

**GUIDE TO
POST-GRADUATE JUDICIAL CLERKSHIPS**
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I. What is a judicial clerkship?

A judicial clerkship is a one or two-year job with a judge following law school graduation. Law clerks perform a wide range of duties, and judges use their law clerks differently. Duties often include research and writing on legal issues pending before the judge, drafting legal opinions, helping the judge to manage schedules for individual cases and overall dockets, and acting as a contact between the judge and attorneys. In some courts, law clerks may have more administrative responsibilities, such as infrequent support staff coverage, or may even assist the judge personally, like driving the judge to the airport.

Federal and high state court judges usually have two to four clerks, while other judges may have only one clerk. Some judges may hire one or more "permanent" law clerks who are on staff and do not change from year to year. Often judges with a permanent clerk have at least one other rotating law clerk position available to which you may apply.

II. Who should read this Guide?

Rising 3L Students

As part of a "hiring plan" adopted by the courts several years ago, most federal judges review applications for law clerks in September of the applicant's third year. Some federal judges, however, do not follow the so-called hiring plan, and review applications during a student's second year (or earlier). In addition, a large number of state court judges have traditionally hired students during their third year, and many of these judges will contact the Office of Career Planning ("OCP") advertising such positions. Even if you

have accepted an offer of employment, you can still consider a clerkship as many employers, particularly large law firms, are willing to defer your start date while you clerk.

Rising 2L Students

Some federal judges hire students during their second year, as do some state court judges. If you plan to seek a state court clerkship, you should contact judges' chambers to see when the judge will be accepting applications. You should consult the *Guide to State Judicial Clerkship Procedures* published annually by the Vermont Law School, which is available in hard copy in the Office of Career Planning and online via the Web Resources page of the OCP website.

Graduates

If you did not apply for a judicial clerkship during law school, but now regret that decision, do not despair. Many judges will consider applications from recent graduates, and some affirmatively seek experienced attorneys to serve as both rotating or permanent law clerks. Your judicial clerkship application process will be substantially similar to that of current students. However, the Federal Law Clerk Hiring Plan does not apply to alumni applicants.

III. Why clerk?

First of all, clerkships can be great fun. This may be the only chance most attorneys ever get to think about the law without the distractions of ringing phones or billable hours. Also, law clerks often have the luxury of debating issues with their co-clerks and judges that busy practitioners never have the time or opportunity to contemplate. Clerking for one or two years in a different part of the country can expose you to new people and a new culture without requiring a long-term commitment to that area.

Second, there are great practical benefits. Clerkships offer the opportunity to observe the judicial decision-making process from an unusually close vantage point. Not only do clerks get the “behind the scenes” story, but clerkships provide recent graduates their first opportunity to watch lawyers practice law. Law clerks observe lawyers’ different oral and written litigation styles (both the effective ones and the not so effective ones). New law graduates are also exposed to the practical workings of courtrooms and chambers, both trial and appellate, and to current legal issues. Clerkships also introduce new graduates to the local bar -- and vice versa. Most subsequent employers look favorably on clerkship experiences; some firms may bring law clerks in as second-year associates.

Don’t rule out clerking just because you do not think you want to litigate. The perspective you gain during your clerkship is invaluable in any area of practice. The time you spend in chambers will give you insight into the “big picture” that would be difficult to develop in your junior years practicing law. You will enter private practice with the ability to provide expert advice on “your” court to those with whom you practice, a great professional asset. Also, much like the name of law school you attended, the name of the judge for whom you clerked will be an entry on your resume and Martindale Hubbell biography for the rest of your professional life.

Finally, clerks and judges often form rich personal and professional relationships that last throughout their careers. Judges often become lifelong mentors to whom former clerks turn again and again for advice. In addition, a strong recommendation from a judge on any court is a valuable statement due not only to the judge’s reputation, but also due to the inherently close exposure the judge has had to your research and writing abilities. Additionally, you should not overlook the relationships you form with co-clerks; whether they work with you directly or work with another judge in the same courthouse, these also become lifelong professional contacts.

