



2022-2023 Judicial Clerkships Handbook

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General Information

INTRODUCTION

A judicial clerkship is one of the most prestigious and rewarding experiences available for a law school graduate. With most lasting one to two years, a judicial clerkship provides a wonderful way to bridge the gap of the theory learned in law school and the reality of practicing law.

The Career Development Office (CDO) developed the *Judicial Clerkship Handbook* to introduce you to judicial clerkships and help you navigate the application process. Please use this handbook in conjunction with the resources available on the Judicial Clerkships section of the [CDO Student Portal](#).

Also, seek advice from the CDO and the **Faculty Clerkship Committee** (Professor Rachel Suddarth and Professor Carl Tobias). They are available to answer questions and help you strategize about where and how to apply for clerkships.

THE BENEFITS OF CLERKING

There are numerous opportunities to clerk at the state and federal levels, in trial and appellate courts, as well as in specialty courts and administrative agencies. The benefits are numerous:

- By working directly with a judge or judges, you view the legal process from a judge's perspective while gaining an important mentor.
- Judicial law clerks get to work immediately on cases that have real life consequences.
- A judicial clerkship strengthens your resume, opening doors to a successful career path.
- Because law clerks are attractive candidates for employment, doors may open that were once closed when applying as a law student.
- Judicial clerks have the opportunity to network with practicing attorneys and other legal professionals.
- Because a clerkship is a research and writing intensive job, law clerks are able to enhance these skills, which are essential in the practice of law.
- Clerks learn a great deal about the law, legal procedure, and courtroom practice.
- Because law clerks are exposed to a wide array of legal issues, a clerkship can help one decide what type of law to practice.
- A clerkship can provide the chance to spend time in a new area of the country.

What Law Clerks Do for Judges

By [John Paul Jones](#), Professor Emeritus of Law

RESEARCH

The function that defines the role of the law clerk is research. Every law clerk will perform the sorts of research learned in law school to find, in printed or electronic form, cases, statutes, regulations, or scholarly commentary relevant to questions of law. Such questions are most likely to be presented by a particular case before the court, but they can sometimes arise from a judge's request for an answer he expects to be generally useful. Depending upon the context, the law clerk may report the results of such research to the judge orally and informally (as, for example, when supplying a quick answer while the judge waits to rule from the bench). Otherwise, the law clerk may report in writing and formally, in the sort of legal memorandum with which law school has made the law clerk so familiar. (This is likely to be the form desired when the judge intends the answer for incorporation in an opinion, or for reference in future, similar cases.)

Law libraries co-located with the seats of appellate courts are likely to have good collections and professional staff experienced in negotiating with other libraries to borrow what is not in the collection. On the other hand, law libraries co-located with the seats of trial courts, and law libraries found in chambers, are likely to be very small. The law clerk will likely be the only librarian. When a court or chambers is remotely situated, a great deal of seat-of-the-pants adjudicating used to be necessary. Nowadays, the virtual universality of access to electronic legal data bases like LEXIS and Westlaw brings very large collections of legal materials (not just cases and statutes, but treatises and law reviews as well) within reach of the remotest court. Thus, for law clerks working in remote chambers, electronic research skills are likely to be more important than traditional research in hard copy. Many judges budget funds for additional training of their law clerks in electronic research.

ANALYSIS

Almost as often as law clerks are called upon to conduct research, they are asked to perform analysis of contradictory versions of facts or law. Indeed, the two tasks are rarely distinguished in law school, where facts and issues are artificially limited to those necessary for a specific lesson on a particular legal doctrine. It is very different with real cases. Resolution of a case by a trial judge requires her to make findings of fact before she makes conclusions of law. Disputing parties will have offered contradictory evidence in various forms which must be sorted, compared, and evaluated in order to arrive at the judge's preferred version. The judge's preferred version becomes a finding enunciated in her opinion to justify her ruling. Some courts permit the parties to propose findings of fact; in these courts, the law clerk analyzes record facts before endorsing to the judge one among the competing findings offered by counsel. In courts where the parties do not customarily propose findings, it is the law clerk who, after scrutinizing the pleading, transcript, and exhibits, drafts findings for adoption by the judge. Review of the record to establish that the trial court has found accurately the facts upon which its disposition can rest often requires a similar analysis of facts by law clerks in appellate courts

DRAFTING

All law clerks will draft memoranda for use by their own and other judges. A memorandum for use within chambers is likely to be the briefest and least formal. A memorandum for circulation to other chambers is likely to be longer, and more formal. A law clerk should first make sure she has understood completely and precisely the subject and purpose of the memo. She should then consult the chambers files for past memos to serve as models. She should adjust her plan for the length and complexity of the finished product to account for the judge's deadline.

In preparation for a hearing, a law clerk scrutinizes the pleadings and exhibits in order to prepare a clear summary of the relevant facts, and examines the pleadings in order to prepare an evaluation of the legal points and authorities relied upon by each side. The resulting memorandum is commonly called a "bench brief" or "bench memo." In appellate courts, the judges often divide among their clerks the chore of preparing bench briefs for the cases scheduled each court day and share their work products with the other judges assigned to hear each case.

Some law clerks will draft documents for the record: orders, jury instructions, or opinions; others will not. Among those who draft, some will see much of their draft appear in the judge's final version; others will recognize but a word or two. For those who are expected to produce a first draft, it is important to realize that the draft belongs not to the clerk but to the judge. If a clerk's draft serves only as a stimulus for the judge's own crafting of an instruction or opinion, it has served an adequate purpose.

EDITING

All clerks will edit. They will read drafts produced by their judge, by a party, or even by another law clerk, checking to see that what they contain conforms to the proof and the law. This is more than simply editing for clear communication; it presumes that the clerk has an adequate prior acquaintance with the facts and law to make astute judgments about what has been written. Editing also includes the pedestrian jobs of proofreading, verifying quotations, and correcting citations to the court's standard or bluebook form as appropriate. When opinions have been chosen for publication, a law clerk proofreads again before transmitting the opinion to the publisher, and again when it appears in advance sheet form. The misplacement of even a comma can prove embarrassing to a judicial author, so meticulous proofreading is expected.

