

U.S. Supreme Court Clerkships



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CHAPTER 1

OVERVIEW

“A Supreme Court clerkship is the job of a lifetime. It’s hard to beat the combination of great substantive work, dazzling colleagues, and work that matters.”¹

This term, 37 clerks will have the experience of working for a Supreme Court Justice. The Chief Justice and Associate Justices each have four clerks while retired Justices may hire one clerk. The Justices hire their clerks for one year. The clerks typically begin in July, well in advance of the opening of the Court term on the first Monday in October. Although the Court term ends in June, the clerks stay on into July to wrap up.

1. The Work of the Clerks²

Supreme Court law clerks have three main responsibilities: screening petitions for *certiorari*; preparing the Justices to participate in oral arguments and to cast preliminary votes on the outcomes of argued cases; and drafting opinions. In performing the first task, a law clerk works for the “Conference,” that is, for the Justices as a group (minus Justices Alito and Gorsuch, who do not participate in the “cert pool”); the other two tasks, in turn, involve work for one’s own Justice.

Screening a petition basically means reading it and writing a “poolmemo.” A poolmemo summarizes the petition, analyzes the issues raised in it, and concludes with a recommendation as to whether it should be granted or denied. The Court receives around 10,000 petitions per year, which works out to roughly six petitions per clerk per week (though this number, as well as the degree of difficulty of petitions, can vary from week to week). Preparing the Justice for oral arguments and for the preliminary voting that follows the argument in a given case typically involves writing a bench memo or discussing the case with one’s Justice—sometimes one, sometimes both. (The Justice’s vote after argument is preliminary because once the opinions in the case have circulated, Justices can and sometimes do change their votes.) In each chambers, the cases are divided among the law clerks for each argument session; in many cases the clerks divide them up, but different chambers have different processes. Since the Court hears about twelve cases per session, a law clerk will generally be responsible for three cases in a session. (The Court usually holds seven sessions per term, roughly one per month from October through April, though from time to time the Court may shift the schedule a bit.) As for opinion drafting, each Justice, of course, has his/her own method. An opinion can be a majority, concurrence, or dissent (or the much rarer “in-chambers” opinion, issued by one Justice alone, in his/her capacity as Circuit Justice, in response to an emergency application for a stay of a lower court’s judgment in a non-capital case pending the Court’s decision on the cert petition in the case).

Although these tasks constitute the bulk of a law clerk’s work, there are several other important activities. For instance, law clerks “clerk check” poolmemos. This involves reviewing poolmemos written by other law clerks, discussing these with one’s Justice, and making one’s own recommendations regarding the petition at issue (principally, whether it should be granted or denied). In addition, a law clerk reviews draft opinions circulated by other Justices, discussing these drafts with his/her own Justice and, again, makes recommendations (that the Justice join or not join, that he/she suggest changes, or that he/she write separately). As the term progresses and the backlog of circulating drafts grows larger, this task takes

¹ Quoted from the narrative of Dean Heather Gerken, Yale Law School. See Chapter 3 for the text of her full narrative.

² This section has been drawn largely from a narrative by Christina Duffy Ponsa-Kraus ’98 (formerly Burnett), clerk to Justice Stephen G. Breyer 2004-05, with updates from other recent clerks. See Chapter 3 for the remainder of her narrative.

up more and more of a clerk's time. Another significant obligation involves handling emergency petitions; most of these arise in last-minute proceedings in capital cases. Clerks can also be asked to assist their Justice with speeches or articles.

The typical day generally involves some combination of the work described above. Early in the clerkship, poolmemos take up the bulk of a clerk's time. At first one can't imagine how one would have time to do anything else, but writing poolmemos does get faster (it has to) and soon, the time spent on bench memos overtakes that spent on poolmemos. Soon after that, drafting and revising opinions, along with reading and commenting on circulating drafts, takes over—although every week of the clerkship, without exception, a clerk will get a stack of petitions, and will have to find the time to write that week's poolmemos.

2. Qualifications

Obtaining a Supreme Court clerkship is a very competitive process. In recent years, the Justices have confined their hiring to candidates with prior federal appellate clerkships. In some cases, the clerks have also completed a federal district court clerkship, or occasionally a clerkship on a state court of last resort. The order of the clerkships seems irrelevant; several recent clerks completed an appellate clerkship first, and then moved to the Supreme Court after their district court clerkship. Some Justices are particularly interested in the assessment of a candidate by her/his prior judge and prefer to see candidates after, or near the end of their appellate clerkships.

In addition to the assessment of your previous judge(s), your law school performance, your other recommendations, and your previous experience and activities will be part of the evaluation. For a general discussion of clerkship hiring criteria and competitiveness, see Chapter 1 of *Judicial Clerkships in the U.S.*

A handful of judges regularly send clerks to the Supreme Court; a much larger number have sent one or two. If you want to try to factor in Supreme Court placement when you are researching judges for your initial clerkship applications, you can find lists of those judges online. Visit the [Clerkship SharePoint Site](#) where you can review the list of prior YLS Supreme Court clerks.

