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CHAPTER 1
JUDICIAL CLERKSHIPS: PRELIMINARY QUESTIONS

1. What Types of Clerkships are Available?

Judicial clerkships are available in federal and state courts of general and limited jurisdiction, at the trial and appellate levels. Most clerkships are temporary positions lasting one or two years, although some judges hire permanent or career law clerks. Positions with individual judges are known as “elbow” clerkships. There are also staff attorneys and pro se clerks in all of the federal circuit courts and some of the federal district courts. Attorneys in these positions work for the whole court or panels of judges and perform many of the same tasks as elbow clerks. These staff positions also generally last one or two years. Some state courts have a similar system where clerks are hired for a central legal staff that serves all judges. In addition, clerkships are available in some foreign courts; see CDO’s guide Opportunities with International Tribunals and Foreign Courts.

Clerkship opportunities in the U.S. are available at many different levels:

- U.S. Supreme Court. Students apply after they have obtained another clerkship, usually a federal appellate clerkship (See CDO’s guide U.S. Supreme Court Clerkships)
- U.S. Courts of Appeals
- U.S. District Courts, including bankruptcy and magistrate judges
- Special federal courts, including Court of Federal Claims, Court of International Trade, Tax Court, and Court of Appeals for Veterans Claims
- Administrative law judges in some agencies; for example, immigration judges take clerks through the Executive Office for Immigration Review (EOIR) in the U.S. Department of Justice Attorney Honors Program
- State supreme courts, intermediate appellate courts, and trial courts in some states

2. Type of Work

All clerkships are fundamentally research and writing positions. Much of the written work disseminated from the chambers starts, and occasionally ends, with a law clerk. Clerks can prepare memoranda, orders, opinions, jury instructions, letters, and any other document that could come from the court. Within that broad framework, the duties of clerks vary a good deal.

Judges take a highly individualized approach to their work. The type and amount of work, hours, and vacation policies can vary greatly among judges, even judges on the same court. Some judges prefer oral reports to bench memoranda. Some trial court judges frequently rule from the bench, eliminating the need for written opinions. Judges may also keep certain work for themselves, such as routine petitions or criminal matters. Some clerks assist judges with special projects, e.g., speeches and publications, committee work, and mediation. An increasing number of federal judges are giving up a secretarial position in return for an additional law clerk slot. In those chambers, clerks share routine administrative duties such as opening the mail. The work can be as simple as photocopying or as complex as acting as a sounding board for the judge while working through a knotty issue—sometimes in the same day!

The scope of jurisdiction, and consequently the types of cases that are heard, varies among the federal and state courts. The substantive mix of cases before a court differs from circuit to circuit, district to district,
Typically, around 45 percent of the members of a YLS class will serve as a judicial clerk at some point in their careers; for most of them, it is their first job after YLS graduation. Approximately half of each class makes other career choices. For statistics and further details on career paths, consult CDO’s *Introduction to Career Development* and other specialized guides.

**Why Clerk?**
Students decide to clerk for a variety of reasons:

- To hone research, writing, and legal skills
- To work closely and form professional and personal relationships with a judge and other clerks
- To gain a mentor who can provide career advice, networking opportunities, and feedback on research, writing, negotiation, litigation, policy, style of practice, and substantive law
- To gain exposure to and make contacts in a legal community
- To gain insight into the workings of the legal system that can be valuable in later practice: what goes into an opinion, how judges work and think, and the context in which decisions are made
- To see different attorneys’ styles of practice
- To obtain practical training in litigation, trial strategy and techniques, and other legal skills
- To obtain a unique opportunity to affect the judicial process in the first year after law school
- To learn to make tough decisions quickly
- To take an intellectually stimulating interim job between law school and a longer term work commitment
- To obtain exposure to a variety of legal issues and areas of law or to a particular area of law
- To obtain a unique opportunity to affect the judicial process in the first year after law school
- To learn to make tough decisions quickly
- To take an intellectually stimulating interim job between law school and a longer term work commitment
- To add another respected credential to a resume

One YLS graduate has offered advice on whether or not to clerk:

*Like many law students, I had some doubts about whether I would enjoy clerking, and whether I should apply. People offered simple advice, which I now pass on to others: DO IT. There is no substitute for being in court every minute the judge is for an entire year. You see good styles and bad, observe brilliant strategies and embarrassing gaffes, and soak in a wealth of experience. More importantly, it’s simply fun. I recommend the experience strongly even if a student already knows that she will not be a trial lawyer and, indeed, even if a student does not plan to pursue a traditional legal career. The opportunity to observe a . . . court in action is a fascinating end in itself, even if, for someone not planning to litigate, it is less a means of substantive courtroom instruction.*

**Why Not Clerk?**
Many students say that they felt “swept up” by their classmates’ clerkship application energy and applied for clerkships without thinking about whether a clerkship was the best post-graduation option for them. Many YLS graduates choose other options, such as fellowships, government, law firms, corporations,
legal services, or other public interest organizations. In the words of Professor Jean Koh Peters, whose full narrative appears later in this chapter:

I urge you all strongly to clerk only if it is the right choice for you, and then to choose your judges very carefully. The experience will stay with you for your lifetime and deserves careful attention.

A clerkship is not necessarily the best choice for people who:

- Have other interests that they prefer to pursue
- Have interests in law which are far removed from the courtroom and wish to concentrate on developing their skills in a more relevant arena
- Prefer not to delay their entry into permanent legal positions for financial or other reasons
- Have difficulty with the disruption of another short-term job; families may find it especially onerous, particularly if the clerkship would involve moving to another city

Bear in mind also that although a clerkship is a useful credential for most legal jobs, it is not a requirement. Even if a clerkship is preferred for a particular position, it is almost always possible to substitute other relevant experience, such as a government honors program or, for budding academics, a publication. Remember the other side of the statistic—approximately half of YLS graduates do not clerk, and they have satisfying and successful careers in business, law teaching, and the public and private sectors.

4. Federal Trial Court versus Appellate Court

The work done on trial and appellate courts differs. Some YLS clerks express a strong preference for one type of clerkship over the other. Others state that the judge, rather than the court or the location, is the most important consideration. One YLS clerk’s view:

[A] word about the District Court v. Circuit Court decision. Many . . . will debate the relative merits and demerits, which to my mind seem to balance very evenly . . . . I would only stress that if students already have a clear hunger for one or the other, they should go with their instincts. If the students are like the majority of people, and can see themselves as happy with either position, they should apply to both and simply go with the judge they find most likeable. The quality of the clerk/judge relationship, it seems to me, is far more determinative than the court, or even the caseload.

Trial Court

YLS federal trial court clerks report that they research and write bench memoranda, draft orders and opinions for motions, plea memoranda, and jury instructions. In addition to researching case law and writing, clerks analyze briefs, review evidence, discuss issues with the judge, cite check, and proofread. They may attend trials, oral argument on motions, sentencings, jury charges, status conferences, and evidentiary hearings. Clerks may also be in charge of case management, which includes talking to counsel about scheduling, dealing with requests for extensions, responding to attorney telephone calls about case status and the judge’s procedures, and juggling hearing dates on the calendar.

One YLS clerk described the work typical of a U.S. District Court clerk:

A district court clerkship is probably the ideal training for someone who wishes to be a litigator. Most of one’s time as a circuit court clerk is spent in individual research and
writing. District court clerks do a good deal of this kind of research and writing; but we also spend more time in court and get involved in the practical aspects of trial court litigation, such as scheduling motions and trials, preparing orders, responding to requests for emergent relief, and, most importantly, following a case’s development from its inception to its conclusion . . . [W]e have been introduced to dozens of substantive subject areas of the law and to the sometimes bewildering intricacies of federal court practice. Finally, a district court clerk has the unique opportunity to study a wide range of lawyering styles from a judge’s perspective.

A trial court clerkship can provide a perspective not obtained in law school. Professor Jean Koh Peters explained:

I am glad I clerked for a trial judge. Law school had filled my head with appellate perspectives and appellate reasoning in a way that needed, for me, to give way to the nitty-gritty of the trial level. It was very important for me to see lawyers arguing matters in the first instance and seeing the litigants beside them.

Appellate Court

YLS federal appellate court clerks report that they research and write bench memoranda, draft opinions, summary orders, and voting memoranda; comment on and edit other clerks’ draft opinions; and cite check and proofread. They give recommendations on petitions for rehearing and suggestions for rehearing en banc. In addition, clerks read briefs and transcripts; brief the judge on cases, individual issues, and recommended outcomes; help the judge prepare for oral argument; and attend oral argument. Judges may also assign other duties, such as managing pro se litigant correspondence.

One YLS appellate court clerk believed that a circuit court clerkship is best for students who “enjoy intellectual issues more than they enjoy actual advocacy and debate” and “have no desire to litigate or try cases.” Another described the clerkship:

As a federal appellate law clerk, I am responsible for reading the parties’ briefs once they come into chambers, supplementing the parties’ research, and making a recommendation to the judge about how best to decide the case . . . . There are no evidentiary hearings, no trials, and no contact with the parties or their lawyers. Except for oral argument (which occurs approximately seven weeks a year), I have no job-related contact with the outside world at all. In short, this is a wonderful job!

At the appellate level, the clerks have the time and resources to consider carefully the legal issues raised, relatively free from distractions. In many ways, I have found clerking to be a challenging and invigorating intellectual experience. I get paid to think and write; I like that. Unlike law school, my mental ruminations are limited by a factual context involving real people who will be affected by the Court’s decision. I have found clerking to be a very happy medium between the abstraction of law school and the routine of daily legal practice.

Narratives

PROFESSOR KATE STITH

The Career Development Office has asked me for some informal comments about my first clerkship experience.
First, the application process in the late spring of 1976, my second year of law school. In those days, the third-year students at the Harvard Law Review took it as one of their responsibilities to help second-year students in applying and interviewing for clerkships. Of course, these upperclassmen (yes, all men) had views as to where each of us “belonged,” and several of them pegged me as a “District Court” type.

My well-meaning, if presumptuous, third-year friends told me I would enjoy the fast pace and complexity of a trial court, as opposed to an appellate, clerkship. In my youthful ignorance, I was a bit offended by the notion that I should go to a “lower” court. For family reasons, I had to be in or near Washington, DC, but I applied to only one District Court judge (the late, great Judge Gesell) and to four judges on the DC Circuit.

One of those judges was Carl McGowan, who immediately contacted me for an interview. I informed Harvard clerks in the other chambers (all these clerks were Law Review types—that’s the way it works, or used to work, at Harvard) and arranged interviews with Judges Gesell, Bazelon, Leventhal, and Robinson as well. I went down the next week and had five interviews in one day. The interviews differed one from another in ways that, I later came to learn, reflected the difference in judicial temperament of these five judges. The interview with Judge Bazelon seemed to be cut short once he realized I had not yet read all of his opinions. Judge Leventhal was especially lively, playful, and ironic. Judge Robinson was especially kind and thoughtful. Judge Gesell was less interested in discussing the complexity law than the complexity of litigation. Judge McGowan took a distanced delight in politics and his humor was easy and kind.

Ah, serendipity. During the interview with Judge McGowan, I surmised that the reason he had called me so soon was that he had already noticed my name and college—Dartmouth—in a newspaper article about the new officers of the Harvard Law Review (an article that actually featured one Susan Estrich, the first woman President of the Review). As I knew, McGowan had gone to Dartmouth; and there were, in 1976, very few Dartmouth women anywhere in the world, much less going to law school. It was apparent that Judge McGowan was pleased his dear old college had become coeducational (indeed, his youngest daughter later graduated from Dartmouth). That’s how I landed in Washington with five interviews. The “old-boy” network had just begun to work for a few women, too.

When I returned from my Washington interviews to find a telephone message from Judge McGowan, I should have jumped for joy, crossed my fingers, and called back pronto. Instead, I said to my friends, “Judge McGowan is a wonderful judge . . . but what about Judge Leventhal? Doesn’t he want me? Don’t people say he is the smartest guy [yes, they were all men] down there? And didn’t we have a blistering, rollicking interview?” Luckily, my wise friend Estrich told me, in essence, to cut the baloney. I should call Judge McGowan, accept on the spot, and, like anyone else who lands a clerkship with a great judge, thank my lucky stars. Leventhal, she pointed out, wasn’t about to steal a clerk from his respected colleague, ally, and close friend. My goodness, even their offices were right next to each other. (And what about Estrich, you ask? Judge Skelly Wright, as was his tradition, had called the morning after the Review election in March and offered the President-elect a clerkship. Susan, of course, immediately accepted.)

This experience is one reason I tell students to parlay interviews, sure, but be very careful about parlaying offers. Especially be hesitant to do this to judges on the same court—usually they won’t steal a colleague’s clerk. So you are left clerking for the judge who gave you the first offer, and with that judge probably knowing you tried to leverage her offer for one you must have thought was “better.” What an inauspicious way to begin a clerkship! My general advice is to apply only to judges with whom you want

* Moreover, you should know that judges can withdraw offers. I know of several instances where students, offered a clerkship, sought delays in circumstances that made clear they were trying to “leverage.” Finally, the offering judge responded—forget it, the offer’s off.
to clerk. And if you really don’t get along with the judge in an interview, you can withdraw. (But don’t get too excited. If you didn’t like her, she probably didn’t like you either.)

And the clerkship itself? It was terrific. Admittedly, I was at first traumatized. On the day I began, the Judge gave me a huge administrative law record and told me, as I recall, to figure out a way to “remand the agency’s order so neither side really wins or loses, because the agency was thoughtless in its reasoning, even though its result is probably right.” Although I had taken administrative law, I didn’t really understand the interplay between administrative agencies and courts (especially the DC Circuit); I didn’t understand exactly what we expected the agency to do on remand; I didn’t understand how to turn the Judge’s tentative directions to me into an opinion that properly invoked relevant standards and bases for review. Most especially, I wondered how the heck I had landed a job for which I was so ill-prepared!

My legal innocence showed up on more than administrative law cases. In civil cases, I found that I would read one side’s brief and be completely convinced, then read the other side’s and again be completely convinced. In criminal cases, any less-than-ideal-in-hindsight ruling or instruction below was enough to get me to recommend reversal; the concept of prejudicial error had yet to find a dwelling place in my mind. All in all, I sure am glad that Carl McGowan, not Kate Stith, was the judge.

As the year went on, I began really to appreciate the importance of procedure (in the agency or trial court, as well as on appeal). I learned how to read briefs skeptically (most importantly, never trust a litigator’s interpretation of precedent or a litigator’s statement of the “facts”—check everything yourself). And I learned some of life’s lessons from this judge who saw his role not as philosopher-king or policy-maker but as resolver of disputes, present and future, with special empathy for those citizens and others out there who would have to fit their lives to his judgments.

I stayed three more years in Washington; Judge McGowan became, in truth, one of my closest confidants and friends. After I moved to New York, I brought my husband-to-be down to Washington to have dinner with the Judge and his wife; when we got married, we flew the McGowans to Connecticut to perform the ceremony. When the Judge became ill, my whole brood (by then including stepdaughters and newborn son) went to Washington to see him. And on a sad, snowy day a few years later, my husband and I took the train down to Washington to attend his funeral.

I would not have traded my year with Judge McGowan for anything. And I could tell you a similar story—equal parts serendipity, intellectual maturation, and great personal affection—about my clerkship the next year with Justice White.

Let me confess, though, that my third-year friends back at the Harvard Law Review were right: I probably was the District Court type. I didn’t understand this until I went to work as a federal prosecutor in New York and began hanging around trial courts. This is where the action is: testimony, motions, rulings, warrants, subpoenas, sanctions, criminal sentences (well, this was the old days, when the judges rather than an administrative agency did the sentencing, a practice that is only slowly coming back into vogue post-

Whether it be a trial or appellate court, I urge my students to seriously consider spending a year after graduation (and this need not be immediately after graduation) at the side of a decision-maker in the judicial branch. You may not for many years again get as near to a nerve center of governmental authority; you will learn about the law from the inside; and, if you’re lucky as I was, you’ll have a friend in the law for many years to come.
There are professors who pooh-pooh clerkships (though, interestingly, several of them had prestigious clerkships). You should listen to them, but keep your hand on your wallet and your eye on the ball. A clerkship provides a perspective not just on litigation, but on lawyering and on life that you can’t easily get elsewhere. The way I look at it is this: you get a year of exponential learning in your twenties. And what do you lose? Well, when you’re seventy, you’ll have been in private practice (or whatever) for forty years instead of forty-one years. Take the clerkship.

PROFESSOR JEAN KOH PETERS

I chose to clerk for a number of reasons unrelated to clerking. I was somewhat lost in my professional goals and, in retrospect it is clear, needed some more time before embarking onto my professional life. I was interested also in a job that would take me away from the East Coast, where I had lived all my life and expected to practice, for a short, fixed period of time. As an Asian-American, I wanted to experience living on the West Coast, where more Asians lived.

In the end, I clerked in 1982-1983 for United States District Judge William P. Gray in Los Angeles (Central District of California). Judge Gray, sadly, died in 1992. Still the process by which I chose to clerk with him may be instructive in a general sense to students. After identifying geographical areas and at what kinds of court I wanted to clerk (more on this below), I got the lists of all judges who fit those categories and started calling friends of my brother, school alumni who had clerked for those judges, and, wherever possible, litigators in the area. Although I had not articulated these qualities, I was looking for a kind person who enjoyed and valued his clerks, who had a reputation for high integrity, who had roughly the same political leanings as I had, and who did not expect around-the-clock work from his clerks. I have found that I am always identified in Los Angeles as a “Bill Gray clerk,” and that lifetime identification makes me glad I did the research I did.

I was very lucky to find Judge Gray. Day-to-day, his clerks were expected to perform a wide variety of tasks, all of which I found very interesting, challenging, and instructive about the law. Primarily, we wrote memos summarizing motion memoranda before those motions were argued. We summarized the positions, analyzed the case law, and in each case were asked to recommend a decision to the Judge. Often, we drafted the decisions deciding those motions, although Judge Gray often ruled orally from the bench. Judge Gray also employed us as a bailiff, which meant that one of us always was in the courtroom, calling the court to order, watching testimony and arguments, minding the jury, and swearing in witnesses. This was often the most nerve-racking part of the job, especially when I nearly tripped an elderly witness by being more nervous than she was. Judge Gray always wanted to hear our perspectives on the soundness of arguments made and the credibility of witnesses before he made up his mind on those matters.