OTHER DUTIES

Other duties of a law clerk vary by judge. For example, some judges direct their law clerks, as well as their secretaries, to assist in keeping these files complete and up to date. Some judges also require their law clerks to process incoming mail. Another kind of mail and filing duty arises from the law clerk's duty to maintain the chambers library. Some law clerks keep their judge's calendar, scheduling meetings and conferences at the judge's direction, and, within guidelines set by the judge, rescheduling at the request of parties. Clerks may also be responsible for handling scheduling for the hiring of the next judicial clerk. Finally, the law clerk may take notes at hearings and in chambers meetings where he attends his judge. These notes are for the aid of the judge, as well as the law clerk, enabling them to refer to a source other than an interested party in order to refresh their own recollections of what was said and decided.

Judicial Clerkship Opportunities

There are many types of judicial clerkships available to graduating students and alumni. Opportunities exist at both federal and state levels for judicial clerks from a variety of backgrounds. While most clerkships last one year, increasing numbers of judges hire clerks for two-year positions, or career clerkships. Consult the CDO Student Portal for a list of where alumni have clerked.

Competitiveness of the application process varies by court and by judge. With this in mind, it is important for applicants to strategize where to apply, and to submit well-polished materials to a variety of courts and judges.

APPELLATE VS. TRIAL CLERKSHIPS

There are similarities between trial and appellate clerkships: both entail extensive legal research, analysis, and writing. However, the daily responsibilities vary between the two types of courts.

Appellate Court Clerkships – Strong focus on intensive research and writing with less time spent in the courtroom than trial clerks. Typical duties include researching and drafting memoranda on issues raised for appeal, drafting opinions, reading briefs, and attending oral arguments.

Trial Court Clerkships – Time-sensitive and litigation-related tasks are required. Typical responsibilities include researching and drafting trial memoranda, attending hearings and trials, writing jury instructions, and performing administrative tasks. Trial court clerks have the opportunity to meet and observe a variety of legal professionals with a weekly schedule of hearing motions.

COURTS WHERE CLERKSHIPS ARE AVAILABLE

FEDERAL

United States Supreme Court – These are the most competitive and prestigious of clerkships. Previous clerkship experience is required, typically in a federal court of appeals.

Federal Court of Appeals – There are 13 federal courts of appeal: the Federal Circuit, D.C. Circuit, and First through Eleventh Circuits. The federal appellate court that includes Virginia is located in Richmond: the [U.S. Court of Appeals for the 4th Circuit](#), which has 17 judges.

Most federal circuit judges hire three to four clerks for highly competitive and prestigious one-year positions. Many hire only experienced clerks who have previously clerked for a district court judge.

- **Special Note: Staff Attorneys** – Many federal appellate courts hire staff attorneys, who serve as law clerks to all judges on the court. Staff attorneys assist in the screening and pre-oral argument stages of the appellate process. Federal staff attorney openings can be found on OSCAR (Online

System for Clerkship Application and Review).

Federal District Courts – There are 94 federal district courts serving as the trial-level of the federal court system. Some federal district clerkships are more difficult to attain than others; the application process is especially competitive in major metropolitan areas such as D.C. and New York City (the Southern District of New York).

Richmond is located within the jurisdiction of the [U.S. District Court for the Eastern District of Virginia](#), which has four divisions: Alexandria, Newport News, Norfolk, and Richmond. The Richmond chambers include those of Judge Lauck, Judge Novak, Judge Young, Senior Judge Gibney, Senior Judge Hudson, Senior Judge Payne, and one Richmond Law alum: Magistrate Judge Colombell.

Federal district court judges typically hire two to three law clerks, often for very competitive one-year positions (though a trend has emerged toward two-year positions). Clerking for a federal district judge can positively impact clerks' careers. Federal district court clerkships are ideal positions for prospective litigators and they can launch clerks to appellate-level clerkships.

- **Special Note: Non-citizens** - Although federal clerks are required by law to be United States citizens or lawful permanent residents (LPRs) who have applied for citizenship, this requirement is waived for clerks in Puerto Rico and other U.S. territories. There are also some other exempt categories, including Persons who owe "allegiance to the United States" (e.g., nationals of American Samoa, Swains Island, and Northern Mariana Islands, and nationals who meet other requirements describe in 8 U.S.C. § 1408).

Federal Magistrate Clerkships – Federal magistrate judges are appointed by federal district court judges and serve eight-year terms. Magistrate judge duties will vary by court, with magistrate judges working to expedite the civil and criminal caseloads. Magistrate judges often hear the same matters heard by federal district judges. Magistrate clerkships are fast-paced positions ideally suited for prospective litigators.

Federal Bankruptcy Courts - Each federal district has a bankruptcy court, and judges typically hire one law clerk. There are two federal bankruptcy court judges in the Richmond division of the Eastern District of Virginia: Judge Huennekens and Judge Phillips, who is a University of Richmond School of Law alum. Judge Black, in the Western District of Virginia bankruptcy court in Roanoke, also is an alum. While bankruptcy clerkships obviously are well-suited for those who wish to practice in the areas of bankruptcy or tax, they also provide valuable experience and contacts for those who want to practice transactions.

Specialized Federal Courts – Article III and non-Article III judges in specialized courts hire judicial clerks. Specialized federal courts include the U.S. Court of International Trade, U.S. Court of Federal Claims, U.S. Tax Court, U.S. Court of Appeals for the Armed Forces, and U.S. Court of Veterans Appeals. Most specialized federal courts are located in D.C., though the U.S. Court of International Trade is located in New York. The application process for specialized federal courts can be less competitive than that for federal district courts. Evidence of strong interest in the subject matter can give a candidate an edge.

Administrative Agencies - Administrative law judges (ALJ's) at a number of government agencies (including the Environmental Protection Agency, Department of Labor, and International Trade Commission) hire judicial clerks. There are 1,150 ALJ's employed in 28 administrative agencies. Applications to ALJ clerkships can be less competitive than those to other federal judges. Clerking with

an ALJ is especially valuable if you wish to practice in a field regulated by the agency where you clerk.

STATE

Highest State Court – A state’s highest court can be called by different names – such as the Supreme Court of Virginia, or the Court of Appeals in D.C., New York, and Maryland. Judges in a state’s highest court usually hire one or two clerks for a term of one to two years. Clerkships in a state’s highest court are prestigious positions well-suited to those interested in appellate law. The selection process is highly competitive, but less so than with federal appellate clerkships.