3. Financial Considerations

No one chooses a Supreme Court clerkship for the money, but it can be useful to know that clerks receive a salary of approximately \$87,000. There is no salary variation based on experience. Large law firms have added a tangible reward to the intangible benefits of a Supreme Court clerkship, offering signing bonuses in the \$500,000 range. Although other types of employers do not offer such bonuses, former YLS clerks have also chosen international organizations, government positions, or other options that best suited their career goals.

CHAPTER 2

THE APPLICATION PROCESS

1. Timing

Each Justice follows her or his own procedure and timing for selection of clerks. The timing can vary by a full year or more from one Justice to the next. Keep in mind, too, that the Justices may change their hiring practices. This variability can make it quite challenging to choose one optimal time to submit your applications. The good news, on the other hand, is that there is no “wrong” time to apply. At any given time, some Justices can be reviewing applications, others interviewing, others collecting applications for review; it is just difficult to know who is in which category.

You can apply for a Supreme Court clerkship as a graduate or as a third-year student. As a third-year student who has secured an appellate clerkship to begin after graduation, you should apply during the spring term, to allow for any accomplishments, recommendations or other information to be added to your prior clerkship application package. If you apply as a third-year student, you should plan to supplement your application at least twice. In June or July, submit your final transcript and update your contact information. Then, in the fall, after you have been clerking for a while, ask your judge to send a letter of recommendation. Graduates may apply at any time and need not supplement.

Once you have commenced your first or second clerkship, you have more flexibility in the timing of your applications. You also will have a better chance with the Justices who value the assessment of your lower court judge. You can review Appendix A, “The Process of Each Justice,” to determine the best timetable for you. Because the Justices’ timetables can vary from year to year, however, plan to submit your application well before a Justice’s selection or “deadline” date.

It is difficult to find one date that seems acceptable for all Justices. You should certainly feel free to make your own schedule for each Justice and send applications individually or in small groups; confer with your recommenders ahead of time to make sure they understand and are comfortable with your schedule. If you want to consider grouping applications, one possible organizing point could be early to mid-summer, to be in the pool for Justices who may wish to look at candidates when the Court's term ends. Another possibility would be the fall, by around the end of October, which should suffice for Justices who have been known to start reviewing in the fall/early winter, such as Justice Sotomayor. Submitting your applications at a single point would make it slightly easier for your recommenders, though you would need to update your application through the spring. Another possible organizing point would be mid-winter, around February/March, which would work well for those who prefer to hire in spring and summer, without necessarily missing those who might have started looking in late fall. The winter could be an alternative for a single application delivery target, or it could serve as a second wave.

Some Justices hire one year in advance, some hire two years ahead, others fall in between, and any of them may change their preference in a given year.

These differences in hiring timetables can make it difficult for recommenders to call attention to an individual applicant. It can be helpful to talk with your recommenders about whether they know any of the Justices, have any insights into their current hiring schedules, and would be willing to make a call to chambers on your behalf when a Justice is reviewing applications.

If you apply and are not selected, consider applying again the next year. A number of Yale clerks have been chosen on the basis of their second, or even third, applications. Although you can update your application throughout a given year, you should plan to send a whole new packet when the next “application season” starts, or, if it has been a year since you first submitted your application. For example, if you first mailed your applications at the end of October, and you have not received a clerkship offer by the time the end of October comes around the following year, then send new application packets. Former clerks report that the Justices typically discard applications when they have completed hiring for a given term.

2. The Application

Since there are only 37 clerkship slots for a Court term, the odds of getting one of them are fairly small. Naturally, you can maximize your chances of securing a clerkship by applying to all Justices, as long as you would be willing to work for any of them. If you sincerely believe that there are some Justices with whom you would be incompatible, then you may decide against applying to them.

The basic application packet consists of the following: 1) cover letter; 2) resume; 3) law school transcript; 4) writing sample; 5) list of recommenders; and 6) at least three letters of recommendation. The basics are covered in Chapter 3 of *Judicial Clerkships in the U.S.* Below are some tips that relate specifically to the U.S. Supreme Court application process.

Resume: Be sure to list your lower court clerkship, or clerkships, on your resume, even if you have not yet started in chambers. If you have not yet begun your lower court clerkship, you can use “Prospective Law Clerk” as your job title and list the upcoming term.