If you'd like to discuss the clerkship experience, we strongly encourage you to contact faculty and administrators who clerked, or students in the graduating classes ahead of you who accepted clerkships. Lists of these individuals are available on the OCP website. You may also search the Alumni Mentoring Database for alumni mentors who served as law clerks.

IV. Where to clerk?

Federal judges at the trial and appellate levels all hire law clerks. Within the federal system, there are two obvious choices: the courts of appeal and the district courts¹. However, do not overlook the federal magistrate judges who are hired by the district courts and can, depending on a district court's philosophy, oversee criminal and civil cases at various phases of development. In addition, federal bankruptcy courts provide a broad experience to those interested in corporate or commercial matters or federal litigation, as well as in-depth experience for those interested in practicing bankruptcy law. The federal system has many other "specialty courts" including the Tax Court, the Court of International Trade, the Court of Military Appeals, the Court of Veterans Appeals and the Court of Federal Claims. Federal agencies also employ administrative law judges who hire judicial clerks.

There are trial and appellate clerkships to be had in all state court systems. Some states' courts are known for their strength in certain areas. For example, the Delaware Chancery Court is a great place to clerk if you are interested in corporations or transactional law, for many companies throughout the nation incorporate in Delaware and resolve disputes in this court. When looking at state courts, pay careful attention to the quirks of each system; no two state systems are alike. For example, the New York Court System can be confusing, as the highest court is called the Court of Appeals and the trial-level courts are called Supreme Courts. See *BNA's Directory of State and Federal Courts, Judges and Clerks*, located in the OCP library, for organizational charts for each state's court system.

V. Narrowing down the choices

Faced with the multitude of potential clerkships, clerkship applicants can become overwhelmed and simply give up rather than narrow down their choices. Don't give up now! If you have gotten this far, you are obviously very interested, as well you should be, and you should read on to figure out how to cut this enormity down to size.

A. Self analysis

First, figure out why you are pursuing a clerkship and what your longer-term goals are. For example, if you think you want to pursue a career in trial advocacy, you should consider a trial court clerkship. If you think you are interested in relocating to a particular state, perhaps you should clerk for a state court to become familiar with that state's procedure and players. Should you aspire to teaching law school some day, the prevailing wisdom is that you should clerk for a federal appeals court. If you have a particular

¹ The United States Supreme Court is, obviously, also an option in the federal system. Most Supreme Court clerks first clerk on other (usually federal) courts, some of which are known as "feeders," meaning that they feed clerks into Supreme Court clerkships. If you think the Supreme Court is a viable option for you, you should speak to a member of the Clerkship Committee about your application strategy.

substantive area of concentration, you might consider clerking for courts or administrative tribunals in that area.

B. Connect with people

If your long-term goals are not yet well defined, you can still narrow down your choices. OCP maintains a listing of judges who have employed W&L Law graduates as law clerks, and a list of W&L Law alumni who are currently on the bench. You may want to research some of those judges and apply to them. In addition, we strongly encourage you to schedule a clerkship strategy meeting with Lorri Olan (by contacting Jane McDonald at mcdonaldj@wlu.edu), and meet with your faculty recommenders to discuss your application options.

C. Research

No amount of self analysis or discussion can substitute for researching the judges to whom you apply. Different amounts of research are required at different stages. When you are narrowing down your choices initially, it is probably sufficient to learn basic biographical information, which you will find in the *Almanac of the Federal Judiciary (the "Almanac")*, the *Judicial Yellow Book* found in the Law School Library, *The American Bench*, and as well as on Lexis and Westlaw. However, before you go to an interview, you should read the judges opinions, discover significant decisions, and search to see if anything interesting has been written about the judge in the media; this information can be found in *the Almanac*, as well as in Lexis and Westlaw. See the complete list of research resources below on the Judicial Clerkship page of the OCP website.

VI. Application strategies to consider

A. Understand the odds and consider trade-offs

Many students contemplate applying only to federal courts of appeal or highest state courts in major metropolitan areas like Washington, D.C., New York City, Boston, Chicago and San Francisco. This tactic will most likely disappoint all but students with the very highest grade point averages, not just at W&L Law, but at law schools across the country. There are simply not enough law clerk positions on those few courts to satisfy everyone. The Committee encourages you to consider applying to a broader spectrum of locales and courts.