Other matters happened more infrequently. We occasionally wrote jury instructions and helped decide temporary restraining orders (TROs) which required intensive quick research and analysis. (We had this work only occasionally, because Judge Gray was a senior judge, and out of the loop for TROs by his own choice.) I was in charge of the big class actions and multi-district litigations in the office, and learned a tremendous amount about big commercial litigation as well as public interest litigation. Judge Gray also asked us to drive him places, which created private time to talk (but which was also nerve wracking for me, a new driver!). Because Judge Gray was a senior judge, he traveled often, and each of us traveled with him twice—I went with him to Florida and Tennessee. (These trips were wonderful for getting to know the Judge and his wife and for seeing other parts of the country, but were also somewhat lonely—be aware that these junkets can sound more glamorous than they are.) I always felt like I had time to discuss my questions with him, either in private conversations or in regular Monday morning conferences before oral arguments on motions began.
I am glad I clerked for a trial judge. Law school had filled my head with appellate perspectives and appellate reasoning in a way that needed, for me, to give way to the nitty-gritty of the trial level. It was very important for me to see lawyers arguing matters in the first instance and seeing the litigants beside them. In retrospect, I also think that a state Supreme Court clerkship would provide a different perspective worth having, since being the court of last resort creates a whole different dynamic from being an intermediate appellate court. I recommend both highly.

In the end, I learned a great deal about judging, about lawyering, and about myself. Judge Gray was a remarkable man of great integrity, and an excellent judge. Even in his judging, however, I found that I have a profound concern about a system that creates a class of people who judge others. The process of pronouncing judgment on others, even with good process, is, I fear, an unhealthy one. I continue to ponder this concern.

I also found that disagreements between me and the judge were very difficult for me. I still remember a weekend spent drafting an opinion which I wholeheartedly opposed. Think carefully about how hard such a scenario might be for you as you choose your judges.

I learned a tremendous amount about lawyering. I learned what I thought was convincing and what I thought was off-putting, and they drive my clinical teaching. The most lasting impression I have came from a simple repetitive process I watched as lawyers would state their appearance for the record. “John Jones for Texas, Jane Smith for Exxon.” One day, a Spanish speaking federal public defender stood up for a tiny woman next to her, an older Hispanic woman, who was weeping. When she said her name, something like, “Andrea Lopez for Rosa Martinez”, the word “for” struck me. By the way the public defender talked to her client, consulting with her, and talked about her, it was clear that she was for her client. That remains my central vision of lawyering: work for and for others.

Which of course led me to much soul-searching about myself. It was as if I had, for the first time, understood in my gut what being a lawyer was. At that time I had a job in a corporate firm and suddenly realized that I needed to choose people to be for. My choice was, and is, children. I did not come to this realization until ten months into my clerkship and long after I had graduated. I am lucky to have had the extra time to think.

In the end I realized that my clerkship “worked” because it fit my personal needs in very specific ways (geographically, the personality of the judge (and his secretary—a wonderful friend) and my co-clerk, the level of court). I urge you all strongly to clerk only if it is the right choice for you, and then to choose your judges very carefully. The experience will stay with you for your lifetime and deserves careful attention.
Advantages of State Supreme Court Clerkships

State courts are exciting places to clerk. As the Supreme Court and Congress have moved toward constricting federal jurisdiction, state courts have tackled a broader array of issues and their decisions have taken on increasing significance. In addition, after many years of conservative appointments to the federal bench, attorneys in various areas—such as civil rights, criminal, and environmental law—are turning to state courts to achieve their objectives. As a result, many state supreme courts are re-examining state constitutions to find ways to maintain or expand civil rights, criminal law, and environmental law doctrines.

YLS graduates who clerked for state judges and reported back to CDO were very positive about their experiences. They described their state court clerkships as enjoyable, instructive, interesting, demanding, and intellectually stimulating. Clerks noted that state court dockets were at least as varied as federal court dockets. One YLS state supreme court clerk observed:

*The work is great. [W]e are constantly faced with making new law and setting precedent in the state. This is truly exciting. . . [W]e are relatively free to think through legal questions with a fresh mind. The cases coming before the Court are incredibly diverse, maybe half criminal appeals. . .and half civil: boundary disputes, family law, commercial law, administrative law, civil rights, torts, etc.*

For graduates expecting to practice in the geographic area where they are clerking, a state court clerkship can provide valuable knowledge of that state’s legal system. Clerks have the opportunity to become familiar with the practice and practitioners there. Even if you intend to practice elsewhere, a state court clerkship can be beneficial. One YLS graduate explained:

*I was concerned when I took this job that involvement with state law might not be valuable for working out of state. My concern is ill-founded. Many important state statutes are modeled after federal ones. So we rely on the best reasoned federal decisions. . . .Moreover, federal law comes up directly or by analogy very often.*

Narratives

**HON. SUSAN P. GRABER ’72**
ASSOCIATE JUSTICE, OREGON SUPREME COURT

Several years after preparing this narrative, Judge Graber was appointed to her current position on the U.S. Court of Appeals for the Ninth Circuit.

1. To clerk or not to clerk.

You would enjoy clerking if you possess these characteristics: you enjoy and excel at thorough research and careful analysis; you are efficient and hard-working; you are reasonably decisive; you write clearly and fluently; you are willing and able to challenge (politely) a person in a position of authority; you are patient; you are interested in being a generalist, rather than a specialist, for a time; you are well organized; you want to learn more before entering practice.

There are significant differences between clerking for a trial court and clerking for an appellate court. The latter is apt to be a much quieter working environment, providing more theoretical legal problems. If you are outgoing and plan to enter trial practice, you should lean toward clerking for a trial judge.
2. State versus federal court clerkships.

Why seek a state court clerkship instead of a federal court clerkship? The answer is as simple as A, B, C.

A is for access. In a state court, you have access to a specific legal community. You will learn about the substantive law of the place where you intend to practice, and you will learn about the lawyers who practice there. You also have access to your judge; many state courts are relatively informal by comparison to many federal courts.

B is for breadth. In a state court, you have broader opportunities to make a difference in the development of the law and in people’s lives. State law governs such things as family relations, landlord-tenant disputes, torts, and many aspects of employment law. While federal courts may host more complex litigation, state courts cover a greater variety of substantive areas of law. Moreover, with “the new federalism,” many current state court cases concern constitutional issues. Most clerks find these cases exciting.

C is for chance. You have a greater chance of obtaining a clerkship, simply because there are more positions available in state courts than in federal courts, as a matter of numbers. You may have an opportunity to work for a court of last resort in a state, whereas you might not have the opportunity to work for the Supreme Court of the United States. Courts of last resort generally have the power to choose most of the cases that they hear, so the cases tend to be interesting. Moreover, clerks often participate in the process of deciding which cases should be taken by such courts.

HON. ELLEN A. PETERS ’54
Justice Peters is a former Chief Justice of the Connecticut Supreme Court and currently a Visiting Professor of Law at the University of Connecticut School of Law.

Although the court annually mails information about available clerkships in the Connecticut courts to a large number of law students, we have had few applicants from Yale over the years. Since many Yale students elect to become law clerks, I too have wondered about the routine preference for federal over state clerkships, and have regretted the dearth of applications to this court.

To provide relevant information about a clerkship with the Connecticut Supreme Court, I have turned to my two present (now, former) law clerks, one a graduate of Yale Law School and the other a graduate of the University of Connecticut School of Law. They have written the following description of their experiences clerking on the court.

Each chamber organizes its procedures a bit differently. As clerks for Chief Justice Peters, we have a wide variety of duties. We read the briefs in every case on which Chief Justice Peters will be sitting. We meet prior to oral argument and discuss each case with the Chief Justice. Although clerks do not regularly attend oral arguments, we often do so if there is a case that is particularly interesting or if a noteworthy attorney is arguing before the court. We devote a large portion of our time to researching and drafting opinions with significant input from Chief Justice Peters on substantive, organizational and linguistic matters. The best thing about the job—and this is, we trust, true of almost every judicial clerkship—is that we have seen our writing intensively edited all year by a lawyer whose writing skills, experience, and judgment is far superior to our own. This, we feel, has greatly improved our writing and reasoning abilities. We also read and discuss with the Chief Justice opinions that circulate from other chambers. Consequently, in this year we have been exposed to almost every facet of the appellate process.

One of us is planning to remain and practice law in Connecticut. If that is also your intention, you will find a clerkship on the Connecticut Supreme Court especially valuable. Aside from those who participate
in a legal clinic, law students are rarely exposed to Connecticut state law. The exposure to Connecticut practice gained through a state court clerkship provides a solid base upon which to build. A Supreme Court law clerk becomes familiar with the Connecticut Practice Book, Connecticut General Statutes, Connecticut common law and, of increasing importance, the Connecticut constitution. In addition, much information about state practice is gleaned from reviewing trial court transcripts and the appellate record, as we must when we research and write first drafts of opinions. Another benefit accruing to those planning to practice in Connecticut is the opportunity to observe the work of many different law firms, the state’s attorney’s office, the public defender’s office and various state agencies.

A clerkship with the Connecticut Supreme Court can also be highly beneficial to one who is not planning to practice law in this state. One of us will not practice law at all, but will become an academic in another state. A clerkship provides you with an overview of many areas of both federal and state law. This year we have encountered issues pertaining to state and federal criminal law and procedure, state and federal constitutional law, common law and federal rules of evidence, administrative law, employment law, insurance law, common law torts, sovereign immunity, family law, contracts, land use, workers’ compensation and reapportionment. This year has also been a time for improving research and writing skills. As the highest court in the state, subject to review only by the United States Supreme Court on relatively rare occasions, considerable emphasis is placed on thorough research and incisive writing.

One significant advantage to a clerkship on the Connecticut Supreme Court is that the seven justices and eight clerks all occupy offices on the same floor of the Connecticut Supreme Court building in Hartford. Consequently, the other justices on the court and their clerks are readily accessible. Clerks are encouraged to speak to other justices about issues that arise and do so frequently. There is also a great deal of communication among clerks and we have found the other clerks to be a tremendous resource when working through complicated legal issues. The fact that we all work together so closely has enhanced this clerkship greatly as we truly have been at the core of the court.

The close interaction with other chambers is one of the principal advantages that the Connecticut Supreme Court has over the United States Court of Appeals for the Second Circuit, which was the principal alternative that one of us was considering before being offered this job. Second Circuit chambers are scattered quite widely. Another difference between federal and state courts that may weigh in favor of the latter, depending on your view, is the recent tendency of constitutional rights to shrink in federal courts as they expand in state courts. This tendency has been notable in Connecticut, where on a number of occasions in recent years the Supreme Court has held that the Connecticut constitution gives individuals greater protection than its federal counterpart as interpreted by the Rehnquist court. We have found it exciting to be part of that process. We think it unlikely that we would have had an analogous experience on the federal bench.

More generally, because of the growing importance of state supreme courts, the year we have spent here has opened new horizons for us in a way that a federal court could not have. In law school, we talked about federal courts and how they work all the time. One of us took a course specifically on federal jurisdiction. Neither of us, however, had gotten any education in how state courts specifically operate. Our year here has thus closed a significant gap in our training.

6. Clerking Now or Later

There is no single window of opportunity to apply for a judicial clerkship. Some students may find it beneficial to apply later in law school or after graduation. Based on figures from OSCAR (Online System for Clerkship Application and Review), over the past several years, the applicants have been divided almost evenly between alumni and third-year students. A number of YLS graduates have successfully
chosen to clerk after they have completed a post-JD fellowship or engaged in practice for one or more years.2

Potential Advantages of Applying Later
Students delay the clerkship application process for a variety of reasons:

• Actual work experience. Judges often appreciate the substantive knowledge, maturity, and perspective that come with legal work experience.
• A fuller record of law school experience. Your candidacy may be enhanced if you have completed more courses, papers, or a note or other publication; have participated in additional extracurricular activities or jobs during the school year; or have held supervisory positions in a clinic, student organization, or journal.
• More opportunities for professors or legal employers to get to know you and your work. This could provide you with additional, or possibly stronger, recommenders.
• More application options. You can also apply to judges who have odd-term vacancies with earlier start dates, or to newly-confirmed judges who might need clerks right away.
• A better understanding of why and where you want to clerk.
• Higher salary with bar admission and a year or more of legal experience, as discussed below.
• The ability to transition to a new career path. Some graduates see the clerkship as a way to demonstrate to potential employers that they are interested in changing the direction of their career.

Potential Disadvantages of Applying Later
Disadvantages of a short-term deferral include:

• Finding a one-year job before the clerkship commences. Some law firm employers will allow a student with a permanent offer from a summer to return for a year, clerk, and return again. Others are reluctant to make a commitment. If the clerkship search comes as a surprise to the firm, there may be some annoyance upon learning that a new associate will be leaving in a year or less. Finally, even if the employer is pleased about your clerkship and willing to hold your place, your judge may not allow the clerk to retain an offer of employment. One-year public interest positions, other than fellowships, are rare. Unless you are willing to fulfill the minimum time commitment (often two years), you could find a one-year time constraint considerably impedes a public interest job search.
• Deferring or foregoing federal government honors programs, which require a two- or three-year commitment.
• Deferring or foregoing some public interest fellowships, such as Skadden or Equal Justice Works, which require a two-year commitment.
• Disrupting an orderly career progression. This is particularly true for graduates who accept two successive clerkships and then return to practice. They may be considered to be at the same seniority/skill level as other associates who graduated the same year, but their experience in performing the specific work required by the employer may be lagging.
• Moving multiple times in a relatively short period, probably at least once at your own expense.

A quick perusal of these lists, especially the potential disadvantages, highlights the importance of assessing when it makes the most sense in your overall career path to transition from your job. Perhaps a nine- to twelve-month gap seems perfect; alternatively, based on your work style or the particular jobs

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2 It is also important to be aware that some federal judges have developed a practice of hiring current students multiple years ahead, with the assumption that the applicant will gain practical legal experience in the interim. Consider at the outset how flexible you can be with a start date.
you wish to pursue, it may be too short. For example, in private practice, it may be beneficial to you in terms of training and professional development to spend more than one year at your firm. Similarly, if you are interested in public interest fellowships, you may prefer not to limit your opportunities to one-year fellowship options. Judges are regularly hiring clerks and appreciate legal experience, so look beyond the first moment you can submit an application and choose the timing that is most sensible for you.

7. Hiring Criteria and Competitiveness

The hiring criteria can vary greatly from judge to judge. Some former clerks stress the importance of a strong academic record, and others state that their academic record was not a critical factor in obtaining their clerkship. Do not presume that you need a certain number of honors or Yale Law Journal membership to obtain a clerkship. While some judges may value those qualities, others will place greater emphasis on other factors such as public interest activities, prior work experience, ability to work as part of a team, maturity, or interpersonal skills. In some cases, recommendation letters play a significant role, and at other times applicants have had interviews before all of their recommendation letters had arrived. Among the qualities that judges may seek are your ability to:

- research and write well
- think and reason clearly
- recognize and analyze legal issues, complex facts, and legal doctrines
- articulate and defend your positions
- manage many projects simultaneously
- complete assignments on time
- work as a member of a team and get along with others
- perform well under pressure
- maintain confidences

There is no question that the clerkship process is a competitive one. Each federal and state judge has a limited number of available positions and applications are submitted by candidates from national and regional schools throughout the United States. Although YLS has an excellent success rate, not all candidates obtain a clerkship; exact figures are not available because students and alumni who apply are not required to report to CDO the fact that they applied. Nevertheless, in view of the wide variety of criteria discussed above, opting out based on your own evaluation of your qualifications is not the best approach. Instead, research judges’ selection criteria and preferences. Consult YLS Judicial Clerkship Surveys and other resources; see Chapter 3 and Appendix B. Talk to professors and former clerks. Look for judges with whom you would enjoy working and who would appreciate your strengths. Consider ways in which you might bolster your application through additional research and writing, clinic participation, or work with a professor. Finally, be flexible about geographic locations, types of courts, and judges when selecting judges to whom to apply.

8. One Clerkship or Two

For some students, the prospect of two clerkships is very appealing. Before pursuing more than one clerkship, determine how the clerkships fit into your short- and long-term career plans. Consider the possible advantages, such as intellectual stimulation, establishing another mentoring relationship with a

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3 In particular, given their popularity among YLS students and law students generally, positions regarded as the most “competitive” are with the DC, Second, and Ninth Circuits, and the district courts in Manhattan, Brooklyn, San Francisco, and Los Angeles. These judges may be more apt to rely on traditional measures of achievement to cull their applicant pool.
judge, and trying out a new city and disadvantages, deferring other career goals and potentially incurring additional debt.

Federal judges can hire more than one year in advance. Accordingly, if you are interested in clerking at both the trial and appellate levels, one possible strategy would be to apply to trial and appellate judges concurrently. If you were able to obtain two offers, you could ask one of the judges to defer your clerkship until the following year. Judges are often amenable to this arrangement, since it gives them the advantage of an experienced clerk. It is particularly common in New York City. There is no guarantee, however, that a particular judge will accede to your request.

If you are committed to completing your clerkships in a particular order, such as trial court before appellate, consider applying to each court separately in consecutive years. Choosing one type of court could simplify your research burden. The consecutive application strategy also offers the advantage of listing a clerkship on your resume when you apply the following year. Moreover, your current judge may be able to make positive, substantive comments about you if another judge calls. Certainly some students have successfully obtained clerkships in the order they wish by applying simultaneously and working it out with the judges; however, it is worth considering whether there may be advantages to consecutive applications even beyond fixing the order.

Finally, it is useful to note that state courts do not hire clerks multiple years in advance. State judges have constraints on tenure and budget that do not affect their federal colleagues. Candidates interested in multiple clerkships, or focused on clerking immediately after graduation, may wish to consider how state courts could factor into their plans.