Writing Sample: You have more flexibility in choosing a writing sample for the Supreme Court than you might with other courts. It remains true that strong, clear writing is the most important quality, outweighing subject matter, length, or document type. Academic writing samples are more common in Supreme Court applications and are often longer than the 7-10 pages recommended for other courts. A good baseline is probably 10 pages, because some Justices seem to prefer shorter samples, and 25-30 pages would probably be the high end for careful reading. This guidance is not intended as a straitjacket; your sample certainly can be longer (or shorter), but it must be consistently good. You also may want to consider two samples that showcase different types of writing, such as an excerpt from an academic piece and a brief or other document (with permission and redaction). You can submit a published piece; alternatively, you could send the version of the publication as originally accepted, if you think that is a better reflection of your own ideas and writing style. If you are concerned about the length of your sample, some options to consider for longer pieces would be 1) to include selected sections³, assuming they are comprehensible on their own, and summarizing the full document in your writing sample cover sheet; or 2) to submit the entire article or note and suggest a roadmap in your writing sample cover sheet, pointing to the pages or sections in which the Justice can glean the gist of your argument.

Letters of Recommendation: In general, the Justices ask for three letters of recommendation. Because a recommendation from the lower court judge is often quite significant, four letters are commonly submitted. Your recommenders should send letters directly to the Justices. The letters should come from individuals who know you well and can best discuss your qualifications. In addition to your lower court judge, the Justices also generally expect that at least two of the letters will come from professors. If you are currently working in a non-judicial setting and are comfortable with disclosing your plans to your

³ One helpful hint from a former clerk: try to eliminate *supras* to nowhere. If you are excerpting a longer piece, be mindful of *supras* or *infras* that refer to citations outside the excerpt. It is not a deal-breaker, but readers would appreciate knowing what is being cited, particularly if they are familiar with the subject.

employer, a recommendation letter from a supervising attorney is appropriate. Letters from these different types of recommenders provide a different perspective on your research, writing, and analytical abilities. The letters also give details about your work ethic and personal qualities, such as organizational skills, attention to detail, and ability to meet deadlines.

Mailing Your Application: You should apply by mailing a hard-copy application to each Justice to whom you are applying. Supreme Court security protocols dictate comprehensive mail screening. As a result, it takes longer for mail to reach chambers than you might expect. Do not wait until the last minute to send your applications. In addition, you may wish to send your application materials in a manner that confirms receipt, to avoid wondering when (or whether) they arrived.

Updating Your Application: Whenever you have additional information, update your application. For example, additional grades, an award, or a publication warrant an updated transcript or resume. If your contact information changes, send a supplementary letter or updated resume that lists where you may be reached. If your recommenders move, make sure to provide their updated contact information.

3. Addressing Correspondence to the Court

Cover letters and letters of recommendation should be addressed to the individual Justices as follows:

The Chief Justice

Address Block: Hon. John G. Roberts, Jr.
 The Chief Justice of the United States
 One First Street, NE
 Washington, DC 20543

Salutation: Dear Mr. Chief Justice:

Associate Justices (*active or retired*)

Address Block: Hon. Sonia Sotomayor
 Supreme Court of the United States
 One First Street, NE
 Washington, DC 20543

—OR—

Associate Justice Sonia Sotomayor
Supreme Court of the United States
etc.

Salutation: Dear Justice Sotomayor:

4. Interviews

Each Justice has his or her own style of interviewing. The interviews can range from a short informal conversation to a long substantive discussion of the law. In some cases, the clerks conduct separate interviews; in others, they would not be involved in the interviews at all, though they might meet a candidate.

Prepare for the interview in the same way you would for any other interview. Be sure that you can discuss every entry on your resume in a positive way. Review the points set forth in your writing sample (and publications, if you have them) and be ready to discuss them. Consider opposing arguments as well. Review recent opinions and publications written by the Justice, as well as major decisions issued by the Court in the past year or two.

Be prepared to answer easy questions such as “what did you enjoy about [a particular class or a particular job]?” Recognize also that you may be challenged with questions related to the law or the Justice’s opinions, such as why you took a particular position in your Note or, whether and why you would disagree with one of the Justice’s opinions, or whether there was a case in a recent term you believe was wrongly decided (and why).

Talk to former YLS clerks about their experiences during the interview process with the Justices who are considering you. Those graduates will be able to provide insight into the Justices’ interview style, as well as typical questions that you can expect from the Justices.

See Appendix A, “The Process of Each Justice,” and the narratives in Chapter 3 for information on the interview process. For general guidance, see Chapter 4 of *Judicial Clerkships in the U.S.*

5. Resources

Former YLS Supreme Court clerks are excellent resources for learning about the application process and the work of the Court, as well as the interview process. Many former clerks are members of the [Courtyard](#), the YLS alumni/student engagement platform, and are willing to discuss their careers with students and other alumni.

You can also contact former and current clerks by using the list of YLS Supreme Court clerks found on the [Clerkship SharePoint Site](#); for a quick look at the roster of YLS Supreme Court clerks for the current term, see Appendix B. Another potential source of information would be the YLS faculty members who have clerked at the Supreme Court. Visit [this resource](#) to view current YLS faculty who have clerked on a variety of courts, including the U.S. Supreme Court.

You can also find extensive, if unofficial, lists of former clerks on the Web. See, for example [Wikipedia](#) or [Above the Law](#).

