

Villanova University School of Law

Clerkship Committee Policies and Advice On Judicial Clerkships

(Revised as of April 11, 2005)

Timing of Post-Graduate Clerkship Applications

Law schools and federal judges nationwide have adopted a plan for postponing the hiring of federal judicial clerks until the prospective clerks' third year of law school. Delaying the application process for clerkships until third year will allow students to take more time to enhance their candidacies and judges to make decisions based on more complete records. The American Association of Law Schools, law schools, and appellate and district court judges in the 3rd Circuit, 2nd Circuit, and D.C. Circuit, among others, have endorsed this plan. Information concerning the plan and schools' support for the plan can be found at <http://www.cadc.uscourts.gov/Lawclerk/lawclerk.asp> and <http://www.nalp.org/schools/05clrkplan.htm>

Villanova Law School is fully committed to honoring the plan, as reflected in the attached letter from Dean Sargent to Judge Edwards.

Reports of compliance with the moratorium by other law schools, courts, and individual judges are very encouraging. We will continue to monitor compliance, and the Office of Career Strategy will have up-to-date information available for any interested students and faculty, including any reports of individual judges who decide that they will not observe the plan

Details about the national clerkship hiring plan are at:
<http://www.nalp.org/schools/05clrkplan.htm>

If you have any questions concerning this issue or any information about individual judges or other law schools that are not complying with the plan, please contact the Office of Career Strategy or a member of the Clerkship Committee. The members of the clerkship committee are Professors Poulin, Wertheimer, Gotanda, Anderson, Carroll, Chanenson, Juliano, and Magarian; Judge Gafni; and Deans Edelman and Petrossian.

Commitment Letter from Dean Sargent

June 21, 2002

Hon. Harry T. Edwards
U.S. Court of Appeals for the District of Columbia Circuit
5400 E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001-2866

To the Members of the Ad Hoc Committee of Federal Appellate Judges:

I join with the deans of other law school who have endorsed the arrangement described in the March 2002 Final Agreement of Federal Appellate Judges, calling for a moratorium on federal appellate law clerk hiring during the Fall of 2002. I agree that this presents a reasonable solution to a problem that has plagued law schools for some years. In addition, I understand that a number of federal district courts and some state courts have also subscribed to this agreement.

I commit Villanova University School of Law to comply with the terms of the Final Agreement in relation to any court that subscribes to those terms. In particular, we will discourage our students from submitting applications for clerkship positions with participating federal courts before the Fall of the third year of law school. In addition, we will not facilitate the release of official transcripts and will discourage members of the faculty from sending letters of reference or making calls on behalf of law clerk applicants before the Fall of the applicants' third year of law school.

I am optimistic that this cooperative effort will rationalize the system of hiring law clerks.

Very truly yours,

Mark A. Sargent
Dean

Where do I go for guidance on clerkships?

If you're thinking of clerking for a judge, Career Strategy can direct you to valuable resources and help prepare your application. Villanova alumni who have clerked can also be a terrific source of guidance.

In addition, Villanova Law has established a Faculty Clerkship Committee - including former state and federal clerks and judges -- to provide even more guidance through the very unique clerkship application process. The Clerkship Committee's mission is to provide students with clerkship related information, guidance, and support to maximize the likelihood of obtaining a gratifying and educational clerkship opportunity. Members of the Faculty Clerkship Committee currently are:

- Professor Michelle Anderson
- Professor Michael Carroll
- Professor Steve Chanenson
- Professor Diane Edelman
- Professor Abe Gafni
- Professor John Gotanda
- Professor Ann Juliano
- Professor Greg Magarian
- Professor Anne Poulin
- Professor Ellen Wertheimer

Why should I clerk?

Clerking is one of the best jobs one can obtain right out of law school. Clerking for a judge provides you with tremendous insight into how courts operate and how judges decide cases. This insight will be invaluable to you as a practicing attorney. Having had a clerkship may also help get you a better job than you might have otherwise obtained without the experience. Your clerkship will also be highly valued by every employer you will have throughout your legal career. Finally, the work of a law clerk is exciting and interesting. A note to minority students. Judges around the country have expressed increased commitment to diversity in the judiciary branch - including diversity among their clerks. Students who bring diversity - as well as excellent legal skills - to the table are strongly encouraged to consider clerking and applying for federal and state clerkships.