9. Financial Considerations

Federal Court Salaries
The judiciary adheres to a pay grade scale known as the JSP scale, which is the same as the GS scale for other federal employees. Most federal court clerks are paid at the JSP-11/step 1 level, which averages around $60,000 in many localities for 2017. “Locality rates” (additional compensation for areas with higher cost of living) create significant variations from the average: as examples, the JSP11/1 salary in Boston is just over $66,000 and in San Francisco is over $72,000.

Bar membership and at least one year of legal experience can mean a jump of one grade level, generally to JSP-12, for additional compensation of nearly $13,000. Some judges expect clerks to take a bar exam; however, without the requisite work experience, bar admission will not result in a pay grade increase. To be appointed at or promoted to JSP-13 for another $13,000 or more, you must have bar membership, plus two years of experience.

Law clerks are required to list the date of graduation from law school on a standard government form completed under oath. If you have not completed and passed all of your requirements for graduation from law school, you will be paid as an administrative assistant/secretary, generally at the JSP-7 level which is in the $41,000 range, depending on locality.

State Court Salaries
Annual salary information for all 50 states, the District of Columbia, Guam, and Puerto Rico is listed in Vermont Law School’s Guide to State Judicial Clerkship Procedures. Approximately two-thirds of

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4 For a brief description of salary and benefits, with a link to the 2017 Judiciary Salary Plan Locality Rate Pay Tables, click here.

5 Although judges previously had discretion to award incremental step increases within a pay grade, the Judicial Conference of the United States severely curtailed salary discretion in September 2007.
jurisdictions pay more than $50,000. Ten jurisdictions offer annual salaries greater than $60,000, which includes a few that pay more than $70,000.

**Clerkships and COAP (Career Options Assistance Program)**

Graduates working as judicial clerks may participate in COAP, but program benefits for clerkships will be in the form of a loan rather than a grant. The amount of loan for which a graduate may qualify is calculated the same way that non-clerkship COAP eligibility is calculated. The maximum total amount of a clerkship loan is $10,000 per clerkship year, up to two years (or $20,000). The loan will carry an interest rate equal to the Yale Student Loan rate (currently 7.5%), and it will be payable in full within one year of leaving the clerkship. Extensions may be arranged for graduates who have multiple year or consecutive clerkships.

If, after the clerkship, the graduate takes a position that qualifies for the COAP Program, the loan will be treated as a qualifying educational loan covered by the Program, and the Program will make the necessary payments of principal and interest on the participant’s behalf for as long as the participant is in the Program. Clerkship loan recipients should consult with their tax advisors regarding the appropriate treatment of imputed interest. Upon leaving a qualifying position, any remaining balance due on the loan will be payable in full within one year. The one year repayment requirement is based on the assumption that a graduate in a high paying post-clerkship position will be able to refinance the loan through manageable commercial options and thereby free Program funds for others. Should this assumption be inaccurate, individual adjustments sensitive to the graduate’s circumstances may be made.

Here is a simplified example of how COAP works:

Assume you start a one-year clerkship September 1, 2017, and have qualifying loans that require a $500 monthly payment. Typically, you get a six month deferment before you actually have to make a payment, so you will make your first payment on December 1. That means you will have to make nine payments during your clerkship year, for a total of $4500. COAP will make those payments by extending you a $4500 loan.

**Scenario 1:** You join a large law firm in Seattle as a second year associate. By the end of your first year at the firm, you are expected to pay YLS the $4500, plus interest.

**Scenario 2:** You become a staff attorney for the Texas Fair Defense Project. The $4500 is lumped together with your other qualifying student loans under COAP, and you do not have to repay it, unless and until you take a high-paying job.

10. **Employment of Non-U.S. Citizens**

There are two obstacles to overcome for non-U.S. citizens who wish to clerk for a federal judge, or work for any federal agency. First, you must be able to obtain authorization to work under U.S. immigration laws. One option is the F-1 Optional Practical Training (OPT) which allows you to stay in the U.S. for 12 months for additional practical training such as a clerkship. The latest that OPT can start is 60 days after you graduate; thus, it may not be available if you are unable to schedule your start date within that time period. Note also that if you used OPT to work during one or both of your summers, you will have less than one year left for OPT. Another visa option that can be used for a clerkship is the H1B visa. If the

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6 Additional information is available from the Financial Aid Office or in the Financial Aid section on the YLS website.

7 To conserve your OPT, you can instead pursue Curricular Practical Training (CPT) for summer employment. The CPT application must be approved by the Associate Dean for Student Affairs and the University’s Office of International Students and Scholars (OISS); it is conditioned on enrollment in the Legal Practicum course during the fall term after the summer employment.
judge is willing to sponsor the candidate, the court will pay the fee. Before embarking on an H1B visa application, it is recommended that you obtain your own attorney to help you through the process.

Second, the federal Appropriations Act bans agencies, in most cases, from paying non-citizens with appropriated funds. In 2009, Congress amended the Appropriations Act to limit more strictly the categories of qualifying non-citizens. According to the Act, appropriated funds may not be used to pay compensation to non-citizen employees with duty stations in the continental United States, unless they qualify under a small group of exceptions. The federal judiciary’s website offers the following explanation:

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

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

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

The appropriations law requirements apply to anyone appointed into a paid position within the judiciary in the continental U.S. The appropriations law requirements do not apply to employees with a duty station in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, or the Northern Mariana Islands, nor do the requirements apply to unpaid volunteers.” (From Citizenship Requirements)

It is important to verify your eligibility for employment in a particular chambers under current law. If any person is hired in violation of these restrictions, the Administrative Office of the U.S. Courts is required, by statute, to remove such person from the payroll immediately and any appropriated funds paid may be recouped.

If you are not a U.S. citizen, you should notify the chambers in which you are seeking employment, to permit the judge to ascertain whether you are eligible for consideration. A good starting point to learn about your work and visa options is the OISS website. For detailed information on the employment
restrictions under the Appropriations Act and other regulations and orders, click here. Although there is no “preclearance” for clerkship candidates, you can obtain further information by contacting Robert Deyling in the General Counsel’s Office of the Administrative Office of the U.S. Courts at 202-502-1100.

State court citizenship requirements depend on the individual state’s laws. Many states do not require U.S. citizenship, but only proof of employment eligibility. Non-U.S. citizens should check directly with the state court(s) in which they are interested.

11. Transfer Students

Historically, the percentage of YLS transfer students who clerk is similar to non-transfer students. Transfer students offer very strong credentials from their first law school to which they will add activities, coursework, and recommendations from YLS. As the opening of the clerkship process has moved earlier into the second year, transfer students’ credentials and faculty relationships from that first law school may retain more prominence for any applications submitted in the fall of second year. As you plant more roots in the YLS community, the balance will shift. If you have questions about transfer students and clerkships, talk to other transfer students who are or will be clerking, as well as faculty, deans, and CDO counselors.

CHAPTER 2
CHOOSING JUDGES

The initial steps in the clerkship job search process are the same as in any other type of job search. Begin with self-assessment. Consider your needs, interests, and career goals. Assess your strengths and weaknesses. Analyze your academic record, activities, and work experiences. Self-assessment will help you decide what type of clerkship would be a good fit for you. In addition, it will enable you to articulate to particular judges the reasons you chose them, the relevant experience and abilities you offer, and the ways in which a clerkship fits into your future plans.

Second, research. Once you have determined what you are seeking through self-assessment, research judges to find clerkships that would be a good match for you. Try to focus your research on particular locations or types of clerkships. Start with written and online resources to obtain basic information. Then, build on that information in conversations with former clerks and others familiar with the judges. Use your research to prepare a list of judges to whom to apply.

Ultimately, you are looking for someone with whom you will be compatible, on a professional and personal level. One YLS clerk captured the sentiment of many:

[C]lerking for any judge thrusts a law clerk into a very intimate and close-knit setting with that judge and his staff. This relationship will often make or break a clerkship experience. (Indeed, most people who do not enjoy their clerkships are those who felt uncomfortable around or simply did not like their judges.)

1. Factors to Consider

Location
The geographic location of the court is a factor in the clerkship choice for a number of reasons. Some clerkship applicants want to be in a particular area for personal or family reasons. Others view a clerkship
as a good opportunity to explore a different area for a year or two. If you have decided where you want to practice, it can be advantageous to clerk where you can get to know the judges, attorneys, and nature of practice.

**Professional and Personal Background of the Judge**

Often the interview is the best way to ascertain your compatibility with the judge. Nevertheless, looking into the judge’s background can also be valuable. A judge’s background shapes his or her approach to the bench and will influence what you learn in your clerkship. The judge’s prior work experience, publications, education, board memberships, and political affiliation offer some insight into the judge’s personality and philosophy.

**Atmosphere in Chambers and Relationship with the Judge**

The atmosphere in chambers takes its cues from the judge and contributes considerably to the quality of a clerkship. Judges differ in the way that they run their chambers and work with their clerks. There are also significant variations in camaraderie and warmth. No one atmosphere or style is suitable for everyone and you must choose one that will be comfortable for you. There are judges who have a great deal of interaction with their clerks and enjoy the give-and-take of discussing issues. Others prefer that their clerks communicate mainly by memoranda. Some judges are closely involved in their clerks’ professional and personal lives. They also maintain an ongoing relationship with former clerks. In some chambers, judges eat lunch with their clerks every day; in others, once a week; and still others, not at all.

Judges also have many different communication styles. YLS clerks report that some judges are brusque and highly critical of clerks’ work, requiring “thick-skinned” clerks. Other judges are kinder and gentler. Some are combative, and others, relaxed. You must know what will best fit your personality and allow you to get the most benefit out of your clerkship.

In evaluating this aspect of the clerkship, one clerk stated:

> Simply because a judge is “well-respected” or “brilliant” does not necessarily mean that it will be a great clerkship. In fact, if anything, there is a direct correlation between judges who write great opinions (or articles, who do tons of community work, etc.) and judges who have very little time for their clerks. Part of this is a function of time and part of this is a function of interest.

Many judges, both circuit and district, run a very hierarchical system in which the clerks’ role is to read briefs and prepare bench memos—if the judge has any questions, he or she will get back to you. Moreover, and perhaps most importantly, these chambers are not characterized by informal discussions. . . . Ultimately, much of what makes a clerkship a unique experience centers on what you learn from your judge, not what you learn from reading briefs and writing orders/opinions. The more you talk with your judge—and the more willing your judge is to talk—the more you will learn.

. . . Students need to ask how much clerks talk about issues outside the law, how much they joke around with their judge, and what generally leads them to talk with their judge on any given day (i.e. there is a huge difference between talking about politics after talking about a case and just going in to talk politics). Another clue is the camaraderie within chambers: if everyone talks a lot, the judge probably does too—chambers tend to mimic the judge.
A good working relationship with the office staff and other clerks is also important. Aside from the judge, they are the only people with whom you will have significant professional contact during your clerkship. You must get along well with them.

**Ideologies**
The judge’s opinions, publications, or speeches are the best evidence of his or her ideological leanings. Further insight may be gained through conversations with former clerks. Political affiliation and appointing president may also offer clues, but it is important to remember that many factors are involved in the selection of a nominee, including, most significantly, the views of the U.S. Senators from the state in which the nominee will serve.

There is no optimal level of ideological compatibility, and you must decide how much compatibility is important for you. Some judges prefer like-minded clerks. Other judges look for clerks with a different outlook because they enjoy spirited intellectual debate and use it to strengthen the reasoning in their opinions. If you are a liberal and your judge is a conservative, or vice versa, your clerkship may be filled with spirited debate or constant tension, and you should consider how you will react. The same may be true if you have strong feelings about certain issues, such as the death penalty or privacy, and your judge holds an opposite view.

As you weigh the importance of how closely a judge’s ideology must mirror yours, remember that unless you are clerking at a supreme court, your judge is bound by precedent. No matter how ideologically compatible you and the judge are, you probably cannot avoid writing opinions with which you personally disagree.

**Special Types of Judges**
- **Chief Judge.** Chief judges are selected based on seniority, and serve for seven years or until attaining the age of 70, whichever occurs first. The chief judge shoulders significant responsibility in the administration of the circuit or district, and may have a lesser caseload as a result. Sometimes clerks assist in administrative duties; sometimes another employee handles these duties, leaving clerks with more time to spend on fewer cases.

- **Senior Status Judge.** A district or circuit judge may elect senior status upon reaching age 65, provided he or she meets certain time-in-service requirements. Electing senior status is completely within the judge’s discretion, and the judge may choose to remain in active status until death. The principal advantage to senior status is much greater control over workload.

Senior district judges can exercise some control over the types of cases they hear. For example, some senior district judges elect to have no routine criminal cases assigned to them. In the circuit courts, senior judges do not participate in rehearings en banc. Specific courts may also have additional local rules; for example, senior judges on the Eleventh Circuit do not hear death penalty appeals.

Senior judges can travel more, sitting by designation in trial and appellate courts in various parts of the country, and a clerk usually accompanies them. The workload dictates the number of clerks for which a senior status judge is eligible. A judge who elects to take half the normal caseload, for example, could only hire half as many clerks as an active status judge. As a result, the workload for a senior judge’s clerk is roughly equivalent to the workload for an active judge’s clerk.

For an enlightening and entertaining explanation of the role of senior judges, see the essay by Senior Judge Frederic Block (EDNY): Block, Senior Status: An “Active” Senior Judge Corrects Some Common Misunderstandings, 92 CORNELL L. REV. 533 (2007).
New Judge. Clerking for a new judge presents unique challenges and opportunities. There are advantages and disadvantages in breaking new ground with the judge. You must determine whether it is the type of situation in which you will thrive or wilt. One YLS graduate who clerked for a new judge described the experience as follows:

On the “down side,” we probably spend more time on certain kinds of issues than do the chambers of the more experienced judges; things are not entirely routine here yet, and I occasionally come up with a question that I can’t get answered simply by bringing it to the Judge’s attention, or by looking in a file to see how it was handled in the past by clerks ten years my senior.

On the other hand, the lack of set-in-stone routines makes chambers a more democratic and, in some ways, friendlier place than it might otherwise be; almost everyone, including the Judge, is open to suggestions, and the law clerks probably have more input into office workings than they do in chambers where the judge and staff have been in place for decades. Also on the “up side,” I gather that my co-clerk and I have more to do with criminal cases than is typical—whereas many judges do all their own writing in criminal cases, [our] Judge...will occasionally assign a Memorandum and Order on an issue that arises in the context of a criminal trial, and he is very open about discussing the kinds of questions that sometimes come up in the criminal procedure area, where his experience as a litigator has been less directly transferable than in the civil context.

Other Criteria
YLS students and graduates report using a number of other criteria in deciding where to apply including:

- the judge’s reputation as a person, mentor, judge, teacher, scholar, and boss
- the judge’s approach to cases (e.g., practical vs. scholarly)
- the prestige of the court or judge
- the amount of work and number of hours

The amount of time clerks spend in chambers differs markedly among judges, and former clerks can offer some insight into the preferences of particular judges. Although all federal employees receive the ten specified paid federal holidays, such as Labor Day, judges otherwise have discretion in deciding whether to allow additional vacation time to their law clerks. Some judges give their clerks two weeks, while others provide none. If you are counting on vacation days to take the bar exam, or just take a break, consider checking with former clerks regarding their judges’ policies.

2. How Many Judges?

First, consider that you may receive an interview and offer from any judge to whom you apply, which makes it risky to apply to judges with whom you do not want to spend a year. There is no set formula for determining the number of applications, and there is no standard correlation between the number of applications and the number of interviews or offers. Because each judge has her or his own particular hiring criteria and scheduling preferences, it is very difficult to predict how many interviews you might be offered or in what order they might come.

As you might expect, the number of clerkship applications sent by YLS students varies. It is common for students to report sending between 30 and 50 applications. A small number of students send fewer than 10 or more than 60. Before you can decide on your number, you must have a sense of your tolerance for
risk and the strength of your interest in clerking. More specifically, consider at least the following questions:

- **Is a clerkship one of an array of appealing options for you, or are you determined to clerk early in your career?** If you view a clerkship as an interesting prospect, but not a paramount objective, or a path that you are willing to pursue a year or more later, you can comfortably apply to a small number of judges. If securing a clerkship is your top priority, you could improve your chances by diversifying your geographic choices and applying to more judges. It still pays to be judicious, however, since too many far-flung locations could complicate your ability to pursue your interviews in a timely fashion.

- **Do you have geographical constraints?** If you want to be in a particular city for personal or family reasons, for example, you have already limited your pool of judges. Applying to more judges in that area would ameliorate that geographic constraint.

- **Are you most interested in areas that attract a large number of YLS applicants?** YLS applications are heavily concentrated in federal courts in the New York City area (the Second Circuit and the district courts in Manhattan and Brooklyn); the District of Columbia, and California (the Ninth Circuit and district courts in San Francisco and Los Angeles). Again, you would probably apply to more judges if you were focusing on one or more of those courts. In particular, to improve the odds, consider nearby areas that see fewer YLS applicants. If you want to clerk in a Ninth Circuit city, for example, consider Phoenix or Portland (or, for that matter, Billings or Reno or a half dozen others). If you want to be in the New York area, think about cities such as Philadelphia or Newark, which have some excellent Third Circuit and district judges. Similarly, Baltimore, Maryland, and Alexandria, Virginia, have federal appellate and district judges that DC applicants could consider. If you can widen your circle to include places with lower numbers of YLS applicants, you can more readily distinguish yourself.

Regardless of the number, the best approach is to research judges in advance and be able to articulate a reason for placing each judge on your list. Again, send applications only to judges with whom you have a sincere desire to clerk.

### 3. Researching Judges

#### The Importance of Early Research

Research is an essential element in the clerkship application process. Conduct your research during second year, when you are deciding on the judges to whom you will apply. You can more easily take advantage of resources at YLS. Your research will help you identify judges who may accept applications early and define your priorities. Conducting your research early in the process can save you from applying to judges in whom you have little or no interest. Be sure to save your research, to enable you to refer to it later as you prepare for your interviews.