CHAPTER 3

NARRATIVES

1. Alumni

CHRISTINA DUFFY PONSA (formerly Burnett) '98
Columbia Law School, George Welwood Murray Professor of Legal History
Clerk, Justice Stephen G. Breyer, 2004-05
Clerk, Judge José A. Cabranes (2d. Cir.), 2000-01

[See “The Work of the Clerks” in Chapter 1 for the beginning of this narrative.]

The hours are long, especially once the term officially begins in October. I kept to a pretty strict and regular schedule, working 8:30 a.m. to 9:30 p.m. on weekdays and a good number of hours on most weekends. Rarely was I the last clerk to leave the building.

One of the most enjoyable aspects of the job, not reflected in the brief description of a law clerk’s responsibilities above, is the collaboration with other law clerks. Supreme Court clerks spend a great deal of time discussing cases with each other; not surprisingly, this is a stimulating and deeply satisfying part of the job. Needless to say, the time spent interacting with one’s Justice is another of the great pleasures of being a clerk. Law clerks spend little time with other Justices, but there will be several opportunities to meet them throughout the year, and most of them will accept invitations to lunch. (By tradition, each chambers’ new crop of law clerks sends out lunch invitations to the other Justices during the summer, before the official start of the new term.)

While most people apply during their third year of law school or while clerking on an appellate court, you should not take yourself out of the running if for some reason you cannot adhere to this schedule: I applied several years after completing my appellate clerkship. My application materials included a cover letter, CV, transcript, writing sample (a bench memo I’d written during my appellate clerkship, with the parties’ names blacked out, which of course I sent with my boss’s permission), and list of recommenders (in my case, five), who sent their letters directly. You should update your application with any relevant developments (namely, new publications), and, as others will tell you, you should not hesitate to reapply if you do not get a clerkship the first time around: in fact, I know of people who succeeded on the third attempt. The interview with Justice Breyer lasted about 20 minutes and began with pleasantries but quickly turned substantive. You should of course review a Justice’s most important opinions and the Court’s recent opinions before the interview, but Justice Breyer, at least, will not necessarily want to discuss cases at the interview: we spent most of my interview discussing my academic work (I was in graduate school at the time).

Good luck!

ROBERT KRY '02

Molo Lamken LLP

Clerk, Justice Antonin Scalia, 2003-04 (deceased)

Clerk, Judge Alex Kozinski (9th Cir.), 2002-03 (*since retired*)

Supreme Court clerkships last one year, beginning and ending in the early summer. Normally, each Justice hires four clerks, who will have clerked on a federal court of appeals before starting. Hours vary throughout the year but are no worse than at a law firm—from 40 hours per week over the summer to 60-80 hours by the end of term. Clerks work closely with their own Justices and co-clerks throughout the year and have frequent contact with clerks from other chambers, but generally have little contact with other Justices (although other Justices often do accept lunch invitations).

The most exciting part of the clerkship is working on argued cases. Clerks write bench memos for their Justices, discuss cases with their Justices, work with their Justices to draft opinions, and review opinions from other chambers. Supreme Court cases are often high-profile and have great precedential significance—knowing that an opinion will affect cases across the country can be awe-inspiring. Unfortunately, it can also be stressful, and you'll never be able to take public credit for anything you worked on. But no other job a few years out of law school offers such an important role in the development of the law.

Another important job duty is the cert pool—screening the thousands of petitions received every year. Justices rely on clerks to identify those few that warrant closer consideration. Clerks also assist with stay applications—for example, nearly every death penalty case in the country comes to the Supreme Court on a last-minute stay application, and clerks must coordinate to ensure their Justices are timely advised. Many clerks also assist their Justices with articles, speeches, or other projects.

Supreme Court clerkships are similar to appellate clerkships in many respects but different in others. One major difference is the extent of contact with clerks in other chambers. Supreme Court clerks frequently discuss upcoming cases with clerks in other chambers. And the clerkship offers many opportunities for inter-chambers socializing (including a weekly happy hour). By the end of the year, you'll be well acquainted not only with your own co-clerks but with all the clerks in other chambers as well.

When applying for Supreme Court clerkships, it is customary to apply to all nine Justices. An application package (one per chambers) includes a cover letter, resume, transcript, writing sample, and three to five letters of recommendation (sent by the recommenders directly to chambers). Hiring schedules vary widely; some Justices hire students in their 3L year while others hire only during appellate clerkships. You should therefore apply during your 3L year but update your application with new transcripts, publications, etc., as they become available. Ideally, your court of appeals judge (or perhaps law school recommender) might know one or more of the Justices and be able to make a personal appeal on your behalf. If you don't succeed on your first round of applications, reapply in subsequent years—many succeed only after successive attempts.