What do law clerks do?

A law clerk serves as a judge's legal assistant for one or two years. Law clerks provide legal research and draft bench memoranda, court documents, and legal opinions. Law clerks may also perform a variety of other functions, including scheduling matters for the judge and conferring with attorneys. Law clerks for trial judges often spend much of their time in the courtroom, assisting the judges during trials and hearings.

What qualifications do judges seek in potential clerks?

Every student who is interested in clerking should apply for clerkships. Judges usually look for a strong academic record and extracurricular experience. Law journal experience is often the most valued credential because of the substantial legal research and writing that law clerks must perform. Moot court or other experience that demonstrates outstanding academic achievement is also valuable. Personal qualities and the ability to work well with others in close quarters also matter in the selection process. You should not count yourself out of getting a clerkship because of your class standing.

However, students need to make well-informed decisions about whether to apply for the most competitive clerkships – i.e., those with United States Court of Appeals and District Court judges. Only students with realistic chances of success should apply for those clerkships. Every application requires significant time for the candidate, faculty recommenders, and the judge. Applications with little or no likelihood of success diminish all VLS students' chances of getting federal appellate and district court clerkships. These applications also divert student candidates from equally beneficial and much more attainable clerkship targets, including state appellate and trial courts and specialized federal tribunals.

To make an informed assessment about your candidacy for federal clerkships, consider the following observations. In recent years, almost all VLS students hired for federal appellate and district court clerkships have been on Law Review and in the top ten percent of their classes, or they have had special qualifications, life experiences, or other unique circumstances that helped them secure their clerkships. Many students without those credentials have succeeded in obtaining clerkships with senior federal judges, bankruptcy courts, federal magistrates, and in all levels of the state court systems.

To help students make wise decisions about how to secure a rewarding clerkship successfully, except in cases of special circumstances, the Clerkship Committee

strongly discourages students who are not members of a journal and in the top 20% of their classes from applying for federal appellate and district court clerkships. This is especially important with regards to faculty recommendation letters. Because many faculty members have expressed a strong interest in ensuring that federal judges will view their recommendations as credible and accord their letters appropriate weight, the Clerkship Committee has encouraged faculty members to recommend for federal appellate and district court clerkships only students who either meet these criteria or have strong academic records and special circumstances.

What are the most "prestigious" clerkships?

"Prestige" is often in the eye of the beholder. However, federal court clerkships are considered by many to be the most "prestigious" clerkships and are well regarded no matter where you end up practicing. State court clerkships will often be the most valuable, however, if you clerk in the state in which you plan to practice. In addition, some state court clerkships are as prestigious as federal court clerkships, such as one with the Delaware Court of Chancery, which is one of the preeminent corporate law courts in the country. And bear in mind that many - if not most - federal and state appellate judges started out in state trial courts.

Also, consider clerkships that may be most advantageous for your legal career. If you have an interest in a particular area of the law, you may also want to consider a specialty court, such as the United States Tax Court. A clerkship with an Administrative Law Judge may give you great insight into administrative agency practice. Or, consider the Federal Circuit if you are committed to intellectual property.

How do I apply for a clerkship, and what is the timetable for doing so?

Candidates may begin sending out applications for post-graduate clerkships after Labor Day of their third year, no earlier.

Most federal courts and state supreme courts begin considering applications in early fall of your third year. That deadline means that you should begin researching potential clerkships and preparing on your applications in the summer before your third year, if not sooner. Other state court deadlines and processes vary by court. Most state trial courts and intermediate level appellate courts, however, consider applications during the fall and spring of your third year of law school. Your preparation must include the following:

1. *Revise your resume.*

Your resume should ordinarily not be longer than one page. It should contain no grammatical or typographical errors. Emphasize your legal research and writing skills. Highlight relevant work experience. If you have special skills or unique life experience, consider sharing that with the Court, as judges are often interested in the “whole candidate.” Show your resume to a member of the Clerkship Committee, Career Strategy, or any other professor, and revise it based on their wise recommendations.

