with that? How do the recommendation letters get inserted in that packet?

4. Alumni and Friends of the School
   (a) Weblink to Alumni who have clerked: http://apps.law.indiana.edu/careers/where-are-they-now/clerkships.asp
   (b) Weblink to Faculty who have clerked: https://www.law.indiana.edu/careers/hips/faculty.shtml
   (c) Recent Graduates who are clerking or have clerked and are willing to coach students through the interviewing process: please, contact the Director of Clerkship Placements, Inge Van der Cruysse, ivanderc@indiana.edu, (812) 855-2075

Section 3: Interviews and Offers

1. Schedule Interviews
   a. If you interview in one chambers and you have applied for other clerkships in the same court, or same geographical area, try to contact the other chambers and see if you can parlay yourself into doing interviews with the other judges on the same day too.
   b. When offered an interview, research if the school has had any contact with the judge before, either through faculty clerkships or through alumni clerkships.
   c. If you have difficulties fitting an interview in your schedule (e.g. during exams), please contact Inge Van der Cruysse for help.
   d. If you travel a long distance for another purpose, do not hesitate to contact chambers where you have applied and ask if the judge has started the interviewing process yet, and would be willing to set up a meeting while you are in the area. Some judges do phone interviews and skype interviews, but they will still prefer to see you in person. If
you need help scheduling a video interview, please contact Inge Van der Cruysse for help.

e. You have to cover your own travel expenses for interviews related to judicial clerkships.

2. Interviews

a. Interviews with judges are different from the interviews you are used to: you don’t have to convince an institution or a group that you fit in, but mainly one person. There will be an interview with the judge alone or with the clerks. If your interview takes place with the judge alone, you will usually have the opportunity to interview with the clerks as well. Remember that the ‘interview’ starts from the moment you will walk in the door. Judicial chambers do not comprise many staff members, and each staff member you encounter will most likely provide feedback about his/her meeting with you to the judge.

b. Be prepared for interviews where you will be ‘quizzed’ on certain issues of law, recent supreme court cases. You may also be asked an in-depth question on any line of your resume: if you wrote an undergraduate thesis, or a published article, you may want to refresh your recollection of the particulars so you can talk coherently and succinct about its main points.

c. The selection of a judicial clerk is a subjective and personal decision for a judge. You should expect to also be assessed as to whether you fit in the chambers culture, which most likely will take the interview to questions about your non-legal interests and different aspects of your background. Judges are going to be interested in your career goals and how a clerkship would help advance your objectives. Remember to relax and treat the interview as a conversation.

d. You should also prepare yourself to discuss a legal issue substantively. Sometimes it is related to your law journal note, the work you have done in the summer, a seminar you have taken, a clinic or externship, a recent Supreme Court case, etc. In asking about it, the judge will assess your quality of thinking and interaction on legal issues, which is a central part of the clerk’s job. It is important to invest time in reflecting on the issues you would like to talk about.

e. Educate yourself about the judge you are interviewing with: look at the resource section. The Almanac of the Federal Judiciary, and other publications which provide biographies of the judge are important to consult. You should also check Westlaw and Lexis for information on recent cases e.g. in the past six months. Pick some that catch your attention.

f. Prepare questions you have about the judge re recent decisions and opinions, but also how the judge manages chambers: how does the judge assign cases, how does the judge expect to communicate with clerks about cases (conferences, written reports, bench memos, etc.). How does the judge use clerks in court hearings (will you have the opportunity to observe e.g.)?

g. Prepare yourself for an interview with the clerks. It will most likely be a less formal conversation, but do not let your guard down: many judges include their clerks in the selection process, and clerks tend to be very protective of their judge and will want to find the right clerk. So, it is important to understand that the interview with the clerks is almost as important as the interview with the judge.

h. Judicial assistants, courtroom deputies/bailiffs, and other staff may also be people you interact with during your visit to the chambers. These may be casual interactions, but you will be assessed by all of them. Note that there are cameras everyone in
courthouses these days. So, when you hit the buzzer at the front door of chambers, it is very likely that someone in chambers has been watching you walk down the hallway.