The [Supreme Court of Virginia](#) has seven active justices and five senior justices. The Justices’ chambers are not always located in the state capital, and the application process may vary from one justice to another.

- **Special Note: Staff Attorneys** – Many state appellate courts hire staff attorneys, who serve as law clerks to all judges on the court. Staff attorneys assist in the screening and pre-oral argument stages of the appellate process. The Supreme Court of Virginia typically hires a law clerk that serves the staff attorney’s office and a senior justice.

State Intermediate Appellate Courts – Most, but not all, states have intermediate appellate courts. Intermediate appellate court judges typically hire one or two clerks for a term of one to two years. State appellate court clerkships are great positions for those interested in appellate law, and the application process is often less competitive than for federal clerkships.

The Chief Judge of the [Court of Appeals of Virginia](#) is the Honorable Marla Graff Decker, a Richmond Law alum. The Court of Appeals has 17 active and five senior judges. Judge Mary Malveaux also is an alum.

State Trial Courts – Many state trial courts (in Virginia, “circuit courts”) hire clerks. In some, clerks are assigned to particular judges and, in others, clerks are shared among two or more judges. State clerkships provide unique contacts with members of the local bar. State trial courts are fast-paced, with less formality than appellate courts. There is less emphasis on writing and more contact with the public and local practitioners. State trial court clerkships are ideal positions for those who hope to become prosecutors, public defenders, and litigators.

Specialized State Courts – Many states have specialized courts which handle probate, family, juvenile, or environmental matters. Some specialized state courts hire law clerks. These clerkships provide an opportunity to deepen your understanding of an area of focus, while also networking with professionals in that field.

Planning and Application Process

Preparing for a Clerkship

Preparation for a judicial clerkship requires advanced planning and can begin as early as your first year of law school. There are a few things that you can begin to work on early in law school to ensure that you are properly prepared when the time comes to apply. Here are some suggestions of what you can be doing now, or what you might need to catch up on, depending on the stage of law school in which you find yourself.

TIPS FOR STUDENTS APPLYING FOR CLERKSHIPS

- Focus on your **academic performance**. If your first semester did not turn out as you had hoped, work hard in future semesters to improve your GPA. Make grades and performance your first priority. However, it is not just the top performers in each class who secure clerkships.
- Start **cultivating relationships** with faculty, adjunct faculty, and legal supervisors who can serve as recommenders. Recommenders should be able to speak highly of your research and writing skills, as well as your character and fitness. Take the time to visit your faculty during their office hours to ask questions. Seek opportunities to work as a faculty research assistant. Get to know your supervisor at work.
- Polish your **writing skills** through journal experience and publication. Give the **journal** competition your very best effort, as most judges require journal membership. Participate in national writing competitions. Try to get your upper-level writing requirement completed during your second year. Strive to create a polished writing sample.
- Participate in **Moot Court** programs and assume leadership roles in organizations.
- Consider applying for a **judicial internship, or a judicial externship** through the **Clinical Placement Program**. Judges look highly on an applicant with previous court experience.
- Take every opportunity to **meet judges** – attend campus events with judges, bar events, and conferences or seminars where judges will speak. Introduce yourself.
- Discuss your **judicial clerkship aspirations** with alumni, faculty, and acquaintances – your best advice may come from those who clerked with judges or who know judges. Make an appointment to speak with the CDO's clerkship advisor and members of the Faculty Clerkship Committee.
- Remain **open-minded** in your clerkship search, considering courts and geographic regions of all types.
- **Attend CDO programs** related to judicial clerkships, cover letter and resume preparation, and interviewing and networking skills.

Finding the Right Clerkship for You

It is important that you meet a court's **hiring criteria** before you apply for a judicial clerkship. For instance, federal clerkships are generally more competitive than state court clerkships and usually require a class rank of at least the top 25 percent. You need to analyze your own long-range career goals as well as the strength of your application to determine which clerkship is best for you.

You will find a comprehensive listings of federal judges on [Simplicity](#) and the [Online System for Clerkship Application and Review \(OSCAR\)](#). The National Center for State Courts provides a [listing](#) of state court websites. The [Guide to State Judicial Clerkships](#) (Contact the CDO for login credentials) provides information on the state clerkship application process.

Consult the CDO and members of the Faculty Clerkship Committee as you strategize where to apply. The **Research Sources** at the end of this handbook provide additional information to assist you in selecting the courts and judges to whom you should apply.

SPECIFICS ABOUT THE JUDGE

After you have decided the courts to which you will apply, seek information about specific judges to refine your application list. Here are a few questions to ponder as you create your list:

- Do you have a plausible connection to or interest in the judge's geographical location?
- Does the judge have a University of Richmond connection or connection to your undergrad?
- What kind of law did the judge practice before being appointed to the bench?
- What kinds of cases does the court tend to hear?
- Do you and the judge share political viewpoints? (Some judges prefer to hire clerks with opposing viewpoints, for challenge and balance, but it's good to know where she/he stands.)
- How recently was the judge appointed?

Finding the answers to these questions will require time, but is not too difficult. Consult the Research Resources on page 18 of this handbook.

When and How to Apply

FEDERAL

Most federal judges accept clerkship applications through OSCAR a web-based system for federal law clerk and appellate staff attorney recruitment. With OSCAR, applicants may apply electronically for clerkship and staff attorney positions.

Federal Law Clerk Hiring Plan

On **January 9, 2023**, the class of 2024 will obtain access to OSCAR and be able to register an account, upload documents, search for clerkship positions, and build online applications. On **12:00 pm EDT June 12, 2023**, OSCAR will release those applications to judges. Participating judges will not directly or indirectly contact applicants, or schedule or conduct formal or informal interviews, or make formal or informal offers, before **12:00 pm EDT on June 13, 2023**. A judge who makes a clerkship offer will keep it open for at least 48 hours, during which time the applicant will be free to interview with other judges.

Non-Plan Judges

Not every judge participates in the Federal Law Clerk Hiring Plan and hires through OSCAR. For instance, some of the federal judges in Richmond do not participate. If those judges have clerkship openings, they will typically accept paper applications by mail in January 2023 after fall semester grades have been released. Students are encouraged to speak to their career advisor about identifying and applying to other “non-plan judges.”