2. *Revise your writing sample.*

Most judges want to see a sample of your writing because they will rely heavily on your writing ability if they hire you. Submit your best written work. Correct any grammatical or typographical errors and sharpen the analysis. A law review comment or note, a moot court brief, or a legal memorandum would be appropriate. If you wish to use a memorandum that you prepared while working at a law firm or in a judge's chambers, be sure your former employer has no objections, and be sure that you have removed all identifying or confidential information from the memorandum before submitting it.

3. *Make a list of the judges to whom you wish to apply.*

Your list should contain only judges from whom you would promptly accept an offer if given one. We recommend that you talk to the Clerkship Committee, Career Strategy, one of your professors, or a practicing litigator if you need advice in preparing your list of judges.

In order to maximize your chances of obtaining a federal clerkship, we recommend that your list be as geographically diverse as possible. Although our students have been quite successful in obtaining federal clerkships in Philadelphia, we have also had students clerk as far away as Fargo, North Dakota and Fort Worth, Texas. By limiting yourself to the Philadelphia area, you will be competing with: 1) your well-qualified classmates from Villanova; 2) well-qualified candidates from other Philadelphia law schools; and 3) well-qualified candidates from law schools around the country who have ties to Philadelphia. If you are willing to relocate, you might improve your chances of obtaining an excellent clerkship. Keep in mind, however, that you will pay any travel expenses incurred for interviews.

4. *Prepare a cover letter that briefly details your qualifications.*

Revise as needed. The cover letter alone cannot get you the job, but a poorly written letter can surely lose you the job. Your cover letter should be brief and perfect, containing no grammatical or typographical errors. Highlight your strongest qualifications. Because some judges like to hire people with ties to the local community, if you have such ties (if you attended college there, for example), mention them in your cover letter.

Each cover letter should be individually addressed to each judge. Double-check the spelling of the judge's name and official position on the court. Letters to judges are signed "Respectfully" or "Respectfully yours." Give your draft cover letter to a career advisor, clerkship committee member, or wise friend. Ask your advisor to edit it for you, and then revise it based on her good suggestions.

5. *Secure two faculty members to write letters of recommendation.*

Choose professors in whose classes you did well and who know you somewhat outside of class. Do not be discouraged if you do not know the professor who gave you an "A" that well. Allow her to get to know you so that she can write you a good reference. Ask if she would have lunch in the cafeteria one day with you to discuss your interest in clerkships. Write a memorandum about your interactions with the professor inside and outside of class. Then give the professor the memo, a copy of your resume, and transcript. You should also give the professor a diskette containing the names and addresses of the judges to whom you will apply (preferably in a mail merge format). Be sure to give the professor ample time so that she can mail the reference letter in September.

Faculty letters are most crucial for federal courts and state appellate courts. For state trial courts, a letter of recommendation will help your cause, but a list of references may also suffice.

When approaching a faculty member for a letter of recommendation, a student should give the faculty member, at a minimum, a current transcript; a resume; a list of the courts (if not specific judges) to which the student intends to apply; and the approximate number of judges to whom the student intends to apply. Many faculty members also request a brief personal statement to assist in crafting letters of recommendation. At least three weeks before the date when the student plans to send out application materials, the student should provide the faculty member with a finalized list of judges in mail merge format (or in whatever format the faculty member requests). The Clerkship Committee strongly discourages students from applying to an excessive number of judges, and each faculty member has the prerogative to limit the number of recommendation letters sent on behalf of any student.

6. *Send out your applications to judges.*

For maximum chance of success with federal judges, you should mail your applications as soon as possible after Labor Day of your third year. Each application should include: 1) an individual cover letter, 2) your resume, 3) your transcript, and 3) your writing sample.

7. *Immediately tell the professors who are writing your recommendations that you have submitted your applications.*

Recommendations should not ordinarily be mailed before your applications. Professors send recommendations directly to the judges; so let the professors know when you have completed your mailing. Your goal is to ensure that each judge to whom you have applied has a complete file that includes your application and your two recommendations as soon as possible.

8. *What happens once I've applied?*

Many judges are inundated with applications every year, and most judges interview only a handful of those who apply. If the judge grants you an interview, tell a member of the Clerkship Committee. Ask a professor to engage in a mock interview with you so that you can improve your interviewing skills. Many judges use their current law clerks to assist them in selecting applicants to interview. The current law clerks may interview you first before you meet the judge.