Early research can also help as you work with your recommenders. Some of your recommenders may want to know which judges are on your list so that they can see whether you have included anyone with whom they have a connection, such as a YLS graduate who is currently in the judiciary (see Appendix D for YLS graduates who are judges). They may be willing to write more personalized letters to those judges or make telephone calls on your behalf. Some recommenders may be willing to write only a certain number of letters. If you want those recommenders to write to judges who are your preferred choices, you must do the research to determine who is at the top of your list.
When a judge calls to invite you for an interview, you will have little, if any, time to research. If you have not done sufficient research in advance, you may schedule an interview that can have a negative impact on your overall search process. For example, if you are not interested in the judge and schedule an interview very early, you may foreclose other options. On the other hand, if it turns out that you are interested in the judge and schedule the interview later, the judge may fill her positions from earlier interviews. Gathering information about a judge’s timing for extending offers and expecting an answer can help you determine the best way to schedule your interviews.

Finally, early research can save you money. By applying to only those judges with whom you would like to clerk, you could save money on materials, mailing, and travel.

4. Resources Provided by CDO

- **CDO Counseling and Programs.** Marilyn Drees, our clerkship counselor, is available to talk with students about the decision to clerk, the clerkship application and selection process, and other career issues. CDO also sponsors a variety of informational programs, which are an essential way for students to obtain clerkship information.

- **Judicial Clerkship Surveys** from former and current Yale clerks about their clerkships. Students find this to be an extremely helpful resource. The responses often give inside information on a specific judge and that judge’s clerk selection process. The Judicial Clerkship Surveys from clerks since 2008 are searchable online and can be accessed in CMS (Career Management System) via the YLS Inside page or the CDO website. To maintain confidentiality, online surveys may be read but not downloaded or printed.

- **Clerkships Organization: YLS: Inside.** Students are automatically enrolled at the beginning of their second semester in the Clerkships Organization, which appears as a link in the Organization section of the YLS Inside page. CDO uses this site to communicate critical updates, exchange other information, answer questions about clerkships and applications, and provide links to clerkship online resources. It is a good idea to check it on a regular basis, starting this spring and throughout the clerkship application process.

- **CDO Website:** Search for alumni who clerked in Career Connections. The CDO Events link lists all clerkship programs. Judges can list their clerkship vacancies in the CMS Job Posting system. There is a list of clerkship publications, under “Career Pathways,” then “Judicial Clerkships,” and the “CDO Videos” section includes recorded clerkship programs. Under “CDO Library,” there is a list of all CDO’s books relating to clerkships.

- **Judges Address Database.** The Judges Address Database is found in the “Clerkships” section of CMS. This searchable database contains the names, addresses and telephone numbers of all permanent federal judges and state Supreme Court justices. It is used to create mail merge cover letters and letters of recommendation for judges who accept paper applications.

- **Judge Hiring Information Spreadsheets.** CDO collects information on circuit and popular district courts’ current hiring plans from OSCAR, current YLS clerks, and student reports, as well as reaching out to chambers directly. The aggregated information is posted on spreadsheets in the Clerkships Organization.

- **Clerkship Bulletin Board.** Clerkship program information is posted on the bulletin board outside of CDO.
5. People Resources

Whom To Consult
After you have reviewed written and online resources to determine a preliminary list of judges, you can obtain valuable information from a variety of people. They may be able to give you the inside scoop on what it is like to work with a particular judge or in a particular court or city. As with any subjective resource, you must evaluate what you hear with reference to your own interests, work values, and career goals. The following resources have often proven useful:

- **Alumni** who have clerked or who are clerking now. They can often offer useful information on the other judges in their court, as well as their own. Recent graduates can give you the most current information. Former clerks may provide a different perspective than clerks who have not yet completed their time in chambers. You can find alumni by searching YLS Career Connections, the Judicial Clerkship Surveys; and Appendix B (the list of alumni who have clerked).

- **Attorneys** from the areas where you would like to clerk. They may have clerked for or practiced before local judges. They may also be able to put you in touch with others who are familiar with those judges.

- **Faculty and Deans.** Talk to them about your career plans and ask them for advice on clerking and on judges. Faculty members who have clerked are listed in Appendix E.

- **Members of the Class of 2017** who will be clerking. They have finished the process that you are beginning and can offer advice on application strategies, interviewing, and the selection process. The initial list of Class of 2017 clerks is posted in the Clerkships Organization in early fall 2016.

What To Ask
Before speaking with current or former clerks or attorneys, think about issues that are important to you and focus your questions on those points. When you are talking with a current or former clerk, it is worth remembering that you need not confine your questions to that clerk’s judge; the clerk may well have some insight into other judges in the same courthouse or on the same court. Bear in mind also when talking with current clerks that they may be interviewing you in the fall, and consider saving your more pointed questions for those no longer in chambers. The questions below offer a starting point for your list. The answers to these questions can be valuable in helping you decide on whether to apply to particular judges and, at the interview stage, whether to accept an offer.

- What is the judge’s personality like?

- How interested is the judge in clerks’ personal and professional lives? How close is the judge with former clerks? How much will the judge help with finding the next job?

- How is the judge viewed in the legal community?

- Does the judge prefer clerks who agree with him or who take a position to react against?

- Does the judge have any personal or political beliefs that affect his/her judging?
• What are the best and worst things about working for the judge? What things should an applicant know that might help in making up his mind?

• How extensively does the judge edit clerks’ drafts?

• What is it like living in [the particular town]? Is it easy to make friends? How feasible is living in the town on a clerk’s salary?

• What are typical hours in chambers? How flexible are the hours?

• Does the judge permit vacation days beyond the federal holidays?

• What is the judge’s policy regarding taking the bar exam during the clerkship?

• Does the judge have a strong preference for clerks with legal work experience, or is it realistic to clerk straight from law school? Is there any particular experience or area of expertise the judge values?

• What is the judge’s policy on clerks having a post-clerkship job in place or an outstanding offer for a post-clerkship job? What is the policy on seeking, interviewing for, and accepting a post-clerkship job during the course of the clerkship?

6. Online Resources

There are many online and print resources that you can consult to learn more about federal and state judges and courts, as well as clerking. This is a list of some of the more frequently used online resources, some of which are also available in print. Appendix C contains publications and additional websites that you may find helpful.

• OSCAR (Online System for Clerkship Application and Review): OSCAR is a single, centralized resource for federal clerkship information. It includes a searchable database of federal law clerk hiring information, including the length of the clerkship term, the application period, the preferred method of application, and the required application materials. Judges can also post that their positions are filled or indicate that they are not hiring clerks. There is also general information about clerkship duties, salary, and benefits under the “Resources” tab. In addition, your OSCAR account allows you to save your searches, receive email updates, and apply to participating judges online.

In 2010, OSCAR expanded to include federal circuit staff attorney positions, which are located under a separate tab. The staff attorney module contains the same features and search capability found in the judge module. In 2013, OSCAR added other specialized law clerk positions, such as bankruptcy appellate panel clerks and pro se clerks. These positions, like staff attorney positions, are within the court, not assigned to a particular judge. Unlike staff attorney positions, however, these will be listed with other clerkships under the chief judge of the appropriate court.

• Almanac of the Federal Judiciary (part of CCH IntelliConnect): YLS Library Database List. On this page, select “Intelliconnect.” This online directory contains the full text of the Almanac of the Federal Judiciary, which includes biographical data, descriptions of noteworthy rulings, and anonymous lawyers’ evaluations. It also includes Senate
Biographical Questionnaires and Financial Disclosure Reports for federal judges. The database is currently only available to users of YLS computers or Yale VPN (you will need to create a username and password the first time). To access the Directory (1) under “Browse” in the Quick Bar, click on the + sign next to “Litigation;” (2) click on the + sign next to “Judicial Research.” (3) click on the + sign next to “Judicial Research.” At this point, you can check the box next to “Almanac of the Federal Judiciary” to enable you conduct name searches just within that database (or you can click on the + signs to go further down the tree to browse judges by court).

- **Federal Judicial Center:** You can find biographical information on all past and present federal judges, court histories, educational materials, and links to other legal resources. After selecting “Biographical Directory of Federal Judges, 1789-present,” then “Diversity on the Bench,” you can search for judges based on the characteristics of gender or ethnicity.

- **Federal Judiciary:** The federal judiciary’s official website offers a wealth of information, from court composition, jurisdiction, and caseloads, to current and upcoming judicial vacancies and other status changes, to news and initiatives in the judiciary. The “Pathways to the Bench” video series offers insights from a diverse array of federal judges on their careers and their time on the bench.

- **Senate Nominations:** You can find the most up-to-date listings of recent nominations and confirmations, judicial and others.

- **Senate Judiciary Committee:** You can find the hearing schedule for nominees, check committee votes, and find information on nominees, including the required biographical questionnaires.

- **Judicial Yellow Book:** This is the online version of the Judicial Yellow Book. It contains biographical profiles and contact information for more than 3,500 federal and state judges, including education and previous experience. Staff information, when provided by chambers, includes the names of law clerks and the law schools they attended. Judge information is updated daily and staff information is updated semiannually. You can use the “quick search” box at the top of the page to find a particular judge or court. You can choose “Search” to conduct a search based a variety of individual and organization criteria such as job history or education. CDO has recorded a short video tutorial on searching the Leadership Directories, available on the CDO website (under Judicial).

You can use the online Leadership Library without a password if you are on a Yale computer or using Yale VPN on your own computer. Simply click on the “Login to Leadership Online” box near the top of the home page. If it is not possible for you to access a Yale computer or use Yale VPN, please contact CDO.

- **National Center for State Courts:** This website links to numerous state and international court sites. A variety of statistical information on state courts is also available under the Information & Resources tab.

- **The Guide to State Judicial Clerkship Procedures:** Produced by the Vermont Law School Career Services Office, this Guide provides information on clerkship opportunities in all 50 states, the District of Columbia, Guam, and Puerto Rico. You can access pdf printable versions of individual state information or the entire Guide from the website. When a login box appears, type “eastern” as the username and “hemlock” as the password.
LEXIS®-NEXIS® and WESTLAW®: Reading a judge’s opinions and news articles can give you insight into the judge’s thinking and can provide valuable background for the interview. Lexis also has Courtlink, a feature for researching the caseload of the circuit and district courts, several state courts, and individual district court judges. The Almanac of the Federal Judiciary (AFJ) database in WestLaw also reports on caseloads for the federal judges.

CHAPTER 3
THE APPLICATION PROCESS

1. Application Timing

Federal Judges
From 2002 until 2013, there was a hiring plan, established and monitored by a committee of federal judges, to govern the timing of the federal clerkship application process. Under that hiring plan, the first opportunity for law students to apply was the fall of the third year. Confronted with significant increases in noncompliance in 2012 and 2013, unfortunately, that committee announced in January 2014 that the hiring plan would be discontinued.

In the aftermath of the hiring plan's demise, a small number of highly competitive judges (primarily in the DC Circuit, the Ninth Circuit in California, and some individual judges in other circuits) have moved their initial review of applications earlier and earlier. In the summer of 2015, these judges began considering rising second-year applicants in late June and early July, when spring grades were posted. Rather than set off an avalanche of hiring among judges, however, their decision to consider applicants earlier in summer seems simply to have elongated the hiring season. Some judges have hired students in their third semester, a larger number after third semester grades have been posted, and still others hire later spring or in summer after four semesters of grades. It is important to keep in mind that this is a second-year phenomenon; third-year students have always been able to apply—and could be considered—at any time.

In the absence of a single schedule, when clerkship hiring is practically year-round, it can be quite frustrating to ascertain when particular judges want applications. Judges are regularly encouraged by the federal judiciary’s OSCAR Working Group, NALP, and individual law schools to post their hiring information in OSCAR. CDO also conducts continuing outreach to federal circuits and popular federal districts to try to ascertain the judges’ current hiring plans. Those results are posted in the Clerkships Organization. Some courts also post clerkship information on the court website. If a judge who interests you does not have current information posted anywhere, you can check with current or recent former clerks—or, if nothing else, call chambers. If you call chambers, you should be sure to note at the outset that you looked for the judge’s information in OSCAR but found none.

State Courts
State courts have always operated separate and apart from any federal schemes. There is no uniform schedule and no online source listing clerkship vacancies, analogous to OSCAR, in the state courts. Judges in some state courts require students to apply in the spring of their second year (e.g., Maryland) or during the summer between second and third year (e.g., Connecticut). Others seek applicants during the fall of third year (e.g., Alaska).
To get some idea of a court’s hiring preference, look at The Guide to State Judicial Clerkship Procedures (see the Online Resources section in Chapter 2 for directions to access this guide). It would then be best to check with the courts in which you are particularly interested. State courts often post clerkship information on the court website, either in its own section or under a jobs/employment/careers tab.

**Application Strategies**

There is no fixed date by which the judges must complete their hiring. Although some of the highly competitive federal judges accepted applications in the summer after first year and hired quickly, many other judges did not follow suit. Some confined their consideration to alumni and third-year students on the eve of graduation. If state court judges are added to the mix, there is even greater variation.

This variation in the judges’ schedules may give you some flexibility in crafting an application strategy. Keep in mind your goals and risk tolerance as you determine the best approach:

- Some candidates apply to a relatively small number of judges who are their top choices and, if unsuccessful in securing a clerkship, choose another career path or apply for a clerkship a year or more later.

- Other applicants attempt to divide judges into groups based on a combination of personal preference and hiring schedule, then apply in “waves.” This strategy does initially permit some control, at least over the receipt of applications. There is an extra element of risk, since there is no way to guarantee when a judge might call or how quickly a judge might finish hiring.

- A variation on the “waves” strategy would be to develop a list of preferred judges and apply as each one posts a position in OSCAR or otherwise commences hiring. This approach obviously places a premium on timely, accurate information (and vigilance).

- Some candidates develop a list of preferred trial and appellate judges, and then submit all of those applications quite close in time (sometimes all at once). This approach does have the virtue of simplicity, lessening the worry about sending an application “too late,” which makes it appealing to some faculty recommenders as well as some applicants. It may be effective for alumni and graduating third-year students, since most judges have historically been flexible about accepting and reviewing their applications. For second-year students, who have less academic and job information available about them, there is some risk that early applications will be put aside.

- For applicants who do not secure a clerkship initially or decide on clerking after much of the hiring is completed, options for the upcoming year would include watching for out-of-cycle openings, newly-confirmed judges, and judges who hire on a slower schedule. Applicants could also choose to focus on clerkships beginning one or more years after graduation.

Regardless of the strategy that you choose, apply only to judges from whom you believe you would accept an offer. Applying to many judges does not assure that you will secure a clerkship that is a good fit. You do not have to accept the first offer, but it is a much greater challenge to evaluate the suitability of the clerkship under time pressure. Use your research to determine with which judges you are likely to be compatible and learn about their selection process.

**2. Your Application Materials**

The basic rule regarding what materials to submit is to do whatever the judge wants. Sources of information about judges’ application requirements and preferences include OSCAR, CDO’s Judicial
Clerkship Surveys, Vermont Law School’s Guide to State Judicial Clerkship Procedures, and the listings that judges place on the CDO job posting system. If you cannot obtain specific information about a judge’s application requirements, submit the following materials, which are requested by the vast majority of judges:

- Cover Letter (printed on resume-quality paper)
- Resume (printed on resume-quality paper)
- List of Recommenders (printed on resume-quality paper)
- Unofficial Law School Transcript or Gradesheet
- Writing Sample

**Cover Letter (printed on resume-quality paper)**

Your cover letter is the first example of your writing that the judge will see. It should be clear, concise, error-free, printed on resume-quality paper, and, in general, not longer than one page. Be sure always to include your law school and graduation status (i.e., student or graduate), the contents of your application packet, and the names of individuals who will be providing recommendation letters.

That basic information may be all that is needed. The primary additions that can be beneficial are described below.

- If relevant and not immediately apparent from your resume, you may state any special factors that caused you to apply to that particular judge (including former YLS clerks with whom you spoke), that particular court, that type of court, or that location; any connections you have to the area; or any unique qualifications you may possess.

- If your resume does not reflect the depth of your legal research and writing expertise, you may wish to emphasize it (e.g., you may not have served on a journal or as a research assistant, but may have written numerous class papers or pursued your own research)

- If you are applying to a specialized court, like the U.S. Court of Appeals for the Federal Circuit, you should mention any relevant experience, such as patent or technical background, and any directly relevant courses that you are taking.

The choice to add more material depends on whether you believe that there is a compelling reason to include more information, or the judge has expressed a preference regarding the contents of the letter. If you want to write more, keep in mind that lengthy self-descriptions with information readily gleaned from your resume are unlikely to be useful. Generalities applicable to many or all clerkships—such as the desire for a good learning experience or an opportunity to see the judicial system from a unique perspective—may sound trite.

Appendix F contains sample cover letters and forms of address for judges. See CDO’s *Introduction to Career Development* for more examples of cover letters in general.

When preparing your cover letters, use the Judges Address Database in CMS. It is a searchable database which is maintained by CDO and contains names, titles, addresses, and telephone numbers of all full-time federal judges and state supreme court justices. The database is available to students starting in spring of their first year through the end of their graduation year. It is available to alumni upon request to CDO.

The database enables you to create an Excel spreadsheet to be used in preparing mail merge letters (for paper applications or email PDF packets). Instead of manually entering the names, titles, and addresses
for each of your judges, you can use the spreadsheet to insert all that information into your letters through
the mail merge function in Word. In addition to cover letters, the spreadsheet can be used to create
mailing labels and withdrawal letters. You will also be expected to provide the spreadsheet to your
recommenders, who will use it to prepare their recommendation letters. Please note that YLS faculty
assistants will not accept data in any other format for clerkship recommendation letters.

You can reach the Judges Address Database through CMS, accessible via the YLS Inside web page and
the CDO website. Log in to CMS and select Clerkships on the tool bar. A detailed instruction guide for
conducting searches and creating mail merge documents is also available in CMS. In addition, video
tutorials for the database are posted on the CDO website and on the Clerkships Organization.