STATE APPELLATE

The hiring practices of state appellate judges vary by state and can begin as early as your 2L year. You should consult the [Guide to State Judicial Clerkships](#) (Contact the CDO for login credentials) for details.

Many of the justices of the Supreme Court of Virginia and judges of the Court of Appeals of Virginia have career law clerks. For those that hire term law clerks, they tend to accept paper applications in the spring of the 2L year. Justice McCullough, a Richmond Law alum, tends to hire in the fall of the 3L year.

STATE TRIAL COURT

The hiring practices of state trial courts vary by state. Consult the resources on the CDO Student Portal for more information.

In Virginia, the trial courts in the more populated areas (Richmond, Northern Virginia, Tidewater) tend to hire in the summer before 3L year. Other courts hire throughout the fall and spring of the 3L year.

Contents of the Application

Your applications will generally include a cover letter, resume, transcript, writing sample, and at least two, and often three, letters of recommendation. **Everything must be impeccably proofread!** With so many high-quality applicants, typos and other small mistakes can automatically result in your application going in the trash. One judge indicated that *approximately 30% of all applications he receives are*

tossed away because of errors, including typos, mistakes in the judge's title ("justice" instead of "judge," for instance), inappropriate abbreviations and incorrect naming of the court. Judges seek clerks with strong research and writing skills. *Everything in your application packet (including your resume and cover letter) is considered a writing sample.*

RESUME

Make an appointment the CDO judicial clerkship advisor to go over your resume. It is important to emphasize the research and writing experience that you have gained in law school and your legal work experience. Keep the resume to one page, and be sure it is concise and clear. Remember that some judges may have difficulty reading a resume with a particularly small font size. Your career advisor can help you format and edit your resume so that it is one page, easily readable, and not overly crowded.

COVER LETTER

Cover letters should emphasize your interest in a judicial clerkship, and clerking in the particular court or with the particular judge to whom you are applying. Be specific about the term for which you are applying, as some judges may be interviewing for two different terms at the same time. Also emphasize the skills you have obtained in law school that pertain to the qualifications of a judicial clerk, namely research and writing skills, journal experience, academic performance, or previous judicial intern experience.

Two common mistakes that students make on cover letters are making them too lengthy or too generic. Do your best to customize each letter for each judge. Judges are very interested in knowing whether you sincerely want to work for them or if they are just one employer on a long list. If you have properly researched the judge before applying, tailoring your cover letter to the judge should be much simpler. Address your interest in clerking in the specific court, which might include interest in the subject matter, or decisions of the specific judge. This extra effort sends a message that you have done your research, and that your interest is sincere and deliberate. Remember that your cover letter is a writing sample and is also a demonstration of your research skills. It must be polished, concise, customized, and engaging. Please refer to the guidelines for "How to Address Justices and Judges in Correspondence," as well as the sample cover letter, included in the Appendix of this publication.

TRANSCRIPT

A transcript should be included in every judicial clerkship application that you send. If your application will be mailed, you should include an official copy of your transcript. You should request official transcripts from the campus registrar's office. You may view the Registrar's [Official Transcript Policy](#) online.

WRITING SAMPLE

Your writing sample must reflect your very best writing efforts. The best writing sample is one that a judge is likely to start and finish. Judges may have a length restriction in the job posting. If not, 5-15 pages is generally acceptable. If you have several writing samples to choose from, select the one that reflects your very best writing. Be sure that the sample illustrates your analytical abilities and has been edited entirely by you. You may ask that your writing sample be reviewed by the legal writing faculty, but edit and revise it carefully yourself first, incorporating all suggestions and feedback. If you are using something you have written for an employer, get permission, and redact client names. Use a

cover sheet to explain what the piece was written for, that you have any necessary permissions, and if you have shortened it from its original length.

LETTERS OF RECOMMENDATION

Judges will require two or three letters of recommendation as a part of your application. These letters help a judge to distinguish among many qualified applicants. At least one letter should be from a law school professor. Some judges will request that two of the three letters be written by faculty.

The best letters of recommendation are written by individuals with personal experience as a judicial clerk and with personal knowledge of your skills in legal research, analysis, and writing. You also want your letters to inform the judge about your diligence, integrity, and your work relationships with others. Be sure to ask faculty members or supervising attorneys who can attest to these qualities to serve as your recommenders. Keep in mind that asking a faculty member to write a letter for you simply because you got a good grade in his/her class does not necessarily mean that he or she will write you a strong letter. It is better to identify a faculty member who knows you well enough to attest to the attributes and experience stated above. Make use of opportunities to participate in class discussions, visit professors during office hours, or serve as a research assistant, so that faculty recommenders know enough about you to write something meaningful.

Guidelines for Approaching Faculty Recommenders

When you are ready to approach a recommender, you should provide him or her with a copy of your resume, your grade list, and a short narrative of any additional information that might be pertinent and useful, including your experience prior to law school, why you decided to attend law school, why you want to clerk, and your future plans.

Faculty members generally have experience writing letters of recommendation for students and should be well versed in the law school's process. However, they may not, so it is vital that you have a good understanding of the system. Below is the basic procedure for faculty recommendation letters.

Procedure for Faculty Recommendation Letters

1. Ask faculty if they would be willing to write letters for you. Submit a [FERPA waiver form](#) to Dawn Siedlecki in the CDO for each faculty member who agrees to recommend you.
2. Faculty will draft letters and submit them to the CDO.
3. Submit properly-formatted spreadsheets with the judge's mailing information to Dawn Siedlecki CDO for mail-merging letters. A sample spreadsheet is available on the CDO Student Portal. You can easily export your spreadsheet from the clerkships module in Symplicity. Instructions regarding how to do that are on page 24 of this handbook and on the CDO Video On Demand Library. The CDO can help you if you need assistance.
4. The CDO will format and mail-merge letters and upload them to OSCAR in accordance with your applications or provide them to you to be mailed. Note that during the busy clerkship application season, Dawn will need sufficient time to process your letters; same-day processing is not a reasonable expectation. Printed letters will be held in the CDO for you to pick up for inclusion in application packets. You will be notified via email when your letters are ready for

pickup. Note: In OSCAR, you must begin an application and select your recommenders before the CDO can upload your letters.

Guidelines for Approaching Non-Faculty Recommenders

When seeking letters from non-faculty recommenders, it is your responsibility to be very clear as to what it will take to complete your request. You need to be very up-front about the number of applications that you plan to send, the fact that some of the judges may accept application letters only through OSCAR, and your application timeframe.