Understanding the tradeoffs is helpful. For example, if you are determined to clerk for a federal court of appeals, you should consider judges in less popular areas, like Sioux Falls, SD or Cleveland, OH. But, if you have your heart set on New York City, you may need to apply to magistrate, bankruptcy and district judges as well as circuit judges.

B. Senior judges and recent appointees

You may also meet with greater success if you look at clerking for judges at the beginning or end of their careers. In the federal appellate and district courts, judges are entitled to take “senior status” at a certain age, determined by chronological age and years of service. Once on senior status, judges can continue to carry a full or reduced caseload. Also, senior status judges may occasionally arrange to sit on other courts as a visiting judge. Since judges on senior status are still entitled to hire one or two clerks, this may be a viable option and may be slightly less competitive, depending on the judge and the caseload he or she oversees.

On the other end of the spectrum are recently appointed judges. New appointees need law clerks but may not receive many applicants because students do not know that they are on or will be on the bench. Again, obtaining a clerkship with a newly-appointed judge may be easier because not all students will think to apply to these judges. Realize, however, that if you apply to recently-nominated lawyers who have yet to be confirmed as judges, you may be getting in on the ground floor, but you also run the risk of their not being confirmed at the precise time you would like them to be. Judges elevated to a higher court may have additional clerkship positions to fill, though they may prefer clerks with experience. You can keep abreast of these opportunities by monitoring the confirmation websites linked to the OCP Judicial Clerkship Information webpage. Judges with heavy workloads are also worth targeting. The Administrative Office of the United States Courts has authority to grant the busiest judges slots for additional “temporary” law clerks. Despite the word “temporary,” these clerks are usually hired for the same term and perform the same duties as other law clerks.

C. Staff attorney positions

Another route to consider may be serving as a staff attorney. All federal appellate and some state courts employ recent law graduates to fill these positions. While their use varies by the courts needs, in general, legal practice or clerkship staff attorneys do not serve a particular judge. Rather, they work for the judges as a whole on matters such as emergency motions or jurisdictional issues which the individual judges’ law clerks do not work on. While staff attorney positions may be compensated at the same rate as law clerks, they are not usually as prestigious as judicial clerkships and usually do not involve the same level of contact with individual judges. Nonetheless, staff attorney positions can provide useful practical experience, exposure to a particular jurisdiction and court and may be looked upon favorably by certain employers, both governmental and private.

D. Political affiliation

Many applicants to federal judges will choose to apply to a particular judge based on the political affiliation of president who nominated that judge for the bench. This political litmus test can have both positive and negative repercussions. On the plus side, if you have very strongly held political convictions and think that you could not possibly work for a judge with whom you have fundamental disagreement, you should be forewarned of that potential conflict. However, there are significant down sides as well. Most judicial decisions do not turn on politically-charged issues, so the frequency with which you and your judge's political ideals may clash may be few. Also, the strength of some judges' political affiliation varies over time. Finally, with the right mind set, you might actually enjoy a bit of mental sparring with a judge whose perspective is different than yours, provided that you always understand that the judge is in charge and gets the final say, regardless of how correct you believe your position is.

E. Number of judges to whom to apply

Because many students apply for relatively few positions, the judicial clerkship application experience is different from other job searches. Even strong clerkship candidates may have to apply to a large number of judges in order to secure a small handful of interviews and perhaps only one offer of employment. On average, even a very qualified candidate may enjoy an interview return rate of five percent; i.e., for every 100 applications, the student will receive five interviews. However, applying to hundreds of judges without reflection on the fit between you and those judges is not advisable; you may attract the attention of a judge for whom you realize, after researching the judge more thoroughly, you truly do not want to clerk. While everyone's situation is different, it is not unusual for students to apply to between 50 and 100 judges. You must decide the right number of applications for you.