**Resume (printed on resume-quality paper)**

The general resume guidelines apply to clerkship applications; see CDO’s *Introduction to Career
Development*. It is not crucial to confine your resume to one page for clerkships, though it remains a good
goal. Many applicants, such as students with other advanced degrees or with extensive previous work
experience, can legitimately extend their resumes to a second page. When printing it, use the same type of
high-quality paper as your cover letter.

Emphasize your writing experience, legal and non-legal. With respect to your legal employment, describe
documents that you prepared and issues that you researched. If you are applying before you start your
second-year summer job(s), list the job(s) without description; include the upcoming date (e.g., Summer
2016) add “prospective” to your job title (e.g., Prospective Summer Intern). In addition, include titles of
any significant pre-law school papers (e.g., honors thesis, senior essay), publications, or works-in-
progress (e.g., a note or article that has been accepted for publication). To help a judge get to know you as
a person, list your community service or extracurricular activities; experiences such as an unusual job;
skills, such as foreign languages; and interests.

**List of Recommenders (printed on resume-quality paper)**

Create a list of the individuals who will be sending letters of recommendation, and print it on high-quality
resume paper. Include each person’s name, full title, place of employment, telephone number, and email
address, if available. Conclude each entry with a brief description of the recommender’s connection to
you (e.g., supervising attorney during summer internship at the Family Defense Center). A sample list of
recommenders is included in CDO’s *Introduction to Career Development*.

If you have a multi-page resume with sufficient space on the last page, you can list the recommenders
there. Otherwise, create the list on a separate page. Although you mention your recommenders in your
cover letter, the list can be helpful. The contact information makes it easy for the judge to get in touch
with your recommenders. In addition, the list can serve as a checklist in chambers, offering a convenient
way to monitor whether your file is complete.

**Transcripts**

An unofficial law school transcript is sufficient at the application stage. Students can make photocopies of
the unofficial transcript obtained from the Registrar or use the WebSIS transcript. Keep in mind that the
Web version identifies you only by Student ID, which means that you must add your name to the
document. The Registrar’s Office will provide only one unofficial transcript to a student, which can be
used for photocopying. Occasionally, a judge may ask you to bring an official transcript to your
interview. No more than 10 official transcripts may be ordered at one time. After you graduate, you can
obtain only official transcripts from the Registrar’s Office; you can use your NetID and password to
obtain an unofficial transcript from WebSIS through September of your graduation year.
Your transcript should include your current and past courses, as well as courses for which you are registered for the upcoming term, assuming they are available. If your transcript is missing a grade because the professor has not turned it in, attach a note to your transcript indicating that your work in the course is complete and you are awaiting the grade. Include an explanation sheet regarding Yale Law School’s grading system; you can obtain one from the Registrar’s Office or download the Word version from the Documents section of the Clerkships Organization. Plan to update your transcript as additional grades and other information become available.

If you believe a judge is unfamiliar with YLS, you may wish to include information regarding lack of class rank, journals, or journal selection procedures. You can obtain much of this information from the YLS Bulletin.

The timing can be tight for obtaining transcripts, especially during the summer when students are generally away from New Haven. Anticipate that it will take a week for the Registrar’s Office to process your transcript request, and for you to receive the transcript for inclusion in your application packages. Check the Registrar’s Office section of the YLS website or contact the Registrar’s Office for policies on transcript requests.

If you have strong transcripts for other graduate degrees, it may be helpful to include them. A few judges request undergraduate transcripts; this information is typically noted in OSCAR. Keep in mind that you will only be able to order official transcripts for degrees you have completed, which typically takes some time. Be sure to ascertain the processing time and any charges for transcripts from each institution. It may be possible to photocopy an official transcript, but the security paper often makes copies difficult to read.

For your online applications in OSCAR, you will be required to type your transcript information into a template, which OSCAR converts into a PDF table. There is space for you to include the grading system explanation; in the Documents section of the Clerkships Organization, you will find the grade explanation from the official transcript as a TXT file, which you can paste easily into the OSCAR template. Note that you will need to use the internal template for any transcript the judge might request, whether law, school, undergraduate, or other graduate school (indicated in OSCAR as “Other” or “O”). One benefit to all that typing is an additional option for all of your applications. You may save the PDF gradesheet(s) to your computer to use for email or paper application packets.

**Writing Sample and Cover Sheet**

Judges’ preferences in writing samples vary, and you should certainly comply with any specific instructions from current or former clerks, a judge’s OSCAR posting, or other reliable source. In the absence of specific guidance, consider these general guidelines. Generally, your writing sample should showcase your ability to analyze and explain legal issues and to defend your conclusions. Although some judges indicate interest in longer, more academic writing samples, judges commonly express a preference for short samples: 6 to 10 pages, perhaps up to 15 pages. Bear in mind that you can send an excerpt from a longer document, as long as the excerpt is easily comprehensible standing alone. Legal memoranda or legal documents, such as briefs, can serve well as writing samples. Research papers and published pieces can also be appropriate, but length or, especially in the case of published pieces, extensive outside editing may lessen their appeal. If you are contemplating sending a publication, you may wish to consider sending the draft that was accepted for publication, which would be more clearly your own work. If you send a writing sample that was prepared for an employer, first contact the employer to obtain permission and discuss any necessary redaction. Confidentiality is of utmost importance to judges, as well as employers.

Creating a cover sheet for your writing sample can be more effective than including a brief description in your cover letter. Unlike a sentence or two in a cover letter, the cover sheet can serve as an introduction,
with the pages of your writing sample immediately following. You can use the cover sheet to give some brief background information (e.g., memorandum prepared for summer employer, or brief assigned as first semester writing project); explain any excerpts or redactions; summarize any facts or arguments that would be helpful in understanding the piece; and note that it is used with your employer’s permission, if applicable. See examples of writing sample cover sheets in Appendix F.

**Letters of Recommendation**

As a general rule, most appellate judges request three letters of recommendation and most trial judges request two. Often, candidates send three letters to all of their judges. At least one letter should be from a Yale Law School faculty member (over 80 percent of the YLS faculty serve as recommenders, based on previous application cycles). A letter from a past legal employer can also be a good option. Based on information gleaned from previous application cycles, almost as many non-YLS faculty (e.g., legal employers, adjunct instructors) recommend YLS applicants as YLS faculty members. Nonlegal employers or professors can be used, but are not preferred because they may not be able to comment on your talent for legal reasoning and writing.

Many students ask for references from professors for whom they have written a paper or been a research assistant, professors from whom they have taken a clinical course or small seminar, small group professors, or professors from whom they have received high marks. A common observation from clerks in CDO’s Judicial Clerkship Surveys is that a detailed, personal recommendation from someone who knows you and your work well is more effective than a generic recommendation from a well-known professor.

Ideally, your recommenders would be able to comment positively, in some detail, about your skill in legal analysis, research, and writing. It can also be helpful if they can comment on other qualities relevant to clerking, such as your ability to articulate and defend your positions, especially when they are contrary to the judge’s position; to parse complex facts and legal doctrines; to work well with others (e.g., assistants, staff, other clerks); to juggle a variety of projects at the same time; to meet deadlines; and to keep confidences. If any of your recommenders are not YLS professors, be sure that they understand the importance of providing letters in timely fashion.

As you begin thinking about your potential recommenders, feel free to ask them for a brief meeting to discuss your clerkship search, career plans, and background and experience. It is acceptable to ask potential recommenders whether they would be comfortable in providing a strong, positive recommendation.

Keep in mind that your recommenders can set any deadlines and limits they wish; as a somewhat conservative guide, assume at least three weeks to produce and send a recommendation. This lead time makes it all the more important that you confer with your recommenders early to make sure that you know their schedules and can timely provide them with any materials they request. All your recommenders will need a list of judges for whom you are requesting recommendations, and most will want a copy of your resume and transcript. You can also provide them with a written summary of your clerkship and career goals. The more your recommenders know about you, your skills and abilities, and your career goals, the more informed their recommendation can be.

For creation of letters of recommendation, the assistants for your faculty recommenders will expect you to provide separate Excel spreadsheets, created from the Judges Address Database in CMS, for each type of recommendation. All judges receiving paper applications would be on one spreadsheet. Any judges accepting email applications would be on another spreadsheet; please note that the database in CMS does not include email addresses, which means you would need to add that information (typically found in the judge’s OSCAR posting or other clerkship notice). Any judges accepting electronic applications via
OSCAR would be on a third. If you add or subtract judges from your spreadsheets, you must promptly notify your recommenders and their assistants, and plan to provide revised spreadsheets.

In OSCAR, your recommenders will upload their letters, and OSCAR allows you to check on the status of your recommendation letters. Faculty and faculty assistants are familiar with the OSCAR upload process, but you should also be sure that your outside recommenders understand the process.

In some cases, judges and faculty prefer to use the telephone for references. If you have additional recommenders who are willing to receive or make telephone calls on your behalf, you can indicate that information on your list of recommenders.

3. OSCAR and Federal Court Applications

Students and graduates commonly apply to federal judges in one of two ways: compiling paper packets or electronically through OSCAR. (A relatively small number of judges request PDF packets via email, which would be compiled much like paper packets.) OSCAR is a voluntary system for judges, but 70 percent of all federal judges (over 1,700) have an OSCAR account. Some judges use OSCAR primarily or exclusively to post information about their clerkship hiring requirements and preferences, but a large percentage accept electronic applications via OSCAR. OSCAR is overseen by a committee of federal judges known as the OSCAR Working Group. Members of the Class of 2019 will be given access to OSCAR on July 1, 2017.

To summarize OSCAR briefly: you must a) create a profile; b) upload a resume (a draft is appropriate initially and can be replaced later), along with other application materials; c) designate your pool of recommenders; d) select your judges and place them in one or more folders; and e) create an application for each, one by one, by attaching documents and designating from your pool the recommenders that you wish to write letters to that judge. OSCAR has a detailed Applicant User Guide, as well as Tip Sheets and video tutorials for specific tasks, posted on the OSCAR website under Resources. A brief overview outline of OSCAR, as well as an instructional webinar, are posted on the Clerkships Organization. As noted above, your recommenders will upload their letters into OSCAR directly.

4. Sending Your Paper Applications

Mailing Applications
Mail your application package in a standard brown 9” x 12” envelope, to avoid folding your materials. On the front of the envelope, you must type “Clerkship Application for [Applicant Name].” You can easily add that line to your mail merge document when you create your mailing labels. It is unlikely that your recommenders will release recommendation letters to you to mail, but if a judge specifically requests that recommendation letters accompany your application materials, you can ask your recommenders whether they would be willing to provide you with letters to those judges. If your recommender prefers to send letters separately, indicate in your cover letter that letters of recommendation from [list names of recommenders] will be arriving under separate cover. Recommenders should type “Clerkship Recommendation for [Applicant Name]” on the front of the envelope for each recommendation that they will send to judges directly.

In most cases, first-class U.S. Mail is perfectly adequate; unless a judge indicates to the contrary, there is no need to spend the extra money for FedEx or other expedited delivery. For your own peace of mind, however, you may wish to purchase delivery confirmation or use a service that allows you to track your packages, since most judges do not acknowledge receipt of applications.
5. A Note on Telephone Calls and Emails

It is not unusual for recommenders to contact judges directly in addition to submitting a letter. You can talk with your recommenders about their preferences, limits, or requirements for calling judges. Since your first objective is to get your application from the “submitted” pile to the “review (and get an interview)” pile, it can be helpful to hear from a professor once your application reaches chambers, as a way of prompting chambers to pull it out and review it. The other point at which additional support may be useful would be once you have an interview scheduled, perhaps shortly before the interview, or, if you know the judge will take time in extending offers, perhaps shortly after. The spreadsheets that you download from the Judges Address Database in CMS include the chambers telephone numbers, to facilitate telephone calls for recommenders.

Recommender phone calls are valuable capital and should be used with discretion. Typically, a recommender would call a few judges on an applicant’s behalf, and would not necessarily make multiple calls to the same judge. It is important to have a clear understanding with your recommenders about what they are comfortable doing, to permit you to plan and make appropriate requests of them.

Recommenders sometimes ask for email addresses for judges, which poses more of a challenge. There is no official collection of email addresses for federal judges, and courts generally do not publish them—because the judges do not want them to. Some courts have webpages where individual judges can detail their clerkship hiring criteria, which might include an email address. The one resource that regularly includes email addresses for judges and court staff is the Judicial Yellow Book in Leadership Directories Online, described in more detail with the online resources in Chapter 2. Not all judges have email addresses listed—though it seems that more of the junior judges are including it—and not all judges list their staff, but it is generally the best option. The source of the information is not disclosed, which means there is no guarantee that the listed addresses will work, but addresses for the Judicial Assistant or Courtroom Deputy have pretty regularly worked.

CHAPTER 4
INTERVIEWS AND OFFERS

Judges generally do not interview a large number of applicants, and most will view your acceptance of an interview as an indication of your willingness to accept the clerkship if offered. Although you do not have to accept a clerkship offer, it is wise to avoid unnecessary effort and stress by accepting an interview only if you genuinely believe you would accept an offer. If you decide based on the interview that you do not wish to clerk for that judge, withdraw your application immediately as a courtesy to the judge and to other applicants.

1. Scheduling and Parlaying Interviews

Keep in mind that the interview schedule is entirely up to the individual judges. Some may call right away. Others may call a few days or weeks later – or even a few months.

If you are concerned that you have not heard from particular judges and are interested only in checking on the status of your application, wait at least 7-10 days after sending the application. The judge’s staff will be dealing with many applications and will be more likely to be annoyed than cooperative with dozens of anxious applicants on the telephone.
On the other hand, when you receive your first interview invitation, it is certainly appropriate to call other chambers to try to schedule interviews. Because travel to interviews is conducted at your expense and the judge’s convenience, this practice of “parlaying” interviews is designed to make your interviewing more efficient and cost-effective. The practice is quite common and often results in additional interviews.

Parlaying interviews works like this: If you have an offer to interview with Judge A in City X, and have not yet heard from Judges B and C in that same location, call the chambers of Judges B and C as soon as you set up your first interview. Inform them that you will be in City X for another interview, and ask whether it would be possible for them to interview you on the same trip. If Judges B and C have not yet made up their minds about your application, the fact that another judge wants to see you may tip the scales in your favor. In addition, many judges are aware of the financial burden of traveling to clerkship interviews and are willing to make some effort to help candidates lower their expenses by consolidating interviews on a single trip. If you are on financial aid and cannot afford the travel, see Jill Stone, Director of Financial Aid, to obtain a loan.

Interview parleys are not confined to judges in a single city. Given the availability of lower cost regional airlines, it may make sense for you to expand your parlay list to call other judges in the same region. For example, if you have an interview in San Francisco, it could be cheaper and faster for you to get to Los Angeles or Seattle or Las Vegas once you were in San Francisco.

It is also possible to parlay interviews with judges who tend to compete against each other for clerkship candidates, even if you do not have to buy a plane ticket. In such cases, your rationale is a bit different. You are letting judges know that another judge is interested in you and you would like the opportunity to interview with those judges before you might be called upon to make a decision.8

Parlay promptly. Because many popular judges tend to move quickly, you can maximize your opportunities if you make your parlay calls as soon as you have an interview. Decide in advance which judges you will want to call. You probably will not be able to call everyone on your list, so choose the ones in whom you are most interested. Do not wait until you know that a judge has started scheduling interviews before you start making calls. You can call to parlay with any judge after you have received your first call. You may be told that a judge is not yet ready to schedule, but that is useful information as well.

Some students report attempting to schedule interviews with their top choices early and their lower choices later, even if one of their lower choices calls them first. Students believe that this will eliminate the need to make a prompt decision on a clerkship offer before having heard from or interviewed with their top choices. Although this strategy has logical appeal and it may help, it may well not be successful because students 1) cannot know when or if their top choices will select them for interviews or offers and, 2) cannot know when their top choices are available for interviews. Careful research—first in choosing judges and then in learning about a judge’s interview practices—is the best way to develop an effective interview plan. When trying to set up an interview schedule, it is helpful to gather as much information as you can from the judge’s staff or other sources. If you hope to schedule more than one interview in a single day, find out how long the interview is expected to last. You can also learn how the interview will be structured (whether you will see the judge first, for example, or speak with the clerks). It can also be helpful in preparation and in scheduling if you can determine the number of openings for which the judge is interviewing (whether for the immediately upcoming term or subsequent terms).

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8 A small but growing number of judges are willing to interview via video conference, or sometimes a simple chat format like Skype. In such a case, you could not use the "bought the plane ticket" rationale to call other judges, but you could still use this rationale in parlaying interviews. Keep in mind that YLS has excellent videoconference capability if a judge requests it; contact Lionel Nyange lionel.nyange@yale.edu or Dan Griffin daniel.griffin@yale.edu in YLS ITS (Instructional/Media Services) to make the arrangements.
If the judge’s assistant or clerk offers you a range of times or dates for your interview, it is appropriate to ask whether there is an advantage or disadvantage to interviewing earlier or later. Find out the judge’s method for extending offers. Many judges make offers on a “rolling” basis as they interview, which makes the choice of an early interview slot more critical. If the first few candidates accept an offer, the judge will have no more openings and you will receive a call to cancel your interview. Other judges wait to extend offers after they have completed a series of interviews, which reduces the pressure on you to interview with them right away.

Sometimes students are faced with difficult and uncomfortable choices. Consider the most challenging example: a clerk or assistant for one of your lower choices may call promptly, with instructions from the judge to insist on scheduling your interview at the earliest possible time, and indicate that the judge may extend an offer at the end of the interview and will expect an answer. At this point, you have to assess your tolerance for risk. You have several choices to consider: 1) forego this interview in the hope that a higher choice judge may interview and hire you; 2) accept this interview invitation, schedule interviews with other judges for later times, and know that you will accept an offer with this judge because you are unwilling to risk losing out on a clerkship if you were to be unsuccessful in your later interviews; or 3) accept this interview invitation, along with others, and know that you are willing to turn down an offer from this judge if it is not the right fit, taking your chances that subsequent interviews will be successful.

2. Preparing for the Interview

As with all job interviews, preparation is essential for a clerkship interview. It can make the difference between success and disappointment. Prepare for the interview by knowing yourself and researching the judge. Past, present, and future clerks are an excellent source of information about the interview and selection process, the judge, and the relationship the judge has with clerks.