You should prepare yourself for the interview by improving your interview skills and by learning as much about the judge as you can. Career Strategy and the Library have sources with biographical information about many judges. The Almanac of the Federal Judiciary, located in the reference section of the library, provides a summary of the legal and educational background of most federal judges. In addition, you should consult with the professors who wrote your recommendations, as they may have some information or advice that could be useful. Recent graduates who interviewed with the judge last year are also good sources of information. Litigators who practice before the particular court, especially VLS alumni, may be a great resource for information on the judge's demeanor and courtroom style.

In addition to looking for excellent research and writing ability, judges want to hire people who are intelligent, articulate, personable, interested in legal problems, and able to work productively without close supervision. Some

judges may also seek other traits such as independence or a willingness to challenge the judge on legal questions.

Because most judicial clerkships involve close working relationships among the judge, the law clerks, and the secretary, judges frequently use the interview process to get a sense of your personality and your ability to interact harmoniously with members of the staff (as well as others who come in contact with the judge's chambers). You may be questioned about your writing sample during the interview, so be sure that you are prepared to answer questions about it and to defend your position.

9. ***What if I get an offer?***

You should plan to accept any clerkship offer granted to you. Clerkship offers are different from other kinds of employment offers. Unlike other employers, judges do not have the luxury to interview large numbers of candidates. Judges assume that, since you have applied for the clerkship and have asked them the time to consider your application, you will accept the job if offered. Therefore, if you receive an offer from a judge, you should accept it promptly, unless you have an extremely good reason not to do so that you could not have anticipated at the time of the interview. Accordingly, you do not necessarily have the luxury of collecting several clerkship offers and then choosing the one that you most prefer. This unique fact bears repeating: it is almost never appropriate to leave a judge's offer outstanding or reject it to seek a more desirable offer. To do so demonstrates a lack of respect for very precious time and energy that the judge and her staff have expended in the hiring process. In some instances, it is considered such a breach of custom that a judge may rescind the offer and informally "blacklist" the candidate with other judges. Turning down an offer in the hopes of getting a "better" one may backfire and may also negatively affect future Villanova applicants.

Many judges--especially in federal court--will expect you to accept your offer "on the spot" when the offer is communicated. Even if you have other interviews scheduled for the following day, you should be prepared to accept quickly. Occasionally, judges will offer you time to consider the position. Under those circumstances, you may take the time that's offered--but no more.

If at any time you conclude that you do not wish to clerk for a particular judge (or for any judge at all), you should promptly withdraw yourself from consideration. Withdrawing is always almost always preferable to rejecting an offer to clerk, particularly because it spares the judge and her staff from wasting time on fruitless hiring efforts with you.

You should not reject a clerkship offer unless circumstances have arisen that you could not have anticipated before the clerkship interview that now make clerking for that judge impossible or a great hardship.

Once you accept an offer from a judge, make sure you promptly write or call each of the judges with whom you have an outstanding clerkship application in order to withdraw it.

You should also follow this practice if you change your mind about wanting to clerk in a certain court. Finally, inform a member of the Clerkship Committee about having accepted an offer to clerk and begin to look forward to a great experience!

10. ***What other resources are available?***

- See the "Judicial Clerkship Timeline" and "Judicial Clerkship Links" on the Career Strategy Website under "Judicial Clerkships."
- Career Strategy "Recruitment Database" for the gradually growing number of judges who recruit from Villanova through one or more of the Recruitment Programs and Job Fairs offered by Career Strategy.
- Job Bulletin Database – especially for non-credit part-time clerkships or full time clerkships for graduates. To access database, email careers@law.villanova.edu for password.
- <https://lawclerks.ao.uscourts.gov> - Federal Law Clerk Information System provides information through the Internet about upcoming or existing federal law clerk vacancies. Judges are asked to begin posting law clerk vacancy announcements and hiring information in the system. This database is voluntary for judges. While more and more judges use it every year, it is not 100% comprehensive because judges are not required to post their clerkship needs on the database.
- Address Data (federal and tri-state) for mailing – available from Career Strategy Office in Excel or Access. Contact Dean Petrossian.