F. Final thoughts on narrowing down your list

First, be realistic about your selections. Consider your credentials and the prestige of the court, jurisdiction and individual judge. Next, do not reflexively apply to a particular judge or a cohort of judges without thinking about your goals and needs. In other words, even though it may be considered more prestigious to clerk for a particular court, if that court does not fit into your long-term plans, look at other courts which may be better aligned with your career goals. **Also, do not, under any circumstances, apply to a judge for whom you really do not want to clerk.** This approach wastes not only your time, but also the judge's time and can ultimately hurt your reputation as well as the law school's among the judiciary. So, take the time early to figure out why you want to clerk, what you think you want to do after that, and which judges would be the ones with whom you will have the best fit.

VII. Financial considerations

Many people think that they cannot afford to clerk for one or two years after they graduate. For most students, the long-term benefits, discussed above, outweigh the short-term expenses. There are two types of costs involved in a post-graduate judicial clerkship: application/interview costs and opportunity costs.

First, the application process can become expensive, as you will have to pay for reproducing and mailing your materials. These expenses are small, however, compared to the potential interview costs. While a few judges, especially in remote places, may interview you by phone, most judges will require an in-

person interview. Unlike private law firms, judges do not pay your travel expenses to interview for a position. Hence, if selected to interview, you will bear all the costs associated with that visit, including airfare, hotel and/or rental car. While this seems onerous, there are ways to minimize expenses. You may try to consolidate your interviews in a city so that you only have to make one trip². Also, try to arrange to stay with family or friends or stay in a hotel near the judge's chambers so that you can walk or take public transportation to the interview. The bottom line is this: there are expenses associated with interviewing. However, much like buying an interview suit or paying for books, you should view this as part of the cost of investing in your legal career. In the long run, you will not remember what that ticket to Omaha cost.

Second, if you clerk, you may be foregoing higher pay, especially in the private sector, during the time of your clerkship. Law clerk compensation typically ranges from the low \$30s to the low \$50s. Federal law clerks, straight out of law school, will be compensated beginning at the JSP-11 level (follow the link at the bottom of the OCP Judicial Clerkship Information webpage to see the current salary for this pay grade). Courts in remote regions may pay a cost of living adjustment. Although this range seems low compared to Wall Street law firm salaries, there is more than the short term to consider. Many private firms pay new associates clerkship bonuses because they want to encourage recent graduates to participate in such rewarding experiences. Also, some firms will give you time or pay scale "credit" toward partnership for the time you spend clerking; e.g., after a one-year clerkship, you might join the firm as a second-year associate. Finally, while you are clerking, you can consolidate your loans or make other arrangements to service your debt. Talk to the W&L Financial Aid staff about your options.

VIII. When to apply?

For federal courts, the answer depends on whether the judge is following the hiring plan. If so, judges may not receive your applications until the day after Labor Day in your third year. These judges will begin to review applications immediately after the opening of the application period, so you are STRONGLY advised to submit *complete* applications before the first day of the application period. Consult the timeline and the procedural guides available on the OCP Judicial Clerkship Information webpage to ensure your application and supporting materials are ready on time. Federal judges who do not follow the hiring plan will decide when they wish to accept applications. If the judge posts an opening on OSCAR the application period will be noted. Another useful resource is www.uscourts.gov/careers.

Some state Supreme Court judges may seek law clerk applications from second year law students. Other state court judges have traditionally accepted applications throughout the third year. The *Guide to State Judicial Clerkship Procedures* (available on the OCP website) can provide information about judges' historical practices, but we recommend that you consult each court's website and/or telephone the chambers of each judge to whom you wish to apply to determine the application timing and procedures. We find that many state judges are in the process of revising their hiring practices in response to the federal judiciary's decision to conduct all law clerk hiring in the fall of students' third year.

² If you receive an offer to interview with a judge in a city where you have applied to other judges, you may call those other judges and let them know that you will be in the city interviewing. Usually, if a judge is already inclined to interview you, he or she will be sensitive to the financial implications of multiple visits and will try to accommodate your schedule. Also, while there are no guarantees, knowing that a colleague is interviewing you may encourage a judge to reconsider your application or move your application from the "maybe" pile to the "interview" pile.