- **Special Note:** When you ask a non-faculty recommender, it is important that you communicate the amount of work that you are asking of him or her. Some non-faculty recommenders are familiar with OSCAR. Others are not. The CDO cannot produce paper letters or upload electronic letters into OSCAR for non-faculty recommenders.

Rules on Asking Judges to Act as Recommenders

The canon of judicial ethics does not restrict a judge from writing a letter of recommendation, but it does require that a judge take necessary steps to not lend the prestige of his or her office to advance private interests. Some judges will not write letters, but may still be willing to serve as a reference. Each judge has his or her own policy on recommendations.

Interviewing with a Judge

Goals of the Interview:

If you are offered an interview, you know that you have the qualities – on paper – that the judge is seeking. At the interview, the judge is looking for “fit.” A law clerk (sometimes referred to as an “elbow clerk”) works extremely closely with a small group of people: the judge; the judge’s assistant; one or two other clerks; perhaps a court reporter or bailiff. The judge wants to know that you will be a good addition to this tightly-knit working group.

While a few judges pose legal questions in interviews, or require applicants to perform a writing exercise, most judges ask “getting to know you” questions, to try to get a sense of your personality and work style. This is your chance to present yourself as someone who can not only do the work required but is someone the judge would want to have in his or her chambers for a term.

Qualities Judges Seek

- **Legal analysis:** while this should be clear from your application materials before the interview, some judges may pose hypotheticals to assess your analytical abilities, or because that is part of their process when preparing to draft opinions.
- **Journal experience:** be prepared to discuss your role on your journal, and what you have written. If published, be sure you know the subject you wrote about thoroughly.
- **Legal writing ability:** re-read your writing sample – be prepared to explain the topic and demonstrate a sophisticated understanding of the issues.
- **Prudent and thoughtful judgment:** when asked about something, be measured in your response and demonstrate your awareness that there are arguments on both sides.
- **Professional demeanor and comportsment:** you may need to interact with attorneys, other court personnel, and members of the public. Be polite to everyone.

- **Composure:** district courts are a formal, but high-pressure environment, so judges seek those who can handle the workload and stress.
- **Work ethic:** judges will expect that you would work late or over a weekend if there is a deadline.
- **Discretion:** You may be working on cases involving sensitive information.
- **Humility:** it is better to be direct and say you do not know something, than to bluff your way through it.

Before the interview

- **Make sure your outgoing voicemail message sounds professional** (and references your full name, so the clerk or assistant know they have reached the right person). If you are not in a place where you can comfortably speak or check your calendar, let your calls go to voicemail, but do call back immediately to schedule the interview.
- **Research the district, the court, and the judge – again.** Make sure you are aware of any pending or recently-decided litigation in that court, that district, and that circuit, as well as any new United States Supreme Court cases. If you are interviewing in a different district than the one in which you live, make sure you are up on pending cases in your district – the judge may have questions about your district.
- **Seek guidance from the clerkship advisor and from faculty recommenders.** They may know the judge, or be able to connect you with current or former clerks who can help you prepare.
- **Review our clerkship interview summaries** The summaries are available on the CDO Student Portal, and in Symplicity’s Clerkship section.

Self-presentation

- **Avoid informality:** wear professional attire. See the judicial clerkship advisor for more guidance.
- **Good interpersonal skills are important,** so speak with respect to all courthouse personnel.
- **Take a deep breath,** stretch and loosen your shoulders before the interview (before entering) so you can appear confident (but not arrogant!)
- **It is best to not bring your phone in to the interview –** but, if you do, make sure it is turned off.
- **Try to answer questions fully but succinctly.** Judges want to get to know you, but be respectful of their time.

Typical Questions a Judge May Ask

- Why do you want to clerk?
- What ties do you have with this area?
- Why do you want to clerk on this court?
- What are your career plans for after the clerkship?
- Where geographically do you plan to practice?
- What do you wish to learn from this clerkship?
- What type of law interests you the most?
- What type of research and writing skills have you developed in your prior work experiences and law school?
- How do you handle constructive criticism?

- How do you handle time management?
- Tell me about a time where you had to juggle many responsibilities and were under pressure to meet a deadline.
- Why did you apply for law school?
- What have been your most and least favorite law school courses?
- I notice you received a ___ grade in _____. Can you explain why?
- Describe your previous work experience and what you liked most or least about each position?
- What are your views on [ANY] topic? (For example, may be a legal issue, a news item or politics)
- What is your most or least favorite Supreme Court opinion?
- Who is your favorite Supreme Court justice and why?
- If I ask you as a law clerk to write up a decision in a particular way and you disagree with outcome, what will you do?
- Be prepared to discuss your writing sample in detail, including responding to any legal challenges raised by the judge.

General Points

- **Know your motivation for wanting to clerk:** the judge will want to know why you want the position. Be able to speak both generally about clerking and specifically about that court.
- **Geography:** the judge wants to understand your commitment to living in a particular geographic location, particularly if it is somewhere remote (not where you are from, or where you went to law school). Understand the kinds of cases that court hears, and be able to articulate why you are interested in the location.
- **Other interviews:** the judge may ask where else you have applied, or interviewed. You should answer honestly, but minimally – do not comment about other judges.
- **Ask questions:** ask those that demonstrate your research, and your willingness to do the tasks expected: i.e., questions regarding what types of cases are handled in that court, or how much writing you will be able to do. Some examples:
 - What is the most important quality you look for in your clerks?
 - Do you require that clerks take the bar exam before the clerkship begins? Does it matter which state's exam?
 - This is a two-year clerkship: how will my role change in the second year?
 - What are your expectations of your clerk in the first week or first month?

Meeting with current clerks and assistants

- **This is still an interview;** conduct it formally.
- **They will report back to the judge about you.**
- **Have questions prepared for the clerks** (e.g., what will be expected of a new clerk? What is your favorite part of the position? Do you have frequent opportunity to observe court proceedings?)

After the interview

- **Send a formal thank you note to the judge, each clerk, and the judicial assistant** after the interview. **If the judge's decision will be made quickly,** it is okay to email your thanks to the clerks and assistant – as well as sending a formal note – but never email the judge.