Justices' hiring criteria vary, but three main qualifications are typically the identity of your law school; your law school grades; and the identity and favorable recommendation of your court of appeals judge. If you're reading this, you already have the first of those three bases well-covered. As to the second, an all-honors transcript is helpful but not essential—one or two passes will not put you out of contention by any means. As to the third, there are several "feeder" judges who consistently send clerks on to the Court—the Law School provides a list of appellate clerkships for the current Supreme Court clerks and all prior Yale clerks, and the Michigan Law School website has a comprehensive list for all prior Supreme Court clerks; consider those resources when applying for (and accepting) a court of appeals clerkship. Other important factors include favorable recommendations of law school professors (particularly those for

whom you have worked), publications, Journal editorship, and the general “well-roundedness” of your resume. Perceived compatibility with a Justice’s legal philosophy is probably relevant to some degree but not dispositive for any Justice.

Justices interview anywhere from four to sixteen applicants. The Justice and his or her current clerks normally conduct separate interviews; chambers vary in the degree to which the interviews are substantive or conversational. Clerks usually have some input into hiring but not a lot. If offered an interview, seek advice from those who previously clerked for that Justice—they have navigated the interview process successfully and also witnessed the Justice’s hiring decisions from the other side. Familiarize yourself with all the Justice’s major opinions and publications, and all the important decisions from the past few terms, any of which might come up in discussion. Prepare responses to hard questions (e.g., “Which opinion of the Justice’s do you most disagree with?”). Mainly, however, the interview is a chance for the Justice to decide whether you seem like a nice person with whom he or she would want to spend a year.

Short of actually being a judge, Supreme Court clerkships—like judicial clerkships generally—are the best legal jobs out there. The application process is time-consuming but well worth it. Good luck!

2. Faculty

HEATHER GERKEN

Yale Law School, Dean and Sol & Lillian Goldman Professor of Law

Clerk, Justice David H. Souter, 1995-96 (*since retired*)

Clerk, Judge Stephen Reinhardt (9th Cir.), 1994-95 (*deceased*)

A Supreme Court clerkship is the job of a lifetime. It’s hard to beat the combination of great substantive work, dazzling colleagues, and work that matters.

The work of a law clerk varies from chambers to chambers. Every law clerk is involved in the certiorari process, preparing memoranda that will help the Justices decide which cases to accept for review. The chance to see how the certiorari process works in practice is incredibly helpful. Even if one never writes a certiorari petition in one’s career, the process offers a useful lens upon the Supreme Court’s decision making and legal analysis generally. And knowing how the Court identifies the needles in the cert. petition haystack gives a tremendous advantage to any lawyer trying to obtain Supreme Court review.

Law clerks also help their bosses prepare for oral argument and the conferences where the Justices vote on cases. The work is both challenging and engaging. Law clerks read briefs, do research, and pound on the issues with their colleagues, all with an eye toward providing their Justices the best possible assessment of the cases before the Court. The justices are often dealing with cutting-edge legal questions. Now and then they must wrestle with some of the hardest questions law generates. Though it is many steps removed from the job of a Supreme Court Justice, the law clerk’s work is both terrifying and exhilarating. After all, how many people just two years out of law school get a chance to engage at this level?

The most rewarding part of the job, in my view, was helping with the opinion drafting process. Drafting practices varied dramatically from chambers to chambers, with some law clerks writing initial drafts of opinions and others getting involved later in the process. Some justices hewed fairly closely to their clerks’ drafts; others simply used those drafts as a starting point for their own writing. But even those of us who could not identify a single sentence in the U.S. Reports that we drafted nonetheless relished the

experience. The clerk's primary role is to be a sounding board for her boss, and the intellectual give-and-take involved in helping a justice hash out difficult legal questions is what makes the job so rewarding.

Lots of people overestimate how much influence law clerks have over their bosses. The reason is simple: those clerks willing to reveal confidences about the internal workings of the Supreme Court tend to be the same people who exaggerate the role they played in the Court's deliberations. The reason to clerk is not to wield power but to take part in what has to be one of the most interesting intellectual exercises on the planet.

Looking back, I realize how much the clerkship has stayed with me. It is not simply the things that I learned while I was there—realizing that the Justices are talking as much to each other as to the advocates when they ask questions during oral argument, learning how the Court “decides to decide,” absorbing all of the lessons about our craft that can be gleaned from the opinion writing process. It is not simply the doors the clerkship opened for me. It is the connection between clerk and judge that continues to influence me in a myriad of ways. I was lucky enough to work for someone who was not only a great judge but a person of exceptional integrity and decency. Whether I'm drafting a brief, writing an academic article, or puzzling through an ethical question, the conversation in my head is always with my old boss. If this were an argument that could convince him—if this were a decision of which he would approve—*that* would be something.

AMY KAPCZYNSKI, '03

Yale Law School, Professor of Law

Clerk, Retired Justice Sandra Day O'Connor & Justice Stephen Breyer, 2005-06

Clerk, Judge Guido Calabresi (2d Cir.), 2003-04

(Why) Should I Want a Supreme Court Clerkship?