i. When offered a job: accept it: only apply to judges you will want to work for. If an interview reveals that you don’t want to work for the judge, you can always withdraw your application (if you didn’t like the interview, however, there is a good chance the judge didn’t like the interview either). Be careful: do not play judges out against each other: they often talk to each other about candidates they interview, and when they know each other, they will not steal another judge’s clerk. Not a good reputation with the judge if the judge finds out you want to hold out for a ‘better’ clerkship. You may lose the offer.

j. Political leanings and other interests: can you argue both sides, can you imagine spending a few days drafting an opinion you whole-heartedly disagree with?

k. The experience will stay with you for your lifetime and deserves careful attention.

l. After your interview, promptly send a thank you letter to the judge. Keep it brief, but do not hesitate to tie up loose ends. If you have interacted with the chambers’ staff, you should also consider sending them a letter as well. Make sure your proofread the letter well so it is free of any errors.

3. Offers

a. Federal judges have the expectation that you will accept their offer. Judges are encouraged by the Judicial Conference to allow some reasonable time to the candidate to weigh his/her options against other viable options, but not all judges follow that. Some judges make offers at the end of an interview, other judges within a day of the interview. Acceptable requests for very brief extensions of time may be that you have scheduled another couple of interviews that same day and want to go through those first rather than cancel them at the last minute. Such a request should be made with diplomacy and deference. However, there are not many reasons to ask for an extension of time. Telling a judge you will get back to him/her as soon as you can may cost you the offer and also harm the relationship the school has with the judge and thus affect other applicants from the school.

b. State Court judges, like federal judges, are accustomed to deference. The offer of a state court judge should be also accepted as soon as possible. If you feel comfortable accepting the offer, do so immediately. If you need more time (a few days to a week), to think it over, you can, graciously and humbly ask for a small amount of time to determine your options. Once the time has expired, promptly contact the judge and let them know about your decision. State court judges may be slightly more flexible about your choice, but note that these initial interactions with you will determine the judge’s opinion about you and your school.

c. If the interview has convinced you that you will not want to clerk for the judge, write a letter and withdraw as graciously as soon as possible after the interview without showing that you responded unfavorably to the judge. This avoids a potential situation where you have to refuse an offer. Consult with the Director of Judicial Clerkships before you undertake this course of action.

d. Once the interviewing process is set in action, you don’t have much control over the situation, so, it is important to consider before you apply whether you will be comfortable accepting an offer from any judge you apply to. If the answer is no, do not apply to the judge.

e. This process is unsettling and unusual in that a clerkship is not like other jobs in the legal profession: no matter who you clerk for, you will learn a lot about the law, the practice,
and you will learn to assess what good lawyering and bad lawyering entails. At the same time, you are developing relationships with co-clerks and a jurist, all of whom you will learn a lot from (and to whom you have a lot to offer) and with whom you will have a lifelong professional and personal relationship.

Section 4: In Conclusion, a Note on Internal Communication

It is important for the school, as it embarks on improving its judicial clerkship program that you stay in close contact with the Inge Van der Cruysse, the Director for the Judicial Clerkship Program. Here is her request:

If you have any questions or concerns about your search, contact me immediately to set up an appointment, or to ask questions by e-mail. I will be happy to help you call chambers, find out more information, get you in touch with alumni who have clerked with the judge you apply to, set up mock-interviews with alumni, faculty, or advise you to do a mock interview with CSO staff. I’m here to help you every step of the way.

I would also like to request your help: the information we give to current and future students depends on your willingness to provide my office with accurate information about your process, with feedback on the information we provide to you. Before the end of the 2015 calendar year, we will embark on an improved way to collect information from you. One step is: to provide on your profile in CareerNet a spreadsheet with information about who you apply to, with whom you get interviews, etc. In other words, the spreadsheet we advise you to maintain to manage your application process. You can also send it by e-mail to me. We will also e-mail you a request to fill out an interview sheet about each interview you have with a judge. The information will anonymously be used to inform students who apply with the same judge in the future. As we are reaching out to alumni who are currently clerking or have recently clerked, we will reach out to you in the near future to ask for help with mock-interviews, information about the court where you have a clerkship, and to help students in the midst of their judicial clerkship as a coach, mentor, etc.

Finally, this clerkship handbook is password protected because it is in its first draft: I would appreciate any and all edits, ideas for improvements and additional information you find is currently lacking. We are here to help you and future generations of students, but our success lies in great part in your help with this endeavor.

I look forward to meeting you and working with you,

Inge Van der Cruysse