Know Yourself
You must know your application materials inside-out. At the interview you may be asked in detail about any portion of your resume, transcript, and writing sample. Reread them carefully before the interview. Most judges will not ask you substantive legal questions. If they do, their questions may well be about issues raised in your writing sample. Expect judges to ask about law school, specific courses you have taken, papers or publications you have written, projects on which you have worked, and your activities. Be able to articulate why you want to clerk, why you applied to that judge, and what your career plans are after clerking. Practice specific, concise answers to questions that you can anticipate being asked.

Equally important, be sure that you have an agenda of points that you would like to convey to the judge, such as your research and writing ability, analytical skills, or ability to work well on a team. Use those points in answering questions. For example, if the judge asks a general question about law school, you can take that opportunity to talk about one of your research and writing projects. Similarly, when answering specific questions about a work experience, you can discuss the substance, as well as your participation on and contribution to a team effort.

Research the Judge
Review and update your research on the judge. At a minimum, reread the judge’s biographical information. Read recent opinions (within the past year or two, if you have time); for appellate judges, concurrences and dissents are particularly edifying, since they represent the judge’s individual style and perspective. These will prepare you to discuss the judge’s opinions and explain why you are comfortable with her or his approach to deciding cases. It is also helpful to read articles and publications by or about the judge.
Because one purpose of the interview is to allow the judge to get to know you, you may discuss a variety of non-legal issues, such as a book that you have recently read or perhaps an item in the news. With that in mind, read the local paper the morning before the interview, especially if you are in a new city.

Each judge conducts interviews as he or she prefers. To obtain information about the judge’s interview style, check CDO’s Judicial Clerkship Surveys in CMS. Talk to former clerks, past interviewees, and professors who might be familiar with the judge. Former clerks for other judges on the same court may also have useful information. They may have interviewed with the judge, gotten to know the judge’s clerks, or seen the judge in action. If you speak with the judge’s current clerks, exercise discretion with your questions; they will probably interview you for the clerkship.

3. The Interview

Clerkship interviews are designed to determine whether you and the judge would get along. Clerkships are intense working relationships and compatibility is crucial. In the words of one clerk, once you are granted an interview, it becomes a “personality thing.”

Your application demonstrates your achievements and writing skills. In your interview with the judge, be prepared to emphasize your writing experience, demonstrate your ability to articulate your thoughts, and discuss ideas and issues with the judge. Clerks often constitute a judge’s main working and intellectual company, so you should not be afraid to volunteer your thoughts and interests. In addition, feel free to ask about the clerks’ work and the division of responsibility.

Interviews vary widely from court to court, and from judge to judge. The interviews can range from a half-hour to a half-day. Typically, you will spend some time with the judge and with the current clerks, although the order in which you meet people and the amount of time that you spend with them will differ. Sometimes district judges will invite candidates to observe them in court and conduct the interview afterward. Some judges, particularly those outside major urban centers, will have lunch with an applicant, often accompanied by the current clerks.

A judge will often rely on his or her clerks to find out what you are “really” like by talking with you informally. You may also spend some time with other staff members, such as the judge’s assistant. Treat every interaction with everyone in chambers as part of your interview. Stay on your best behavior at all times. Be gracious whenever you speak with the judge’s clerks, assistant, and staff. They often have a great deal of input into the hiring process, and you will be working closely with the assistant and staff if you are hired. More than one promising clerkship candidate has been derailed by a careless remark.

Interview Questions To Ask the Judge or Clerks
You may wish to ask many of these questions during your interview. There is no magic checklist of winning questions, and you certainly need not ask each of the listed questions. Ask about matters that are important to you, and find areas about which you would like to have a conversation. As you can see, some questions are more appropriate for trial court interviews, others for appellate court interviews. Similarly, some may be better directed to the clerks.

Clerk’s Responsibilities
- How is a typical case handled from start to finish?
- How involved are clerks in preparing drafts of the judge’s opinions? What other documents do clerks draft?
• Do clerks assist in administrative work or other projects for the judge (e.g., Judicial Conference committee work, writing speeches or articles, preparing materials for classes taught by the judge)?

• Does the judge hold hearings on motions? How do the clerks participate in motions?

• Do clerks go into the courtroom with the judge for criminal or civil trials? For other matters? Do they stay in the courtroom all the time?

• Are clerks involved with the “screening” docket (appellate cases screened to determine whether or not to be placed on oral argument calendar)? Do clerks attend oral arguments?

• Does the judge sit in other cities? Do clerks travel with the judge?

• Do clerks interact with lawyers? To what extent?

Working in Chambers and the Courthouse
• How much interaction does the judge have with clerks? How much opportunity is there for the judge to discuss the cases and the law with clerks?

• What do you find to be the most difficult kinds of cases?

• What is the size of the docket? What types of cases are on the docket? Do certain types of cases predominate? How is work divided among the clerks?

• What is a typical day like?

• How many other clerks are in the building? What interaction is there with them?

The Application Process
• What is the timing for extending offers?

• How much time do you provide to consider an offer?

Interview Questions a Judge or Clerk Might Ask
To prepare for your interview, consider how you will answer these questions. In addition, it can be helpful to remember that federal judges are exempt from liability under federal employment statutes like Title VII. This means that, unlike other employers, they might ask about your personal and family plans.

• Why do you wish to clerk, and why are you interested in this particular court?

• Why do you wish to clerk for me, and why do you believe that you are the best candidate for this position?

• Why do you wish to clerk in this city [state, region]?

• What aspect of law interests you the most?

• What are your short- and long-range career goals?
• What do you hope to learn during this clerkship, and how do you anticipate this experience will influence your future goals?

• Where do you hope to practice after your clerkship?

• What do you consider to be your greatest strengths and weaknesses?

• What qualities do you have which will make you a valuable law clerk?

• What interests do you have outside of the law?

• Describe your previous work experience.

• Describe your experience with [courses/professors/clinic/journal/or other activities] in law school.

• You may find yourself juggling competing deadlines and priorities. Can you describe a situation in which you have done that and how you handled it?

• How would you approach this [issue/case/problem]?

• Would you be able to draft an opinion incorporating my viewpoint if you and I disagree about a certain issue?

• Do you prefer to work independently or with others?

• To which other judges/courts have you applied? Why did you choose them?

• Do you have any questions to ask me?

4. Offers and Decisions

During your interview, ask about the judge’s timetable for making a final decision, even though you may have inquired about it when you scheduled your interview. Some judges extend offers at the end of the interview. Others notify candidates by telephone. Still other judges may ask you to call them before accepting another clerkship. Do not ignore this request, but understand that it does not necessarily lead to an offer.

Timing
As the application process has become less regular and more spread out, so too have variations in offers become more pronounced. It still seems to be true in most cases that a judge will make offers pretty quickly after interviews, on the same day or within a few days. There have been instances of judges taking some weeks before making offers, however. Be aware that some judges make offers as they interview. In that case, your interview invitation may be withdrawn if other applicants accept offers prior to your interview time. It is important to note at the outset that you do not have to accept an offer from a judge; however, you will likely need to make a yes/no decision in a relatively short time.

Unlike job offers which result from the Fall Interview Program, the amount of time that you will be given to respond to a clerkship offer will likely be short or nonexistent. Some judges give “exploding” offers, requiring a response immediately or within a very short time. Many of them simply want to move on to other candidates quickly, before they are hired by other judges. Others are offended by hesitation,
believing that applicants should not waste their time interviewing if they are not going to accept an offer. Nevertheless, in some cases, judges will give several days, or even a week or two.

A clerkship offer is not a trivial decision and may not be a quick one. If you need time, ask for the amount of time that you need and be prepared to explain the reasons for your request, such as the need to speak with your significant other. If your request seems reasonable, and does not appear to be an attempt simply to string along the judge until you receive a better offer, some judges will cooperate. Although judges are under no obligation to give applicants any amount of time to consider an offer or compare offers, the judges’ OSCAR Working Group, supported by law school deans, has encouraged federal judges to give applicants a minimum of 24 hours to respond to an offer.

The enormous pressure to decide quickly means that you cannot compare offers or postpone a decision until you hear from all of the judges to whom you have applied. Remember, you are absolutely not required to accept the first offer that you receive, or any other offer, for that matter. Nevertheless, many students accept their first offer rather than run the risk that another, possibly preferable, offer might never come.

Acceptance of a clerkship is a significant commitment, professionally and personally. Do not make it if you are at all hesitant about seeing it through. If your qualms intensify, and you rescind your acceptance or resign once you are in chambers, you create an unpleasant, potentially damaging situation. Your actions can undermine your relationship with your recommenders and ultimately may have adverse ramifications for YLS and future YLS students who apply to that judge. As difficult as it may be, in some circumstances it is better to turn down an offer—a few uncomfortable moments are better than a miserable year.

Unfortunately, the time constraints make it all the more important that you choose interviews with care, and that you think about your interviews immediately upon completion to decide whether you would accept an offer. If, after the interview, you decide that you would not accept an offer, withdraw immediately by telephone. Accept or reject an offer as soon as you can, as a courtesy to your fellow applicants and the judge who extended it. If you accept orally, confirm your acceptance in writing.

Do Not Parlay Offers
Attempting to maximize your options by parlaying offers is dangerous. If you have an offer from Judge A and call Judge B to inform her of that offer in an attempt to secure an offer from her, you run the risk of alienating one or both judges, or possibly having Judge A withdraw the offer. If the judges are on the same court and know that you were parlaying, your clerkship can get off to an uncomfortable start because your attempt to use Judge A’s offer as leverage communicated that you preferred another judge. Moreover, judges are not likely to “poach” clerks from each other.

Accepting an Offer
After you accept a clerkship, immediately telephone any other judge who has extended you an offer and decline. If you have other interviews scheduled, call chambers right away to cancel them. As a courtesy, send withdrawal letters to chambers in which your applications are still pending. If you have finalized OSCAR applications, you can withdraw those individually or as a batch. Be sure to follow up an oral acceptance with a confirming letter or email. Inform your recommenders promptly. They will be pleased to know of your success.

In addition, please notify CDO as soon as possible; you can email clerkship@yale.edu. Including data on the hiring spreadsheets about which judges have extended offers or finished hiring can be extremely valuable to your fellow Yale applicants who are still in the pool.
OSCAR also gives you the option to list yourself as “Unavailable” in your profile. If you choose this option, all of your electronic applications will be withdrawn and cannot be reinstated. You should only consider the Unavailable listing if you do not want any of your applications considered, even for future years, during the current application cycle.

**Questions You Can Ask After Accepting an Offer**

It is probably most useful to gather this information during your preliminary research; however, if you did not, you may wish to save these questions until after you have accepted an offer. If you ask them during the interview, you may give the impression that these matters are more important than the work.

- What are typical hours in chambers? How flexible are the hours?
- What is the judge’s policy regarding taking the bar exam during the clerkship?
- What is the judge’s policy regarding vacation and holidays?
- What is the judge’s policy on clerks having a post-clerkship job in place or an outstanding offer for a post-clerkship job? What is the policy on seeking, interviewing for, and accepting a post-clerkship job during the course of the clerkship?

**If You Receive No Offers**

If you do not obtain a clerkship on your first attempt, you are not alone, though it may sometimes seem that way. If you are interested in clerking, do not give up. There are several steps that you can take:

- Check OSCAR or, if necessary, contact each chambers where you have outstanding applications to see if the judges have completed hiring. If they have not, reiterate your interest. Some judges do not complete their hiring until later in the year.
- Tell everyone (family, friends, classmates, professors, deans, current clerks, CDO, and practicing attorneys) that you are seeking a clerkship. They may know or hear of openings, as well as give you advice and support in your quest.
- Check regularly for new clerkship opportunities on the CDO online job postings and Announcements in the Clerkships Organization. OSCAR automatically sends a weekly email listing new positions; you can reset your profile to receive notice more frequently if you prefer. Judges move rapidly to fill unexpected clerkship openings, so have your basic application ready to send on a moment’s notice.
- Apply to newly confirmed judges.
- Consider applying again closer to or after graduation. Your application is likely to be stronger, with more work experience or academic information. You will also likely have more references who know you better.

### 5. Bars and Jobs

#### Taking the Bar Exam

The bar exam is typically given in late July and February in every U.S. jurisdiction. For general information on the bar exam see the CDO brochure *Bar Admission*. Most commonly, clerkships begin in August or September and graduates use the summer before the clerkship to take the bar. Some judges
prefer that their clerks take a bar exam before beginning the clerkship. Other judges have no preference. If you are uncertain where you will be practicing at the end of your clerkship, you may want to wait until your plans become clearer, to avoid the time and expense of multiple bar exams.

If your clerkship begins in early summer, before the bar exam is offered, you may need or want to wait until the completion of your clerkship. It may be possible to take the bar exam during a clerkship, but because this entails time away from the job, you must ask your judge about her or his policy regarding time off for the bar. Even if the judge permits it, you may not wish to take the exam while you are meeting the demands of your clerkship.

Delaying the bar until after your clerkship has some disadvantages. Some, albeit few, legal employers require bar passage before employment. Even without a requirement, it can be disruptive to your post-clerkship employment to delay the bar. The exam would typically be delayed to the February of the year after you clerk. The time to study for the bar and take the exam is often added to an already-crowded work schedule or can require you to take leave early in your tenure with your new employer.

Finally, if you will be working for a law firm after your clerkship, the firm will likely reimburse you for bar expenses and may provide a stipend for the summer you spend studying for the bar. Some judges do not allow clerks to receive any financial remuneration from an employer until the end of the clerkship, other judges allow clerks to accept certain types of reimbursement. The best approach is to speak with your judge about her or his policy on this issue.

**Post-Clerkship Employment: Think Ahead**

Some clerks enter their clerkship knowing the next step on their career path. In other cases, the clerks may use their clerkship year to find their next employment. Remember that law clerks may not be able to take as much time off for interviewing as law students could.

If you plan to conduct a search for a position with a major law firm during your clerkship year, your search should follow after the law firm recruiting schedule for new hires in the fall. Firms have a sense of their needs in late fall/early winter, once they have heard back from their former summer associates. It is certainly possible to apply later in winter and into the spring as well, since needs can change. As a well-credentialed candidate, you can easily conduct the search on your own, without the assistance of a headhunter. Although search firms are typically free to the candidate, they charge hefty fees to the employers, which many law firms will not be enthusiastic to pay for a very junior, if not technically entry-level, candidate. Indeed, a number of firms refuse to pay such fees for judicial clerks or refuse to consider resumes submitted by headhunters for judicial clerks.

Most firms will credit your clerkship year as a year of experience and provide the same compensation as given to others in your class year. Firms vary in the number of years of credit they are willing to grant for two or more years of clerkship experience. In this situation, before you bargain for more than one credited year, consider whether you are prepared to meet the firm’s expectations for associates at that level of experience. In addition to crediting the years of clerkship experience, most major firms provide a clerkship bonus (usually $45,000 or more, depending on the firm size and location).

If you plan to pursue public interest work you should formulate a plan during the summer before or early in the fall of your clerkship year. If you pursue a project-based fellowship, such as Skadden or Equal Justice Works, work with a large nonprofit via an organization-based fellowship or an entry-level staff position, or pursue a fellowship with a public interest law firm, you will most likely face deadlines in early and mid-fall. For most public interest organizations, some fellowships, and a number of public interest law firms, the search can be undertaken after the start of the New Year.
Many federal government entities and some state government offices have honors programs for entry-level attorneys which are open to law clerks. The deadlines for these programs are typically in early or mid-fall. In the absence of an honors program at the federal or state level, you would be hired as a “lateral” attorney for a specific opening, which could occur at any time.

If you are interested in another clerkship, you could apply at any time for federal clerkships. If you wish to clerk in consecutive years, however, you may wish to apply in the year before your clerkship starts. If you wait until you are in your clerkship to apply, you may be able to find an opening for the next term, but you are more likely to have a gap between the two clerkships.

The application process for state courts varies; consult Vermont Law School’s Guide to State Judicial Clerkship Procedures for guidance on schedules. If you are considering a clerkship at the U.S. Supreme Court, review the CDO guide U.S. Supreme Court Clerkships.
Overview of Federal and State Court Structure
STATES WITHIN THE UNITED STATES COURTS OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT
District of Columbia

FIRST CIRCUIT
Maine
Massachusetts
New Hampshire
Puerto Rico
Rhode Island

SECOND CIRCUIT
Connecticut
New York
Vermont

THIRD CIRCUIT
Delaware
New Jersey
Pennsylvania
Virgin Islands

FOURTH CIRCUIT
Maryland
North Carolina
South Carolina
Virginia
West Virginia

FIFTH CIRCUIT
Louisiana
Mississippi
Texas

SIXTH CIRCUIT
Kentucky
Michigan
Ohio
Tennessee

SEVENTH CIRCUIT
Illinois
Indiana
Wisconsin

EIGHTH CIRCUIT
Arkansas
Iowa
Minnesota
Missouri
Nebraska
North Dakota
South Dakota

NINTH CIRCUIT
Alaska
Arizona
California
Guam
Hawaii
Idaho
Montana
Nevada
Northern Mariana Islands
Oregon
Washington

TENTH CIRCUIT
Colorado
Kansas
New Mexico
Oklahoma
Utah
Wyoming
Portions of Yellowstone National Park extending into Montana and Idaho

ELEVENTH CIRCUIT
Alabama
Florida
Georgia
U.S. Courts

Excerpts from *The United States Government Manual/2015*

**Judicial Branch**

**THE SUPREME COURT OF THE UNITED STATES**

*Article III, section 1, of the Constitution of the United States provides that "[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."*

The Supreme Court of the United States was created in accordance with this provision and by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). It was organized on February 2, 1790. Article III, section 2, of the Constitution defines the jurisdiction of the Supreme Court.

The Supreme Court comprises the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress, which is currently fixed at eight (28 U.S.C. 1). The President nominates the Justices with the advice and consent of the Senate. Article III, section 1, of the Constitution further provides that "[t]he Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

Court officers assist the Court in the performance of its functions. They include: the Counselor to the Chief Justice, the Clerk, the Court Counsel, the Curator, the Director of Information Technology, the Librarian, the Marshal, the Public Information Officer, and the Reporter of Decisions.