A law student recently said to me, by way of rhetorical question, “Doesn't everyone want a Supreme Court clerkship?” I think the answer is “no.” A Supreme Court clerkship is a wonderful thing in many ways, and I am very grateful that I had the opportunity to do one. But for most of my life it was not something that I wanted to do. The below is intended to give you my two cents about why you might or might not want to apply. (I suspect that other narratives will cover the more nuts-and-bolts questions of life at the Court. You can also get a sense of life on the inside of the Court from books like *Closed Chambers* or *The Brethren*.)

Why you might want a Supreme Court clerkship: First, and most importantly, it is a tremendous learning opportunity. The cert pool (which usually takes up all of your time in the first months and a day or two a week later on) gives you an overview of the main legal issues and controversies in the country, and teaches you what moves the Court to accept or deny cert. You inevitably learn a good deal about substantive law in the process, particularly habeas law. (Most cert petitions—I would guess about 75%—are from prisoners in the state or federal system.) You also learn a great deal about death penalty law. There are an average of 1-2 executions a week in the U.S. today, and nearly all of them involve a last minute appeal to the Court. Almost all of these appeals are denied, and the time pressure and emotional tectonics are intense. For many people this is the most difficult part of the job.

Your work on granted cases—typically, writing bench memos, helping draft opinions, and engaging in long discussions about the merits with other clerks and your Justice—hones your skills of legal reasoning, and teaches you how to isolate what interests the Court, and when and how the Court addresses (or avoids) key questions in a case. Finally, you learn a great deal about the specific concerns and predilections of the current Court and your own Justice, which can be very helpful if you plan to

participate in cases there. It is also very valuable if you are interested in academia, because so many conversations there revolve around the Supreme Court and how to think about its interpretive strategies and authority.

You might also want a clerkship because it can be a great deal of fun to engage in legal questions in such an intense fashion and to get to know a group of very ambitious and often interesting clerks. The relationship with your Justice can be tremendously rewarding. Lastly, a Supreme Court clerkship obviously has a profound legitimating effect. People will always be interested in your experience, and they will think that you are especially smart because you landed one. This rarely hurts your career, but how important it is to you depends upon what you want to do and how you want to do it.

Why you might *not* want a clerkship: Very few people go from clerkships into public interest work (a few do go to work for government, and more do so after a few years in a firm). This is probably in part because firm work is so lucrative thereafter (signing bonuses are currently over \$200,000). Some public interest organizations may also be more impressed with a year's work in their field than by a year spent at the Supreme Court. So if you want to be a public interest lawyer, you may be better off spending your time and energy building up relevant experience in that field. Second, if you spend your life as a law student aiming for a Supreme Court clerkship, you will likely end up jumping through a lot of hoops and trying to please a lot of people. That will shape who you are and how you understand yourself in the law, not necessarily for the better. It is worth remembering that you can get a Supreme Court clerkship without all of that, by following your own interests and engaging seriously with the life of the law. It might require more luck, but you will also end up with a better sense of your own questions and interests, and it then becomes less important whether you actually get a clerkship. Third, the job is demanding and can put a strain on your personal life, in part because the confidentiality rules mean that you can share only very limited parts of your experience with those close to you. Fourth, the set of things that you can do and say within the Supreme Court as a clerk is very limited. Much of the law and doctrine (and your own Justice's jurisprudence) is a given, and you may find it difficult to coordinate your own sense of what the law does and ought to say with the demands of the job.

In the end, I suspect most people will conclude that the upsides of the job far outweigh the downsides. It is a pretty terrific opportunity to learn, probably particularly for people who did not always envision themselves working at the Court.

Appendix A

The Process of Each Justice

THE PROCESS OF EACH JUSTICE

The information regarding the process followed by each Justice has been compiled from telephone conversations and correspondence with Yale Supreme Court clerks, and telephone conversations with chambers and the Court's Office of Public Information. In many cases, the clerks report from their own experience and observation, not from first-hand involvement in the hiring process.

Chief Justice John G. Roberts, Jr. The Chief Justice has not established a set hiring schedule. He has hired the majority of his clerks in early winter, but for the past several years, he has hired at least one clerk (including a YLS graduate) during the summer. Candidates can apply during the late fall-early winter, recognizing that they may be contacted promptly or may not be contacted until the following fall.

Associate Justice Samuel A. Alito, Jr. (YLS '75). Justice Alito does not have a strict schedule, but he has conducted interviews in the fall. When he is ready, he sets up around ten interviews (sometimes more); he is willing to extend offers for the upcoming term and the term commencing in two years. Candidates can apply during the late fall-early winter, recognizing that they may not be contacted until the following fall.

Candidates will meet with Justice Alito's clerks, as well as the Justice. The "clerk interview" is not as formal as some in other chambers, but candidates should expect a mix of substantive and other questions. Justice Alito's interviews are also a mix of substantive and more casual questions, but are fairly informal and really serve as an opportunity for him to get to know the candidate.

Associate Justice Amy Coney Barrett. Justice Coney Barrett does not have a set hiring schedule, and can hire for the upcoming term and subsequent terms.