ETIQUETTE OF ACCEPTING A JUDICIAL CLERKSHIP

- **Be prepared:** you may be offered the position in the next day or two after the interview (or even on the spot!), so know what your answer will be. Respond quickly.
- **If you are offered the position, you should accept.** If you have other interviews scheduled, it is better to accept immediately and cancel the other interviews, rather than attempt to pick the “best” clerkship. Federal judges and many judges of state courts of last resort are offended if you do not accept an offer immediately. You should be prepared at the time of the interview to accept the judge’s offer of a clerkship. If you are not, then withdraw your application (some judges may make offers at the interview). Many judges will make an offer to you by telephone within a day or two after your interview. If you do not withdraw your application shortly after an interview, the judge will assume your willingness to accept the position if offered. Note that judges who preside in federal circuit courts and district courts that have adopted the new federal law clerk hiring plan, should leave offers open for at least 48 hours.
- **Once you accept the clerkship,** contact all the judges with whom you have outstanding applications to withdraw yourself from consideration (or withdraw via OSCAR). It is an expected courtesy, and since you may appear in front of that judge one day, you will want to be on good terms. Let your faculty recommenders and the CDO know of your acceptance.

Faculty Clerks

Ronald J. Bacigal	U.S. District Court for the Western District of Virginia
Carol Brown	Hon. Sharon L. Blackburn U.S. District Court for the Northern District of Alabama
Judd Campbell	Hon. Diane S. Sykes U.S. Court of Appeals for the Seventh Circuit Hon. Jose A. Cabranes U.S. Court of Appeals for the Second Circuit
Christopher A. Cotropia	Hon. Alvin A. Schnall U.S. Court of Appeals for the Federal Circuit
Janice Craft	Hon. Walter S. Felton Court of Appeals of Virginia
Rebecca Crootof	Hon. John M. Walker, Jr. U.S. Court of Appeals for the Second Circuit Hon. Mark R. Kravitz U.S. District Court for the District of Connecticut
John G. Douglass	Hon. Harrison L. Winter U.S. Court of Appeals for the Fourth Circuit
David Epstein	Texas Supreme Court
Jessica M. Erickson	Hon. Michael Boudin U.S. Court of Appeals for the First Circuit
James Gibson	Hon. Karen Nelson Moore U.S. Court of Appeals for the Sixth Circuit
Meredith Harbach	Hon. Nancy F. Atlas

Mary L. Heen	U.S. District Court for the Southern District of Texas Hon. James M. Fitzgerald U.S. District Court for the District of Alaska
Marissa Jackson Sow	Hon. Sterling Johnson, Jr. U.S. District Court for the Eastern District of New York
John Paul Jones	Hon. Damon J. Keith U.S. Court of Appeals for the Sixth Circuit Hon. David Schwartz U.S. Court of Claims
Corinna Barrett Lain	Hon. John C. Porfilio U.S. Court of Appeals for the Tenth Circuit
Kurt T. Lash	Hon. Robert R. Beezer U.S. Court of Appeals for the Ninth Circuit
Da Lin	Hon. R. Lanier Anderson III Eleventh Circuit Court of Appeals
Julie E. McConnell	Hon. James W. Benton, Jr. Virginia Court of Appeals
Luke Norris	Hon. Guido Calabresi U.S. Court of Appeals for the Second Circuit
Kristin Jakobsen Osenga	Hon. Robert D. Sack U.S. Court of Appeals for the Second Circuit Hon. Richard Linn U.S. Court of Appeals for the Federal Circuit
John R. Pagan	Hon. Ozell M. Trask U.S. Court of Appeals for the Ninth Circuit
Wendy Collins Perdue	Hon. Anthony M. Kennedy U. S. Court of Appeals for the Ninth Circuit
John F. Preis	Hon. Royce C. Lamberth U.S. District Court for the District of Columbia
Doron Samuel-Siegel	Hon. Harry L. Carrico Supreme Court of Virginia
Andrew Spalding	Hon. Jay S. Bybee U.S. Court of Appeals for the Ninth Circuit Hon. Howard D. McKibben U.S. District Court for the District of Nevada
Jonathan K. Stubbs	Hon. James T. Giles U.S. District Court for the Eastern District of Pennsylvania
Rachel Suddarth	Hon. Elizabeth Lacy Supreme Court of Virginia
Allison Anna Tait	Hon. Richard Palmer Connecticut Supreme Court
Mary Kelly Tate	Hon. Robert R. Merhige, Jr. U.S. District Court for the Eastern District of Virginia

Margaret Ann B. Walker

Hon. Charles S. Russell
Supreme Court of Virginia

Research Sources

Almanac of the Federal Judiciary - Contains biographical sketches of all federal judges, major cases decided, and anonymous critiques. (Law Library KF8700.A19 A4 2010 and Westlaw)

The American Bench - Complete directory of state and federal judges including biographical information and addresses. (Law Library KF8700.A19 A47)

BNA's Directory of State and Federal Courts, Judges, and Clerks - Describes court structure and jurisdiction, lists judges' contact information. (Law Library KF8700.A19 B15)

Behind the Bench: The Guide to Judicial Clerkships - Overview of judicial clerkships (Strauss, BarBri, 2002). (Law Library KF8771.S85 2002)

[CourtLink, by Lexis-Nexis](#) - Provides case data, court profiles, and judicial profiles.

[Law Clerk Handbook: A Handbook for Law Clerks to Federal Judges](#)

The Directory of Minority Judges of the United States - (Law Library KF8700.A19 D57 2008)

Federal Appellate Law Clerk Handbook - Survival guide for federal appellate clerks (Lemon, ABA, 2007). (Law Library KF8807.R86 2007)

Federal District Court Law Clerk Handbook - Survival guide for federal trial clerks (Chipchase, ABA, 2007). (Law Library KF8807.C55 2007).

[The Federal Judiciary / U.S. Courts](#) - News and information about all federal courts and judges, also includes federal clerkship job postings.

Federal Judges and Justices - Lists nominations, confirmations, elevations, resignations, and retirements. (Law Library KF8700.A19 F42)

[Federal Judicial Center](#) - Provides information on federal court operations and procedures, court history, selected educational materials, and judges' biographical information.