**Appellate Jurisdiction**

Various statutes, derived from the authority that the Constitution has given to Congress, confer appellate jurisdiction upon the Supreme Court. The basic statute effective at this time in conferring and controlling jurisdiction of the Supreme Court may be found in 28 U.S.C. 1251, 1253, 1254, 1257-1259, and various special statutes. Congress has no authority to change the original jurisdiction of this Court.

**Court Term**

The term of the Court begins on the first Monday in October and lasts until the first Monday in October of the next year. Over the course of a term, approximately 10,000 petitions are filed for cases to be briefed before the Court. Moreover, each year, about 1,200 applications that can be acted upon by a single Justice while serving in the capacity of a Circuit Justice are filed.

**Power to Make Rules**

From time to time, Congress has conferred upon the Supreme Court power to prescribe rules of procedure to be followed by the lower courts of the United States.

**Public Access**

The Supreme Court is open to the public from 9 a.m. to 4:30 p.m., weekdays, except on Federal holidays. Unless the Court or Chief Justice orders otherwise, the Clerk's office is open from 9 a.m. to 5 p.m., weekdays, except on Federal holidays. The library is open to members of the bar of the Court, attorneys for the various Federal departments and agencies, and Members of Congress.

For further information concerning the Supreme Court, contact the Public Information Office, United States Supreme Court Building, One First Street NE., Washington, DC 20543. Phone, 202-479-3211.
**LOWER COURTS**

Article III of the Constitution declares, in section 1, that the judicial power of the United States shall be invested in one Supreme Court and in "such inferior Courts as the Congress may from time to time ordain and establish." The Supreme Court has held that these constitutional courts "... share in the exercise of the judicial power defined in that section, can be invested with no other jurisdiction, and have judges who hold office during good behavior, with no power in Congress to provide otherwise."

**United States Courts of Appeals**
The courts of appeals are intermediate appellate courts created by act of March 3, 1891 (28 U.S.C. ch. 3), to relieve the Supreme Court of considering all appeals in cases originally decided by the Federal trial courts. They are empowered to review all final decisions and certain interlocutory decisions (18 U.S.C. 3731; 28 U.S.C. 1291, 1292) of district courts. They also are empowered to review and enforce orders of many Federal administrative bodies. The decisions of the courts of appeals are final except as they are subject to review on writ of certiorari by the Supreme Court.

The United States is divided geographically into 12 judicial circuits, including the District of Columbia. Each circuit has a court of appeals (28 U.S.C. 41, 1294). Each of the 50 States is assigned to one of the circuits. The territories and the Commonwealth of Puerto Rico are assigned variously to the first, third, and ninth circuits. There is also a Court of Appeals for the Federal Circuit, which has nationwide jurisdiction defined by subject matter. At present each court of appeals has from 6 to 28 permanent circuit judgeships (179 in all), depending upon the amount of judicial work in the circuit. Circuit judges hold their offices during good behavior as provided by Article III, section 1, of the Constitution. The judge senior in commission who is under 70 years of age (65 at inception of term), has been in office at least 1 year, and has not previously been chief judge, serves as the chief judge of the circuit for a 7-year term. One of the Justices of the Supreme Court is assigned as circuit justice for each of the 13 judicial circuits. Each court of appeals normally hears cases in panels consisting of three judges but may sit en banc with all judges present.

The judges of each circuit (except the Federal Circuit) by vote determine the size of the judicial council for the circuit, which consists of the chief judge and an equal number of circuit and district judges. The council considers the state of Federal judicial business in the circuit and may "make all necessary and appropriate orders for [its] effective and expeditious administration . . ." (28 U.S.C. 332).

The chief judge of each circuit may summon periodically a judicial conference of all judges of the circuit, including members of the bar, to discuss the business of the Federal courts of the circuit (28 U.S.C. 333). The chief judge of each circuit and a district judge elected from each of the 12 geographical circuits, together with the chief judge of the Court of International Trade, serve as members of the Judicial Conference of the United States, over which the Chief Justice of the United States presides. This is the governing body for the administration of the Federal judicial system as a whole (28 U.S.C. 331).

To obtain a complete list of judges, court officials, and official stations of the United States Courts of Appeals for the Federal Circuit, as well as information on opinions and cases before the court, consult the Judicial Circuit Web sites listed below.

<table>
<thead>
<tr>
<th>Circuit</th>
<th>URL</th>
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<tr>
<td>District of Columbia Circuit</td>
<td><a href="http://www.cadc.uscourts.gov">http://www.cadc.uscourts.gov</a></td>
</tr>
<tr>
<td>First Circuit</td>
<td><a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a></td>
</tr>
<tr>
<td>Second Circuit</td>
<td><a href="http://www.ca2.uscourts.gov">http://www.ca2.uscourts.gov</a></td>
</tr>
<tr>
<td>Third Circuit</td>
<td><a href="http://www.ca3.uscourts.gov">http://www.ca3.uscourts.gov</a></td>
</tr>
</tbody>
</table>
United States Court of Appeals for the Federal Circuit
This court was established under Article III of the Constitution pursuant to the Federal Courts Improvement Act of 1982 (28 U.S.C. 41, 44, 48), as successor to the former United States Court of Customs and Patent Appeals and the United States Court of Claims. The jurisdiction of the court is nationwide (as provided by 28 U.S.C. 1295) and includes appeals from the district courts in patent cases; appeals from the district courts in contract, and certain other civil actions in which the United States is a defendant; and appeals from final decisions of the U.S. Court of International Trade, the U.S. Court of Federal Claims, and the U.S. Court of Appeals for Veterans Claims. The jurisdiction of the court also includes the review of administrative rulings by the Patent and Trademark Office, U.S. International Trade Commission, Secretary of Commerce, agency boards of contract appeals, and the Merit Systems Protection Board, as well as rulemaking of the Department of Veterans Affairs; review of decisions of the U.S. Senate Committee on Ethics concerning discrimination claims of Senate employees; and review of a final order of an entity to be designated by the President concerning discrimination claims of Presidential appointees.

The court consists of 12 circuit judges. It sits in panels of three or more on each case and may also hear or rehear a case en banc. The court sits principally in Washington, DC, and may hold court wherever any court of appeals sits (28 U.S.C. 48).

United States District Courts
The Nation's district courts are the trial courts of general Federal jurisdiction. These courts resolve disputes by determining the facts and applying legal principles to decide which party is right. Each State has at least one district court, and large States have as many as four. There are 89 district courts in the 50 States, plus one in the District of Columbia and another in the Commonwealth of Puerto Rico. Three other U.S. Territories also have courts that hear Federal cases: Guam and the Northern Mariana and Virgin Islands.

At present, each district court has from 2 to 28 Federal district judgeships, depending upon the amount of judicial work within its territory. Only one judge is usually required to hear and decide a case in a district court, but in some limited cases it is required that three judges be called together to comprise the court (28 U.S.C. 2284). The judge senior in commission who is under 70 years of age (65 at inception of term), has been in office for at least 1 year, and has not previously been chief judge, serves as chief judge for a 7-year term. There are 645 permanent district judgeships in the 50 States and 15 in the District of Columbia. There are seven district judgeships in Puerto Rico. District judges hold their offices during good behavior as provided by Article III, section 1, of the Constitution. However, Congress may temporary judgeships for a court with the provision that when a future vacancy occurs in that district, such vacancy shall not be filled. Each district court has one or more United States magistrate judges and bankruptcy judges, a clerk, a United States attorney, a United States marshal, probation officers, court reporters, and their staffs. The

Cases from the district courts are reviewable on appeal by the applicable court of appeals.

Territorial Courts
Pursuant to its authority to govern the Territories (Art. IV, sec. 3, clause 2, of the Constitution), Congress has established district courts in the territories of Guam and the Virgin Islands. The District Court of the Canal Zone was abolished on April 1, 1982, pursuant to the Panama Canal Act of 1979 (22 U.S.C. 3601 note). Congress has also established a district court in the Northern Mariana Islands, which is administered by the United States under a trusteeship agreement with the United Nations. These Territorial courts have jurisdiction not only over the subjects described in the judicial article of the Constitution, but also over many local matters that, within the States, are decided in State courts. The District Court of Puerto Rico, by contrast, is established under Article III, is classified like other "district courts," and is called a "court of the United States" (28 U.S.C. 451). There is one judge each in Guam and the Northern Mariana Islands, and two in the Virgin Islands. The judges in these courts are appointed for terms of 10 years.


United States Court of International Trade
This court was originally established as the Board of United States General Appraisers by act of June 10, 1890, which conferred upon it jurisdiction theretofore held by the district and circuit courts in actions arising under the tariff acts (19 U.S.C. ch. 4). The act of May 28, 1926 (19 U.S.C. 405a), created the United States Customs Court to supersede the Board; by acts of August 7, 1939, and June 25, 1948 (28 U.S.C. 1582, 1583), the court was integrated into the United States court structure, organization, and procedure. The act of July 14, 1956 (28 U.S.C. 251), established the court as a court of record of the United States under Article III of the Constitution. The Customs Court Act of 1980 (28 U.S.C. 251) constituted the court as the United States Court of International Trade.

The Court of International Trade has jurisdiction over any civil action against the United States arising from Federal laws governing import transactions. This includes classification and valuation cases, as well as authority to review certain agency determinations under the Trade Agreements Act of 1979 (19 U.S.C. 2501) involving antidumping and countervailing duty matters. In addition, it has exclusive jurisdiction of civil actions to review determinations as to the eligibility of workers, firms, and communities for adjustment assistance under the Trade Act of 1974 (19 U.S.C. 2101). Civil actions commenced by the United States to recover customs duties, to recover on a customs bond, or for certain civil penalties alleging fraud or negligence are also within the exclusive jurisdiction of the court.

The court is composed of a chief judge and eight judges, not more than five of whom may belong to any one political party. Any of its judges may be temporarily designated and assigned by the Chief Justice of the United States to sit as a court of appeals or district court judge in any circuit or district. The court has a clerk and deputy clerks, a librarian, court reporters, and other supporting personnel. Cases before the court may be tried before a jury. Under the Federal Courts Improvement Act of 1982 (28 U.S.C. 1295), appeals are taken to the U.S. Court of Appeals for the Federal Circuit, and ultimately review may be sought in appropriate cases in the Supreme Court of the United States.

The principal offices are located in New York, NY, but the court is empowered to hear and determine cases arising at any port or place within the jurisdiction of the United States.
For further information, contact the Clerk, United States Court of International Trade, One Federal Plaza, New York, NY 10278-0001. Phone, 212-264-2814.

**Judicial Panel on Multidistrict Litigation**
The Panel, created by act of April 29, 1968 (28 U.S.C. 1407), and consisting of seven Federal judges designated by the Chief Justice from the courts of appeals and district courts, is authorized to temporarily transfer to a single district, for coordinated or consolidated pretrial proceedings, civil actions pending in different districts that involve one or more common questions of fact.


**SPECIAL COURTS**

**United States Court of Appeals for the Armed Forces**
450 E Street NW., Washington, DC 20442-0001
202-761-1448
202-761-4672

This court was established under Article I of the Constitution of the United States pursuant to act of May 5, 1950, as amended (10 U.S.C. 867). Subject only to certiorari review by the Supreme Court of the United States in a limited number of cases, the court serves as the final appellate tribunal to review court-martial convictions of all the Armed Forces. It is exclusively an appellate criminal court, consisting of five civilian judges who are appointed for 15-year terms by the President with the advice and consent of the Senate.

The court is called upon to exercise jurisdiction to review the record in all cases extending to death; certified to the court by a Judge Advocate General of one of the Armed Forces; or petitioned by accused who have received a sentence of confinement for 1 year or more and/or a punitive discharge. The court also exercises authority under the All Writs Act (28 U.S.C. 1651(a)).

In addition, the judges of the court are required by law to work jointly with the senior uniformed lawyer from each of the Armed Forces and two members of the public appointed by the Secretary of Defense to make an annual comprehensive survey, to report annually to the Congress on the operation and progress of the military justice system under the Uniform Code of Military Justice, and to recommend improvements wherever necessary.

For further information, contact the Clerk, United States Court of Appeals for the Armed Forces, 450 E Street NW., Washington, DC 20442-0001. Phone, 202-761-1448. Fax, 202-761-4672.

**United States Court of Appeals for Veterans Claims**
Suite 900, 625 Indiana Avenue NW., Washington, DC 20004-2950
202-501-5970
202-501-5848

The United States Court of Appeals for Veterans Claims, a court of record under Article I of the Constitution, was established on November 18, 1988 (38 U.S.C. 7251) and given exclusive jurisdiction to review decisions of the Board of Veterans' Appeals. Appeals concern veteran disability benefits, dependent educational assistance, survivor benefits, and pension benefits claims. In addition to its review
authority, the Court has contempt authority, as well as the authority to compel action by the Secretary of Veterans Affairs, the authority to grant a petition for extraordinary relief under the All Writs Act (28 U.S.C. 1651), and the authority to make attorney fee determinations under the Equal Access to Justice Act (28 U.S.C. 2412). Decisions of the Court of Appeals for Veterans Claims are subject to review by the United States Court of Appeals for the Federal Circuit on questions of law and on writ of certiorari by the United States Supreme Court.

The Court consists of nine judges whom the President appoints with the advice and consent of the Senate for 15-year terms. One of the judges serves as chief judge.

The Chief Judge generally conducts a judicial conference every 2 years. The primary purpose of the conference, which involves the active participation of members of the legal community, attorneys, and practitioners admitted to practice before the Court, is to consider the business of the Court and to recommend means of improving the administration of justice within the Court's jurisdiction. The Court is located in Washington, DC, but it is a court of national jurisdiction and may sit at any location within the United States.

Opinions issued by the Court, case information, and a current list of judges and officials of the United States Court of Appeals for Veterans Claims are available online.

For further information, contact the Clerk, United States Court of Appeals for Veterans Claims, Suite 900, 625 Indiana Avenue NW., Washington, DC 20004-2950. Phone, 202-501-5970. Fax, 202-501-5848

United States Court of Federal Claims
717 Madison Place NW., Washington, DC 20439
202-357-6400

The United States Court of Federal Claims has jurisdiction over claims seeking money judgments against the United States. A claim must be founded upon the Constitution, an act of Congress, an Executive order, a contract with the United States, or Federal regulations. Judges are appointed by the President for 15-year terms, subject to Senate confirmation. Appeals are to the U.S. Court of Appeals for the Federal Circuit.

For further information, contact the Clerk's Office, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20439. Phone, 202-357-6400.

United States Tax Court
400 Second Street NW., Washington, DC 20217-0002
202-521-0700

The United States Tax Court is a court of record under Article I of the Constitution of the United States (26 U.S.C. 7441). The court was created as the United States Board of Tax Appeals by the Revenue Act of 1924 (43 Stat. 336). The name was changed to the Tax Court of the United States by the Revenue Act of 1942 (56 Stat. 957). The Tax Reform Act of 1969 (83 Stat. 730) established the court under Article I and then changed its name to the United States Tax Court.

The court comprises 19 judges who are appointed by the President to 15-year terms and subject to Senate confirmation. The court also has varying numbers of both senior judges (who may be recalled by the chief judge to perform further judicial duties) and special trial judges (who are appointed by the chief judge and may hear and decide a variety of cases). The court's jurisdiction is set forth in various sections of title 26 of the U.S. Code.
The offices of the court and its judges are in Washington, DC. However, the court has national jurisdiction and schedules trial sessions in more than 70 cities in the United States. Each trial session is conducted by one judge, senior judge, or special trial judge. Court proceedings are open to the public and are conducted in accordance with the court's rules of practice and procedure and the rules of evidence applicable in trials without a jury in the U.S. District Court for the District of Columbia. A fee of $60 is charged for the filing of a petition. Practice before the court is limited to practitioners admitted under the court's rules of practice and procedure.

Decisions entered by the court, other than decisions in small tax cases, may be appealed to the regional courts of appeals and, thereafter, upon the granting of a writ of certiorari, to the Supreme Court of the United States. At the option of petitioners, simplified procedures may be used in small tax cases. Small tax cases are final and not subject to review by any court.

For further information, contact the Office of the Clerk of the Court, United States Tax Court, 400 Second Street NW., Washington, DC 20217-0002. Phone, 202-521-0700.

State Supreme Courts

As with any endeavor involving state governments, it is difficult to generalize about state supreme courts. Every state, however, has at least one court of last resort, usually called its “supreme court.” There are several variations in name: Court of Appeals in DC, New York, and Maryland; Supreme Judicial Court in Massachusetts; and Supreme Court of Appeals in West Virginia.

Unlike the United States Supreme Court, whose jurisdiction is essentially discretionary, the state supreme courts have mandatory jurisdiction in a number of areas. The specific demarcation between mandatory and discretionary jurisdiction varies among states. The number of justices ranges from five to nine. The length of their terms, as well as the manner of selection, differ markedly from state to state.

Three charts from the Court Statistics Project of the National Center for State Courts are included to give a better sense of common court arrangements. Connecticut has a system most similar to the federal arrangement: a single court of last resort and an intermediate appellate court. Texas, with two courts of last resort, typifies the alternative approach to growing criminal appeals; the Court of Criminal Appeals functions as the court of last resort for criminal matters, while the Supreme Court is the last resort for all other matters. Vermont represents an alternative system found in a number of states: a single court of last resort with no intermediate appellate court. Charts for all fifty states are available here.
Connecticut

Supreme Court
CSP Case Types:
- Appeal by right criminal, civil, administrative agency.
- Appeal by permission criminal, civil.
- Exclusive death penalty appeal by right.
- Exclusive original proceeding judicial qualification.

Appellate Court
CSP Case Types:
- Appeal by right criminal, civil, administrative agency.
- Appeal by permission limited administrative agency. Interlocutory appeals in limited administrative agency.