Associate Justice Neil Gorsuch. There is insufficient information available at this time on the Justice's hiring.

Associate Justice Elena Kagan. Clerkship candidates are generally considered starting in the early spring, although on occasion Justice Kagan will act sooner if she learns of a candidate who seems likely to be secured before then by another Justice. She has hired at least one YLS candidate during the summer. The application should consist of the normal components (resume, transcript, letters of recommendation, writing sample). Letters of recommendation from professors or judges with whom Justice Kagan is familiar are particularly valuable, and a well-timed phone call from a recommender may also be quite helpful.

Justice Kagan's clerks make a rough cut, selecting perhaps a couple dozen stand-out applications, and the Justice reviews these thoroughly (as well as others, on her own initiative). In the past, approximately twelve to fifteen applicants have been invited to interview for four spots. The interview takes place in stages—first with the Justice, and then with the clerks (or vice versa).

The interview with the clerks can last for about an hour and will be almost entirely substantive, involving detailed discussions about potentially any legal topic, although the focus is usually on recent Supreme Court cases in which the clerkship candidate has indicated an interest. (A common opening question is, "What case from the past couple terms do you think was particularly correct or incorrect, and why?") The candidate should be prepared to discuss any legal issue that is apparent from his or her resume—any piece of writing referenced and any matter on which the candidate claims to have worked. The questioning can be tough; the goal is to see whether the candidate can think on their feet and can articulate and defend sophisticated legal arguments.

The interview with the Justice is usually less substantive, although may also touch briefly on legal topics. The Justice is looking for four clerks with whom she can get along and who can get along with one another. She tends to favor a gender balance, if possible, although has not adhered to any strict rule. She

may also ask whether a candidate would be willing to clerk for her in a future Term.

Associate Justice Ketanji Brown Jackson. Justice Jackson seeks clerks with excellent legal research and writing skills, proficiency managing complex and competing workflows, and the ability to overcome challenges. She is also interested in clerks who are committed to pursuing equal justice under law, and who bring to chambers valuable professional and personal experience that is relevant to the work of the Supreme Court. Justice Jackson will only consider applicants who have completed an appellate clerkship at the state or federal level by January of the term for which they wish to apply.

Justice Jackson appears to follow a set procedure for applications she announces yearly. The most recent announcement required that all materials be emailed to JusticeJackson_Clerkships@supremecourt.gov on or before September 1. The subject line of the email and the name of the attached PDF file of materials should be in the following format: Last Name, First Name Clerkship Application. Application materials must be combined into a single PDF file in the order listed below:

- **Cover letter of no more than 500 words.** Successful applicants will use the cover letter to explain their interest in clerking for Justice Jackson and to highlight, in narrative form, the skills and characteristics applicants possess that meet those identified by the Justice. The most effective cover letters will provide different insight into an applicant's experience from other application materials.
- **Resume of no more than two pages.**
- **Official law school transcript.**
- **Official transcripts from undergraduate and any other graduate institutions.**
- **List of professional references.** The list should include at least four, but no more than six, professional references. Please briefly explain how long and in what context you have worked with each reference. Please also indicate at least two, but no more than four, of the listed references who will provide a letter of recommendation. Justice Jackson welcomes letters that can speak directly to the skills and characteristics she seeks on the basis of first-hand experience.
 - All recommendation letters must be emailed by the recommender to JusticeJackson_Clerkships@supremecourt.gov on or before October 1, 2023. The subject line of the email and the name of the attached PDF letter should be in the following format: Applicant Last Name, Applicant First Name OT 2024 Letter of Recommendation, Recommender Last Name, Recommender First Name.
 - The most effective recommendation letters will speak directly to the skills and characteristics identified in the first paragraph above, on the basis of the recommender's first-hand experience. In particular, recommenders should highlight the applicant's ability to orally communicate complex concepts.

Justice Jackson may later ask some applicants to provide existing writing samples or to draft an original sample in response to a prompt.

No information will be considered outside of the formal application process. Neither applicants nor their references, recommenders, or other advocates should contact Justice Jackson or her current or former staff regarding a pending or prospective application.

Associate Justice Brett Kavanaugh (YLS '90). Justice Kavanaugh does not seem to follow a specific schedule in hiring, but has conducted interviews in winter and spring.

Associate Justice Sonia Sotomayor (YLS '79). Justice Sotomayor hires four clerks each term. Her schedule is somewhat variable, but she has often reviewed applications in the fall (late August or early September) and extended offers in late fall/winter, before the December holidays. Candidates should apply in the summer in light of this timeline.

She expects the standard application package, with at least three letters of recommendation. Justice

Sotomayor prefers to consider candidates who have completed their appellate clerkships by the time of their application (i.e., who are able to submit a letter of recommendation from their appellate judge based on a full year of work), but will occasionally make exceptions. Justice Sotomayor will not review an application until all judge letters have been submitted.