[Federal Magistrate Judges Association](#)

[Leadership Directory, Judicial Yellow Book](#) - Contains judges' biographical and contact information, as well as the names of current law clerks. (online: Richmond's Muse Law Library website [\(accessible only from the University of Richmond network or when logged into the VPN\)](#)).

Law Clerk Handbook: A Handbook for Law Clerks to Federal Judges - Federal clerkship guide (Sobel, Federal Judicial Center, 2007). (also available in the Law Library KF8771.D54 2007)

[National Center for State Courts](#) - Describes state courts and provides website links.

[National Tribal Judicial Center](#) - Resources for prospective Native American tribal court clerks, including a [Guide to Tribal Court Clerkships](#).

[*Rat Race: Insider Advice on Landing Judicial Clerkships*](#) – *Penn State Law Review* article, courtesy of Washington and Lee University School of Law.

[Symplicity](#) – State clerkship openings are often posted here; the clerkship module provides a comprehensive listing of federal judges, along with summaries of interviews from prior applicants.

[Understanding the Federal Courts](#) – An overview of the federal judicial system provided by the Administrative Office of the U.S. Courts.

[U.S. Senate Index of Judicial Nominations](#)

Vermont Law School's [Guide to State Judicial Clerkship Procedures](#) – See CDO for password.

[Virginia's Judicial System](#) – Provides general information relating to Virginia's courts.

Want's Federal-State Court Directory – Provides an overview of each state's court system and judges. (Law Library Reference KF8700.A19 F47).

Westlaw Directory of Judges – Provides information for federal and state courts (WLD-JUDGE).

APPENDIX

JUDICIAL CLERKSHIP APPLICATION TIMELINE: CLASS OF 2024

DATE	EVENT
Beginning Summer 2022	Identify potential faculty and non-faculty recommenders, alert them of plans to apply, request recommendations. Provide your recommenders with copies of your resume, grades, and personal summary. File FERPA form with CDO.
Fall 2022	Review writing samples; edit and revise as necessary, incorporating prior comments and feedback from faculty. Follow writing sample review guidelines and incorporate suggestions. If you need faculty support, please consult the faculty review checklist and allow at least two weeks for review.
Fall 2022	Meet with the CDO's clerkship advisor. Update resume, submit for review, finalize writing sample.
November 2022	Attend "Judicial Clerkships: Nuts and Bolts" program
December 2022	During winter break, begin assembling applications for federal judges in the Eastern District of Virginia (Richmond, VA) that only accept paper applications. These judges usually (but not always) start hiring once grades are released in January 2023.
January-February 2023	Apply to Federal Judges in Eastern District of Virginia. Begin to send applications to judges not participating in OSCAR.
January-February 2023	Apply to Virginia State Appellate Judges.
January 9, 2023	Create account in OSCAR, begin researching federal judges and clerkships that are available on OSCAR.
June 12, 2023	Finalize applications for federal clerkships.
Summer 2023	Begin applications to Virginia Circuit Courts. Continue to apply to federal clerkships as they become available on OSCAR.
Fall 2023-Spring 2024	Continue to search Symplicity for Virginia Circuit Courts clerkships and other clerkship opportunities.

How to Address Judges/Justices

FEDERAL COURTS

Addressee	Exterior of Letter/Envelope	Salutation
U.S. Supreme Court		
The Chief Justice	The Honorable (full name) Chief Justice Supreme Court of the United States	Dear Chief Justice __:
Associate Justice	The Honorable (full name) The Supreme Court of the United States	Dear Justice __:
U.S. Court of Appeals		
Chief Judge	The Honorable (full name) Chief Judge United States Court of Appeals for the...	Dear Chief Judge __:
Judge or Senior Judge	The Honorable (full name) United States Court of Appeals for the...	Dear Judge __:
U.S. District Court, including Bankruptcy		
Chief Judge	The Honorable (full name) Chief Judge United States District Court for the...	Dear Chief Judge __:
Chief Magistrate Judge	The Honorable (full name) Chief Magistrate Judge United States District Court for the...	Dear Chief Magistrate Judge __:
Judge or Senior Judge	The Honorable (full name) United States District Court for the...	Dear Judge __:
Magistrate Judge	The Honorable (full name) Magistrate Judge United States District Court for the...	Dear Judge __:
Other Federal Courts		
Chief Judge	The Honorable (full name) Chief Judge Name of Court	Dear Chief Judge __:
Judge or Senior Judge	The Honorable (full name) Name of Court	Dear Judge __:

STATE COURTS

Addressee	Exterior of Letter/Envelope	Salutation
Highest State Court		
Chief Justice	The Honorable (full name) Chief Justice Supreme Court of (State name)	Dear Chief Justice __:
Justice	The Honorable (full name) Supreme Court of (State name)	Dear Justice __:
Other State Courts		
Chief Judge	The Honorable (full name) Chief Judge Name of Court	Dear Chief Judge __:
Judge	The Honorable (full name)	Dear Judge __:

	Name of Court	
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Sample Cover Letter

6000 Patterson Avenue
Richmond, Virginia 23226

January 1, 2022

The Honorable Vaughn R. Walker
Chief Judge
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Chief Judge Walker:

As a second-year law student at the University of Richmond School of Law who hopes to pursue a career in intellectual property law, I would like to be considered for a judicial clerkship position for the 2023-2024 term. I am originally from California, and I would like to return to the area. I am applying to your chambers specifically because of the intellectual property cases being brought before your court.

My academic and professional experiences have prepared me well for a clerkship in your chambers. I am in the top fifteen percent of my law school class and serve as Managing Editor of the *Richmond Journal of Law and Technology*, the nation's oldest student-edited journal published exclusively online. My writing and research skills have been honed through my journal experience and through a research assistant position with Professor James Gibson. Last year, through a judicial clinical placement, I served as an extern to Judge Henry E. Hudson of the United States District Court for the Eastern District of Virginia. I assisted in the drafting of opinions, observed court proceedings, and conducted research.

I look forward to meeting with you to discuss employment as your law clerk. Enclosed, please find my application materials. Please advise me if you should require any additional information and thank you for your consideration.