The application process can be time consuming, so begin preparing as soon as you can. It may take you some time to make a list of judges and courts offering clerkships that interest you. It will also take time to determine, for each one, what application materials you need and that judge's application schedule. You should also spend time polishing your writing sample. Finally, make sure you line up your recommendation writers early, so that each has time to write a careful and thorough letter on your behalf.

IX. Applications

Judges select candidates to interview based on written applications. Most judges request

- a cover letter
- a resume
- a current transcript
- a writing sample
- letters of recommendation (typically three)

Some judges may require different or additional materials. We recommend that you refer to the OSCAR Online System for Clerkship Application and Review at <https://oscar.uscourts.gov/> and if information is not posted there, that you check with the chambers of each judge to whom you wish to apply to determine the materials that are required

A. Cover Letters

In general, cover letters should be well written and to the point. The first paragraph should include who you are, the position for which you are applying, and the approximate date your tenure would begin. The second paragraph should include salient or interesting things about you that make you stand out, in a positive way, from the pack. Also include in this paragraph any geographical connection you may have to the area in which the judge's chambers are located or the jurisdiction the judge serves³. If there are other connections you have to the judge or reasons that you want to clerk for that particular judge, take the opportunity to make your case. Your final paragraph should thank the judge for his or her time and consideration. If you are going to be in the area of the judge's chambers at some definite time in the future (e.g., during a break to visit family or friends), indicate this. Judges are sensitive to travel expenses and if they are interested in interviewing you, may try to accommodate your schedule. Let the judge know what other materials you are enclosing with the cover letter (e.g., resume, transcript and writing sample).

Recognize that judges get many hundreds of letters each year. They do not have staff dedicated to

³ The distinction between the judge's chambers (office) and the jurisdiction the judge serves may be great. For example, the Ninth Circuit covers Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam and the Northern Mariana Islands. A federal appellate judge on the Ninth Circuit may have chambers in Reno, NV; so Reno would be the place in which the clerk would live and work. However, about once a month the judge will travel to Pasadena, CA, San Francisco, CA, Portland, OR, or Seattle, WA to hear oral arguments. Typically, one of the clerks will accompany the judge when he or she "goes on calendar" to hear oral arguments.

reading your application, nor do they have the funding to hire recruitment professionals to facilitate the hiring process for them. In short, their law clerks and secretaries are taking time out of their very busy schedules to read your letter and application materials. The more efficient and interesting your letter is, the more likely the reader will read on and possibly pass your information along to the judge for further consideration.

In some courthouses judges compare notes on their clerkship applicants. If you choose to include language in your form letter that a judge might interpret to be addressed uniquely to him or her, you run the risk of sabotaging your clerkship search. That impassioned paragraph about your desire to clerk for a particular judge rings hollow when the judge discovers at a weekly judge's luncheon that everyone at the table received the same letter.

While it may seem simple, addressing your cover letter and envelope correctly, with correct titles, spellings and salutation lines, is ***absolutely critical***. A misspelling or awkward construction shows the judge that you do not pay attention to detail and may relegate your resume to the "do not interview" pile. ***Judges participating in a recent panel discussion estimated that one third of clerkship applications are discarded due to obvious typographical errors, misuse of titles or court names and similar errors. Do not disqualify yourself with carelessness!***

Information on addressing your cover letter and envelopes, as well as guidelines for producing your letters using a word processing mail merge, is available on the Judicial Clerkship Information page of the OCP website.

B. Transcripts

Virtually all judges will require a transcript but most will accept an unofficial copy, which you may obtain from the W&L Law Recorder Linda Johnson. If you need an official law school transcript, one must be requested from the University Registrar. The form and the guidelines for making a request are accessible online at <http://registrar.wlu.edu/policies/transcripts.htm>. Requests may be faxed to the Registrar, but may not be made by email or telephone. Some judges require undergraduate transcripts as well as law transcripts. If a photocopy of your official undergraduate transcript is acceptable to the judge, you may obtain one from the law school Recorder.