Associate Justice Clarence Thomas (YLS '74). Justice Thomas generally does not follow a set schedule for hiring. Be flexible regarding the term in which you would be interested in clerking. He considers applicants on a rolling basis and sometimes hires two years in advance. The Justice reviews most of the applications personally. Six to eight applicants receive interviews.

In the past, Justice Thomas has selected clerks throughout the year. He may select one or more clerks as early as December, nearly two years before the term is to begin, and the remainder as late as the following November for the upcoming term.

Retired Justice Stephen G. Breyer. In the past, Justice Breyer's timetable for applications, interviews, and selections has varied. The last three years, however, have been more predictable. Candidates should apply in the spring, a little more than a year ahead of time. The Justice prefers concise cover letters and writing samples.

Justice Breyer typically calls to schedule interviews between Thanksgiving and Christmas (and can be on quite short notice), conducts interviews in late December and early January, and decides on his clerks in January. Candidates may be interviewed in Boston or in DC; DC interviews typically include a chance to chat briefly with the clerks, but the conversation is not really a formal interview. If you find out when the Justice is putting together his list of candidates to interview, your recommenders can send a follow up fax, email, or letter, or place a telephone call. In November or December, you can get on the Justice's radar with a call from the judge for whom you clerked or a professor; calls can be quite helpful.

The Justice generally conducts a relatively short, informal interview. It is conversational regarding your resume, writing sample, law school classes, and current job. The best preparation, therefore, is to review your writing sample and other publications on your resume and be ready to discuss legal issues on which you have worked in other jobs/clerkships. It might also be useful to read a couple of articles on the Justice's general approach to jurisprudence, but there's no need to read every opinion he's ever written or study up on every case the Court has decided over the past couple of years. The Justice likes some back and forth, and prefers candidates who can express an opinion and show an ability to defend a position without being belligerent. To test this, the Justice will often challenge your position on something, so don't be afraid to disagree with him.

Retired Associate Justice Anthony M. Kennedy. Upon his retirement in 2018, Justice Kennedy said that he planned to hire one law clerk. Though his hiring practices may change with retirement, it seems prudent for now to continue sharing information from his pre-retirement tenure. Justice Kennedy's application process varies from year to year. He places a high premium on a letter of recommendation from your lower court judge, although occasionally he has hired applicants who have yet to clerk at all.

Submit your application as early as December nearly two years before the term for which you are applying. Plan to update your material, as appropriate. If possible, follow this schedule even though Justice Kennedy may not actually hire very soon afterwards and may still consider applicants who apply later. It can be very helpful to have a recommender call the Justice directly, but only if the recommender has a relationship with him that makes a phone call appropriate.

His screening committee of former clerks sifts through applications as they come in and make a first cut. The committee also performs screening interviews, which may involve wide-ranging discussions of hot-button cases and constitutional theory. Justice Kennedy typically invites a small number, five or so, of the screened candidates to interview. He generally conducts interviews in mid-November to early December for clerkships commencing the following summer, though he may make an offer for a subsequent term.

Interviews with Justice Kennedy typically consist of a mix of substantive and “get-to-know-you” questions and last around 20 minutes. The current clerks also interview candidates, generally engaging in a serious, substantive conversation focusing on topics arising from cases the Court has heard in recent terms. The clerks’ interview can last as long as an hour.

Appendix B

2024-25 YLS Clerks at the U.S. Supreme Court

YLS Clerks for the 2024–2025 Term at a Glance

Chief Justice Roberts	Elise Kostial '22 (Katsas, DC Cir.; Pryor, 11 th Cir.)
Justice Thomas	Alexis Y. Zhang '20 (Katsas, DC Cir.; Pryor, 11 th Cir.) Thomas A. Wilson '17 (Newsom, 11 th Cir.)
Justice Alito	Cameron B. Silverglate '22 (Thapar, 6 th ; Oldham, 5 th) Joshua A. Altman '22 (Friedrich, DDC; Park, 2 nd Cir.)
Justice Sotomayor	Jade A. Ford '20 (Furman, SDNY; Pillard, DC Cir.) Jordan A. Alston '21 (Srinivasan, DC Cir.; Oetken, SDNY)
Justice Kagan Cir.)	Brandon H. Thomas '19 (Engelmayer, SDNY; Watford, 9 th Cir.)
Justice Gorsuch	Christian R. Burset '14 (Cabranes, 2 nd Cir.) Edward L. Pickup '21 (Walker, DC Cir.; Bibas, 3 rd Cir.)
Justice Kavanaugh	Patrick E. Reidy '21 (Hardiman, 3 rd Cir.) Zachary J. Lustbader '21 (Friedrich, DDC; Park, 2 nd Cir.)
Justice Barrett	
Justice Jackson	Nicolas Y. Riley '11 (Thomas, 9 th Cir.; Wilken, NDCA)
Justice Breyer (Ret.) NDCA)	Stefanie L. Ostrowski '21 (Friedland, 9 th Cir.; Chhabria, NDCA)
Justice Kennedy (Ret.)	