Sincerely,

Tara C. Williams [handwritten signature: do not use italic/script font in lieu of signature. Here is a blog post tutorial on cover letter signatures: <https://blog.richmond.edu/lawlibrary/?p=2419>]

Tara C. Williams

Enclosures

Sample Thank You Letter Following the Interview

6000 Patterson Avenue
Richmond, Virginia 23226

February 20, 2022

The Honorable Vaughn R. Walker
Chief Judge
United States District Court for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Chief Judge Walker:

It was a pleasure meeting with you yesterday. Thank you for the opportunity to interview with you for a law clerk position for the 2023-2024 term. I enjoyed learning more about the jurisdiction of the Northern District of California and specifically about the duties of your law clerk.

I am pleased that you enjoyed my article, "Electronic Discovery and Employment Litigation," and that you have expressed an interest in reading my *Journal* note. I will send you a copy of the note upon its completion.

As I indicated in my interview, I am keenly interested in serving as your law clerk. Please contact me if you require further information. I look forward to hearing from you.

Sincerely,

Tara C. Williams [handwritten signature: do not use italic/script font in lieu of signature]

Tara C. Williams

How to Create Spreadsheets for Your Recommendation Letter Requests

Once faculty have written your recommendation letter and submitted it to the CDO, you may request letters to accompany your OSCAR or paper applications. Letters of recommendation cannot be uploaded to OSCAR unless there are live applications pending. Therefore, send your spreadsheets to Dawn Siedlecki to format your recommendation letters once you have draft applications.

Spreadsheets are created using Symplicity's clerkship module (OSCAR-created spreadsheets do not contain the necessary address information for mail-merging your letters with your spreadsheet). Creating the spreadsheet is quite easy once you know how! Here is a step-by-step guide, but do ask for help if you have difficulty.

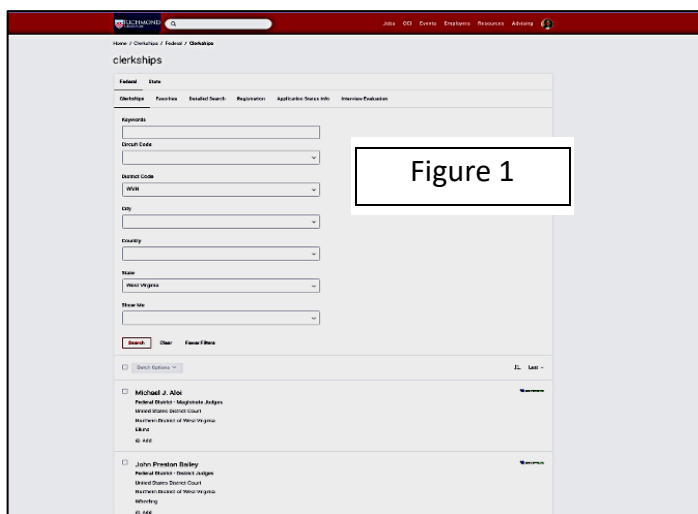


Figure 1

1: Register with Symplicity's clerkship module and fill out the information. Once you have done so, you will have access to the list of judges (figure 1).

2: Select those judges to whom you are applying by clicking the box next to their names. Click batch options, export excel to create the spreadsheet (figure 2)

3: Review resulting spreadsheet. Check that names are correct and the correct information is in each column (figure

4: It is especially important to check the "Salutation" column. This column provides the title of the judge, and will populate the field after the word "Dear." Because magistrate judges should always be addressed "Dear Judge Blank," and not "Dear Magistrate Judge Blank," delete the word "Magistrate" if it appears in this column – UNLESS the column displays "Chief Magistrate Judge," in which case, leave it as is! (figure 4).

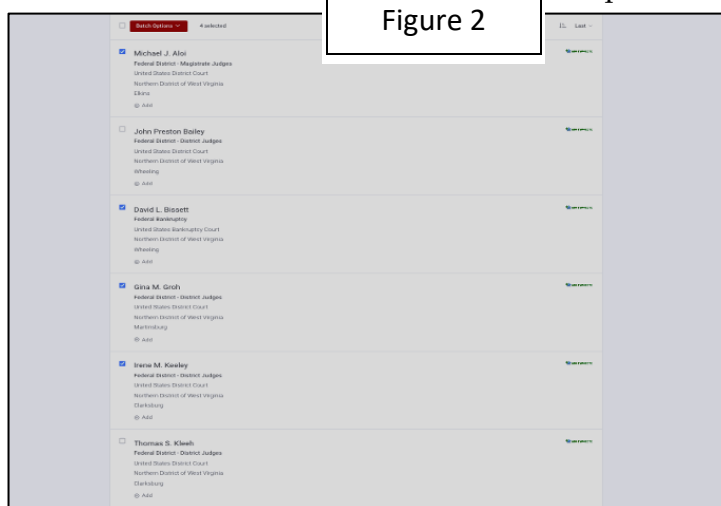


Figure 2

to

3).

J	K	L
ip	Salutation	Last_Nam
0007-1501	Judge	Abrams
1701-2566	Judge	Abrams
5203-2000	Judge	Acker
7204-2802	Magistrate Judge	Acosta

Figure 4

Salutation	Last Name	Address
The Honorable	Full Name	Court General
The Honorable	Ronnie Abrams	United States District Court
The Honorable	William M. Acker, Jr.	United States District Court
The Honorable	John V. Acosta	United States District Court

Figure 3

Submitting Clerkship Applications

Not all federal judges accept applications via OSCAR (which is strictly for federal clerkship applications). Students applying to state judges, or to federal judges who accept only paper applications, must usually send their applications through the mail (some state judges use Symplicity, or their own online application system; some accept via email). Some aspects of applying to judges through the mail are the same: You also will provide a spreadsheet to the CDO for your letters to be produced via mailmerge – the difference is your letters will be printed and provided to you in sealed envelopes for inclusion with the rest of your application materials, rather than being converted to PDF and uploaded to OSCAR.

It is important that hard-copy materials are printed on high-quality paper. Your cover letter and resume should be printed on white or off-white “resume” bond paper. Your writing sample (and writing sample cover page) can be printed on regular photocopy-quality paper.

Send your materials in a flat 9 inch by 12 inch envelope. It can be manila or white, or match your resume paper. Addressing the envelope is important too. The judge, and the personnel in the judge’s chambers, are paying attention to your professionalism. You should use address labels, available from any office-supply store. Use a typewriter or a printer to print the “to” and “from” addresses. Affix them neatly to the envelope. There are templates, typically referenced on the blank label packaging, to help you print labels.