C. Writing Sample

Before hiring you, a judge will want to see a sample of your writing. Some judges will want a writing sample sent in the initial packet of materials; others will ask you to send a writing sample only after reviewing your other materials first. Contact the judge's chambers to determine how to proceed.

The writing sample you choose to send should be the best piece of legal writing you have done to date. You should consider all of the work you have done, including work you produced in your summer employment, a draft of your journal note if you are working on one, and your first year legal writing course assignments. Regardless of what sample you choose, all samples must be (1) substantially your own work, (2) accessible to the non-specialist reader; and (3) error free.

Let's break that down. Number one is by far the most important. You cannot submit a piece of writing to a judge (or any employer, for that matter) which has been so heavily edited that it is not your own. This is really for your own good: if you submit a writing sample, the quality of which you cannot reproduce on

your own, you are setting yourself up to fail. If you cannot write as well as the judge thinks you can, because the judge relied on the writing sample as an accurate representation of your work, you will always fail to meet the judge's expectations. This is a terrible trap to set for yourself, and you will have a difficult clerkship if you fall into it.

The second rule exists because most judges and their law clerks (who often make the first cut through reading clerkship applications) are legal generalists, unless you are applying to a specialized court like the Tax Court. Therefore, choosing a piece of writing in a very technical legal area may put you at a slight disadvantage over others who have chosen a piece of writing which is more accessible to smart lawyers without specialized knowledge of the topic.

Finally, rule three sounds unimportant, but can be the difference between getting an interview and being passed over. All judges, regardless of which court they sit on, have very high standards for themselves and the work that leaves their chambers. As a law clerk, you represent your judge in the outside world and your work product reflects your judge. If you are unable to produce a letter-perfect document as a sample of your work, the judge may rightly conclude that you do not possess the requisite attention to detail which a representative of his or her chambers must have.

D. Letters of Recommendation

Recommendation letters can be very influential in judges' decision-making processes. Judges usually would like you to send three letters of recommendation, at least two of which come from law school faculty members. The third may be from a legal employer who knows your work well. This is not a hard and fast rule, so if you are uncertain, call the individual judge's chambers to see what letters that judge requires.

The people you ask to submit letters on your behalf should be familiar with you and your work. The better the person writing the letter can speak to your abilities personally, the stronger the recommendation will be to a judge. So, get to know a few of your professors and supervisors at work. Also, do not be concerned about the "status" of your recommender; a glowing letter of reference by a senior associate is always a better choice than a tepid letter from a named partner. For guidance on managing the recommendation letter process, consult the letter of recommendation resources on the OCP Judicial Clerkship Information webpage. To obtain faculty recommendations, you must follow the procedures published by OCP for federal or state courts, as appropriate.

For letters of recommendation from people other than faculty members, we recommend that you give the recommender your resume and transcript to refresh his or her memory as to your background. Inform the recommender of the names of the judges to whom you will be applying. Request that the recommender supply signed, sealed letters to you well in advance of the mailing date so that you can include them in your application package. If you are requesting a letter from someone who is unable to individually address the letters, request that they address their letter in a generic fashion (To Whom It May Concern), and provide you with the necessary number of signed copies in sealed envelopes. If the recommender is willing to do so, they should sign across the sealed back of the envelope to assure the recipient that the letter has remained confidential. If your recommender is unable or unwilling to deliver reference letters to you, request that they send the letters directly to the judges to whom you are applying, for receipt as soon after your application mailing date as possible.

X. Interviewing

First, before your interview, you must research and read significant decisions in which the judge has been involved. It would not be unusual for a judge to ask you which of his or her opinions you found most interesting. Not only should you read opinions in which the judge writes for the majority, but you should pay special attention to concurrences and dissents. The judge's particular philosophy or interests may be best revealed by reading those opinions in which the judge is not in agreement with the majority. You should also be aware of opinions that have been overruled.

Second, be knowledgeable about United States Supreme Court jurisprudence. The U.S. Supreme Court is the one court in the nation to which judges and lawyers pay the most attention. A judge may ask you who your favorite or least favorite Supreme Court justice is and why. Others may ask you to comment on recent notable decisions, especially those pertinent to the jurisdiction in which you are interviewing.