Superior Court
Jury trials in most cases
CSP Case Types:
- Mental health, miscellaneous civil. Exclusive tort, contract, real property, small claims (up to $5,000), administrative agency appeals (except works’ compensation).
- Domestic Relations. Exclusive marriage dissolution.
- Exclusive criminal.
- Juvenile.
- Exclusive traffic/other violations (except for uncontested parking, which is handled administratively).

Probate Court
No jury trials
CSP Case Types:
- Probate/estate, mental health, miscellaneous civil.
- Support, custody, paternity, adoption.
- Juvenile.

Legend
= Appellate level
= Trial level
= Route of appeal

AOC Web site: www.jud.ct.gov
Texas

Supreme Court
CSP Case Types:
- Exclusive appeal by permission civil, administrative agency.
- Original proceeding application for writ, certified question. Exclusive bar/judiciary.

Court of Criminal Appeals
CSP Case Types:
- Exclusive appeal by permission criminal.
- Exclusive death penalty.
- Original proceeding application for writ, certified question.

Court of Appeals
CSP Case Types:
- Appeal by right criminal, civil, administrative agency. Interlocutory appeals in criminal, civil, administrative agency.
- Original proceeding application for writ.

District Courts
Jury trials
CSP Case Types:
- Tort, contract, real property ($201 – no maximum), probate/estate, miscellaneous civil. Exclusive administrative agency appeal.
- Domestic relations.
- Felony, misdemeanor.
- Juvenile.

County Court
Jury trials
CSP Case Types:
- Tort, contract, real property ($0 - $200,000. varies by court).
- Tort, contract, real property ($200 - $10,000), probate/estate, mental health, civil appeals, miscellaneous civil.
- Misdemeanor, criminal appeals.
- Juvenile.
- Traffic infractions.

Probate Court
Jury trials
CSP Case Types:
- Probate/estate, mental health.

Municipal Court
Jury trials
CSP Case Types:
- Misdemeanor.
- Status offenses.
- Traffic/other violations. Exclusive ordinance violations.

Justice Courts
Jury trials
CSP Case Types:
- Tort, contract, real property ($0 - $10,000), small claims (up to $10,000).
- Misdemeanor.
- Status offenses.
- Traffic infractions, parking.

Legend

= Appellate level
= Trial level
= Court of Last Resort
IAC = Intermediate Appellate Court
GJC = General Jurisdiction Court
LJC = Limited Jurisdiction Court
= Route of appeal

AOC Web site: www.txcourts.gov
Vermont

**Supreme Court**

CSP Case Types:
- Exclusive appeal by right criminal, civil, administrative agency. Interlocutory appeals in criminal, civil, administrative agency.
- Exclusive appeal by permission criminal, civil, administrative agency. Interlocutory appeals in criminal, civil, administrative agency.
- Exclusive original proceeding bar admission, bar discipline/eligibility, certified question.

**Superior Court**

*Jury trials*

CSP Case Types:
- Exclusive civil (small claims: up to $5,000).
- Exclusive domestic relations.
- Exclusive criminal.
- Exclusive juvenile.
- Exclusive traffic/other violations.

AOC Web site: [www.vermontjudiciary.org](http://www.vermontjudiciary.org)
Appendix B

Yale Law School Judicial Clerkships

- This list includes clerks in the federal district, circuit, state, and international courts known to CDO who served in the past 10 years (start dates 2006-2015); for historical reference, the list of U.S. Supreme Court clerks extends to 1988.

- The “Start Year” of the clerkship is included when known.

To view these lists, please click the links below:

YLS Clerks at US District Courts, 2006-2015
YLS Clerks at State Courts, 2006-2015
YLS Clerks Outside the US, 2006-2015
YLS Clerks at the Supreme Court
Appendix C

Additional Resources for Researching Judges
ADDITIONAL RESOURCES FOR RESEARCHING JUDGES

Additional Online Resources

Federal Judiciary:
The federal judiciary’s official website offers a wealth of information, from court composition, jurisdiction, and caseloads, to current and upcoming judicial vacancies and other status changes, to news and initiatives in the judiciary. The “Pathways to the Bench” video series offers insights from a diverse array of federal judges on their careers and their time on the bench.

Findlaw:
Good legal search engine. Has links to court websites and court opinions, accompanied by brief descriptions of each site.

Senate Judiciary Committee:
Includes calendar of committee hearings and other actions, as well as a status list for pending nominees and a list of confirmations.

USDOJ Office of Legal Policy:
Includes biographical and other supporting materials on judicial nominees, along with lists of nominees, confirmations, and status of “blue slips.”

Books and Other Written Resources

Federal and State Court Clerkships

The American Bench: Judges of the Nation 2014. Short biographies of over 19,000 federal and state judges. Judicial structure of each state. Judicial boundary maps. (CDO; Ref Desk)

Behind the Bench: Guide to Judicial Clerkships. Provides information on judicial clerkships explaining what type of work clerks do, why clerkships are important and how to find a clerkship that is most beneficial to you. (CDO)

BNA’s Directory of State and Federal Courts, Judges, and Clerks, 2014. Listings of federal and state court structures; names and addresses of judges at all levels. (CDO; Ref Desk)

Chambers Handbook for Judges’ Law Clerks and Secretaries. Published by the Federal Judicial Center. Comprehensive handbook intended to help law clerks understand their roles in the judiciary, to introduce them to the responsibilities which they will be asked to undertake, and to reveal how clerks can perform their duties most effectively. (CDO)

Conducting Job Interviews: A Guide for Federal Judges. This manual was created as a guide to judges for interviewing law clerks and offers insight into potential interview questions. (CDO)

* Resource locations are designated as follows:

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<thead>
<tr>
<th>Location</th>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td>Law Library Reference Desk</td>
<td>Ref Desk</td>
</tr>
<tr>
<td>Career Development Office</td>
<td>CDO</td>
</tr>
</tbody>
</table>

Federal Law Clerk Brochure. Published by the Administrative Office of the United States Courts. The handout gives an overview of life as a judicial clerk and provides information regarding the application process, resume, and reality of clerking. (CDO)

Judicial Yellow Book. Biographical profiles of more than 3,200 federal and state judges, including education and previous experience. Staff information, including law clerks with law schools attended. Updated semiannually. (Ref Desk)
Appendix D

Yale Law School Alumni in the Judiciary
# YLS Alumni in the Judiciary

<table>
<thead>
<tr>
<th>Name</th>
<th>Jurisdiction</th>
<th>Yale Degree</th>
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<tbody>
<tr>
<td><strong>United States Supreme Court</strong></td>
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<tr>
<td>Samuel A. Alito, Jr.</td>
<td>Supreme Court</td>
<td>J.D. 1975</td>
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<tr>
<td>Sonia Sotomayor</td>
<td>Supreme Court</td>
<td>J.D. 1979</td>
</tr>
<tr>
<td>Clarence Thomas</td>
<td>Supreme Court</td>
<td>J.D. 1974</td>
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<td><strong>United States Courts of Appeals</strong></td>
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<tr>
<td>Duane Benton</td>
<td>8th Cir.</td>
<td>J.D. 1975</td>
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<tr>
<td>José A. Cabrantes</td>
<td>2d. Cir.</td>
<td>J.D. 1965</td>
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<tr>
<td>Guido Calabresi</td>
<td>2d. Cir.</td>
<td>LL.B. 1958</td>
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<tr>
<td>Eric L. Clay</td>
<td>6th Cir.</td>
<td>J.D. 1972</td>
</tr>
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<td>R.C. Clevenger III</td>
<td>Fed. Cir.</td>
<td>LL.B. 1966</td>
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<td>Richard Clifton</td>
<td>9th Cir.</td>
<td>J.D. 1975</td>
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<td>R. Guy Cole, Jr.</td>
<td>6th Cir.</td>
<td>J.D. 1975</td>
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<td>Steven M. Colloton</td>
<td>8th Cir.</td>
<td>J.D. 1988</td>
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<td>William A. Fletcher</td>
<td>9th Cir.</td>
<td>J.D. 1975</td>
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<td>Susan P. Graber</td>
<td>9th Cir.</td>
<td>J.D. 1972</td>
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<td>Morton I. Greenberg</td>
<td>3d. Cir.</td>
<td>J.D. 1957</td>
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<td>David F. Hamilton</td>
<td>7th Cir.</td>
<td>J.D. 1983</td>
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<td>Pamela A. Harris</td>
<td>4th Cir.</td>
<td>J.D. 1990</td>
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<td>Stephen A. Higginson</td>
<td>5th Cir.</td>
<td>J.D. 1987</td>
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<td>Andrew D. Hurwitz</td>
<td>9th Cir.</td>
<td>J.D. 1971</td>
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<td>Robert A. Katzmann</td>
<td>2d. Cir.</td>
<td>J.D. 1980</td>
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<td>Brett M. Kavanaugh</td>
<td>DC Cir.</td>
<td>J.D. 1990</td>
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<td>Carolyn Dineen King</td>
<td>5th Cir.</td>
<td>LL.B. 1962</td>
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<td>Kermit V. Lipez</td>
<td>1st Cir.</td>
<td>LL.B. 1967</td>
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<td>Scott M. Matheson</td>
<td>10th Cir.</td>
<td>J.D. 1980</td>
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<td>Jon O. Newman</td>
<td>2d. Cir.</td>
<td>LL.B. 1956</td>
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<td>Barrington D. Parker, Jr.</td>
<td>2d. Cir.</td>
<td>J.D. 1969</td>
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<td>Jill A. Pryor</td>
<td>11th Cir.</td>
<td>J.D. 1988</td>
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<td>Stephen Reinhardt</td>
<td>9th Cir.</td>
<td>LL.B. 1954</td>
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<td>Jerry E. Smith</td>
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<td>J.D. 1972</td>
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<td>Richard Gary Taranto</td>
<td>Fed. Cir.</td>
<td>J.D. 1981</td>
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<td>Ralph K. Winter</td>
<td>2d. Cir.</td>
<td>LL.B. 1960</td>
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<tr>
<td><strong>United States District Courts</strong></td>
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<tr>
<td>Leslie J. Abrams</td>
<td>M.D.GA.</td>
<td>J.D. 2002</td>
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<td>Ronnie Abrams</td>
<td>S.D.N.Y.</td>
<td>J.D. 1993</td>
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<td>William M. Acker, Jr.</td>
<td>N.D. AL.</td>
<td>LL.B. 1952</td>
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<td>Cecilia M. Altonaga</td>
<td>S.D. FL.</td>
<td>J.D. 1986</td>
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Sources:  
Judicial Yellow Book search, December 2016  
WESTLAW® search, January 2017
YLS Faculty Who Have Held Judicial Clerkships

Faculty list for the 2016-2017 academic year, including Lecturers, Fellows, Affiliated Members of the Faculty, and Faculty Emeriti in Residence. See the *Yale Law School Facebook* for more information.
# YLS Faculty and Affiliates with Judicial Clerkships

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Hope R. Metcalf  
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New Jersey Supreme Court  
2002-03

Hon. Jeffrey A. Meyer  
Judge James L. Oakes  
Visiting Lecturer in Law  
1989-90

Cantwell F. Muckenfuss, III  
Judge William E. Miller  
U.S.C.A., 6th Cir.  
Clinical Visiting Lecturer in Law  
1971-72

Marisol Orihuela  
Judge Rosemary Barkett  
U.S.C.A., 11th Cir.  
Visiting Clinical Associate Professor of Law and Presidential Visiting Professor  
2009-10

Nicholas Parrillo  
Judge Stephen F. Williams  
1982-83

Jean Koh Peters  
Judge William P. Gray  
U.S.D.C., C.D. Cal.  
2005-06

Avi Perry  
Judge Mark L. Wolf  
Visiting Clinical Lecturer in Law  
2010-11

Andrew J. Pincus  
Judge Harold H. Greene  
U.S.D.C., D.D.C.  
Visiting Lecturer in Law  
1981-82

Robert C. Post  
Judge David L. Bazelon  
1977-78

John L. Pottenger, Jr.  
Judge M. Joseph Blumenfeld  
U.S.D.C., D. Conn.  
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U.S. Supreme Court  
1975-76

Claire Priest  
Judge Jon O. Newman  
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Yale Law School Career Development Office
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Appendix F

Forms of Addresses for Judges

Sample Cover and Withdrawal Letters

Sample Cover Pages for Writing Samples
## HOW TO ADDRESS JUDGES

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<td>United States Magistrate <em>(or Bankruptcy)</em> Judge</td>
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Sample Cover Letter 1

Note: Sample cover letters provide suggested formats. Do not copy them line by line. This letter includes the basic components.

Box 208203
New Haven, CT 06520
(203) 436-5555

[Date]

Hon. JKL
Chief Judge
United States District Court for the
Southern District of Texas
Bob Casey U.S. Courthouse
515 Rusk Street
Houston, TX 77002

Dear Chief Judge L:

I am a second-year student at Yale Law School and wish to apply for a clerkship in your chambers in the year following my graduation. As a native Texan, I am particularly interested in returning home to clerk.

[You can note any exceptional, specific reasons for applying to this particular judge or court. Do not force yourself to come up with something to say; it is better to omit this paragraph than to include anything that sounds too contrived.]

My resume, transcript, writing sample, and list of recommenders are enclosed. [Letters of recommendation from Professors R, S, and T will follow under separate cover. OR Professors R, S, and T are also submitting letters of recommendation on my behalf.] I would be happy to provide any additional information you might require. Thank you for your consideration.

Sincerely,

Naomi Léon

Enclosures
Sample Cover Letter 2

Note: Sample cover letters provide suggested formats. Do not copy them line by line.
This letter includes a description of significant research and writing.

Box 208820
New Haven, CT 06520
(203) 436-1111

[Date]

Hon. XYZ
Associate Justice
Connecticut Supreme Court
2331 Capitol Avenue
Hartford, CT 06106

Dear Justice Z:

I am writing to apply for a clerkship in your chambers following my graduation from Yale Law School in [date]. Connecticut has been my home for the past six years, and I plan to practice here.

I have taken the opportunity to complete a substantial amount of research and writing in law school, providing me a strong background for a clerkship in your chambers. As a participant in Yale’s complex federal litigation clinic, I wrote major portions of a brief submitted to the Second Circuit U.S. Court of Appeals advocating inmates’ rights to recreational activities. As a result of that case, federal prison inmates now enjoy substantially increased recreational opportunities. I also recently completed a note on the boundaries of federal preemption of state securities regulation, which will appear in the next issue of the Yale Journal on Regulation.

My resume, transcript, writing sample, and reference list are enclosed. Recommendations will be forthcoming from Professors A, B, and C. I would welcome the opportunity to interview with you and look forward to hearing from you.

Sincerely,

Horace Rumpole

Encls.
Sample Cover Letter 3

Note: Sample cover letters provide suggested formats. Do not copy them line by line. This letter is drafted by an alumni applicant.

12 N. Monterey Street
Montgomery, AL 36104
(334) 123-4567
[Date]

The Honorable ABC
U.S. Court of Appeals for the Ninth Circuit
James R. Browning United States Courthouse
95 Seventh Street
San Francisco, CA 94103-1518

Dear Judge C:

I am a 2015 graduate of Yale Law School and am writing to apply for a clerkship in your chambers. I am serving as a Fellow at the Southern Poverty Law Center until [date], and I am currently involved in federal cases in half a dozen states. During my fellowship, I have engaged in a significant amount of legal research and writing. In addition, I have deepened my practical knowledge of civil and criminal procedure and a variety of constitutional issues. I believe that my experience would enhance my work in your chambers.

I have enclosed a resume, transcript, list of references, and writing sample. You will receive, under separate cover, letters of recommendation from Professors E and F, as well as Deputy Director G, who has been my primary supervisor at the Southern Poverty Law Center.

Thank you for your consideration. I would welcome the opportunity to interview with you, and I look forward to hearing from you.

Sincerely,

Ayana Shepherd

Enclosures
Sample Withdrawal Letter

Note: Sample letter provides a suggested format, and is not intended to be copied line by line.

[Date]

Hon. QRS
United States District Court for the
Eastern District of Virginia
358 Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge S:

I must withdraw my application from your consideration for the [20YY-YY] term because I have accepted another clerkship. I appreciate your consideration and regret any inconvenience this may cause.

Sincerely,

Anil Guha
As a summer associate at Jarndyce & Jarndyce, I prepared the attached memorandum for a pro bono assignment in the litigation department. The memorandum examined whether the fees charged by commercial tax preparers for “instant refund loans” would violate the state usury laws in New York, New Jersey, Pennsylvania, or Connecticut.

To preserve client confidentiality, all individual names and locations have been changed, and some portions have been redacted (as indicated in brackets in the text). I have received permission from my employer to use this memorandum as a writing sample.
Sample Cover Sheet 2

Note: Sample cover sheet provides a suggested format only.

WRITING SAMPLE

Giacomo Borgia
Box 208304
New Haven, CT 06520
(203) 436-8888

The attached writing sample is an excerpt from a brief submitted for the Morris Tyler Moot Court of Appeals competition. The case involved a challenge to the Connecticut sex offender registration statute.* The competition problem differed somewhat from the actual case then pending before the United States Supreme Court, and competitors were not permitted to rely on materials submitted to the Court. The questions presented for competition were:

1. Does Connecticut’s sex offender registration law implicate an offender’s liberty interest by listing offenders in an undifferentiated registry and violate an offender’s due process rights by failing to afford an offender a hearing on his current dangerousness before publishing true and accurate information about him and his conviction history?

2. Does Connecticut’s sex offender registration law, on its face or as implemented, impose punishment for purposes of the Ex Post Facto Clause of the United States Constitution?

I represented the petitioner, the Connecticut Department of Public Safety. I chose the section of the brief addressing the Ex Post Facto Clause as my writing sample.

* The first paragraph would also be the appropriate place to summarize any facts in the case necessary to understand the argument, instead of including a lengthy statement of facts.
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Fax:  (203) 432-8423
E-mail:  cdo.law@yale.edu
Website:  www.law.yale.edu/cdo

Mailing Address:  Career Development Office, Yale Law School,
127 Wall Street, New Haven, CT 06511

Physical Address:  Ruttenberg Hall, Room 184, 133 Wall Street,
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