Third, be prepared to discuss your writing sample in great detail. Judges will often ask you questions about your sample and engage you in discussion of its implications to assess your ability to present ideals orally and think on your feet. Also, be familiar with other large pieces of writing you have done either during or before law school; they are all fair game for discussion in the interview.

Fourth, because you will be working very closely with the judge, he or she will want to get to know you as a person. The judge may be very interested in the hobbies or extracurricular activities you listed on your resume and may ask you to elaborate on such topics and other personal information at greater length than other legal employers.

Fifth, be prepared to ask good questions of the judge. Often the best questions are those that result from the research that you do on the judge and the jurisdiction. Substantive questions about interesting current decisions are always a good idea, but do not ask questions of the judge which would require the judge to reveal anything confidential, such as questions about cases pending before the court. Also, asking questions which could be answered with reference to easily accessed materials will only show your lack of preparation; do your homework to avoid looking foolish in the interview.

Finally, the judge is not your only audience. Often, the judge's current law clerks will speak with you by phone before you enter the judge's chambers. Be prepared for this discussion as well. Some clerks will ask substantive questions and want to discuss your writing sample or other legal topics. Even if the discussion with the clerk is less formal, do not be fooled; this too is an interview and not the time to try to get the "dirt" on the judge or the clerkship experience. Use this time to find out how the judge organizes his or her chambers. For example you might inquire as to how the judge uses clerks; e.g., do clerks draft the bulk of decisions or does the judge do the writing with clerks providing research assistance? Law clerks are often fiercely loyal to their judges, and you should expect that anything you say to a clerk will be reported back to the judge. Also, the judge's secretary, court reporter, bailiff and other support staff are incredibly important to the functioning of the judge's chambers and/or court. These people have usually been around much longer than any law clerk will ever be. Therefore, treat all judicial staff with the utmost courtesy and respect.

XI. The offer

By now, you realize that in many ways, the judicial clerkship application process is unlike any other job search you have encountered. Perhaps one of the most salient differences between this and other processes is the offer stage of the game. Judges must choose among hundreds or thousands of highly-qualified applicants. When a judge finally decides to hire you, he or she usually expects that you will accept the offer, since you are, to the judge's mind, the best of the enormous applicant pool. And, given the highly competitive atmosphere, the first offer you receive may be the **only** one you will get. Both of these facts mitigate in favor of your accepting the first clerkship opportunity presented to you.

Unfortunately, the first judge who offers you a position may not be at the top of your list. Can you reject the offer? Conventional wisdom dictates that you accept the first offer you get for several reasons. First, judges, like most people, do not like to be rejected. By rejecting an offer you may be hurting your chances of clerking for other judges in the jurisdiction (if you are holding out for an offer from one of them) or hurting future W&L Law students' chances of clerking for the judge in the future (because the judge resolves never again to hire a W&L Law student). Second, most former law clerks would tell you that clerking was a truly rewarding experience. Therefore, clerking for a judge who was number 15 on your list is almost definitely better than losing the opportunity to clerk at all.

Can you ask for time to think about the offer after it is extended? Yes, but understand that some judges will be offended if you do not accept their offer on the spot; they may require that you decide, then and there. Others may give you 24 hours to think it over. The most any judge may give you might be a week or two. Whether to ask for time to think it over is a personal decision. You have to determine whether you are willing to risk offending the judge and how much difference 24 hours or a week will make to you. While it is true that some applicants may try to leverage an offer from a more-preferred judge with the offer from a less-preferred judge, most judges will not look kindly on this practice.

Our final advice is this: for most people, the clerkship experience is so overwhelmingly positive with almost all judges that you should take any opportunity to serve as a judicial clerk. The possible benefits that you could gain by asking for time to decide whether to accept an offer or rejecting an offer hoping that something better will come along seem small in comparison to the great opportunity you might miss if you hesitate in accepting an offer on the spot.

If you have questions or want to discuss any aspect of a judicial clerkship, contact OCP and schedule an appointment.