

APPLYING TO THE US SUPREME COURT

Students with a lofty class rank, law review editorial experience, and great summer and/or part-time experience may want to apply for a clerkship with a Justice of the United States Supreme Court. Clerkships with Supreme Court Justices are extremely competitive, but if secured, are also the most prestigious and can provide you with a unique perspective of the law and our country's legal system.

Because of the competitiveness involved in obtaining these clerkships, there are a few strategies that are usually implemented. Be aware that you need to have something extra special that sets you apart from the rest of the applicant pool. One judge stated that "just being" top 10% and editor of law review is not enough.

The most successful strategy is to first clerk for a "feeder" federal appellate court. These courts regularly send their clerks on to clerk with the U.S. Supreme Court. Feeder courts change over time, but all of these courts have one thing in common: the appellate court judge has a personal relationship with one of the Supreme Court Justices. Consequently, the feeder court judge's recommendations carry more weight than the recommendation of a judge who does not have such a relationship. To determine which courts are feeder courts, consult with former clerks and/or your professors.

A similar strategy is to use the "Clerkship-Practice-Clerkship" model. This strategy entails doing an initial clerkship with a federal appellate court judge, practicing as an attorney in either a government capacity or with a private firm for a year or so, and then applying for a Supreme Court clerkship. A number of the justices prefer to hire clerks who are a bit more seasoned and require that their clerks have a year or two of real world experience.

Regardless of which strategy you choose to use, be aware that the common denominator for either strategy is a previous federal appellate court clerkship. Without an initial appellate court clerkship your chances of securing a Supreme Court clerkship are dramatically reduced. Occasionally, however, a justice will hire a clerk directly out of law school, but this is the exception rather than the rule. Because this possibility exists, students hoping to clerk for a Supreme Court justice should apply three times. Once while in school, once while serving an initial clerkship, and once upon entering the workforce. The justices do not keep track of how many times you apply, so use this to your advantage.

If you do decide to apply for a clerkship with the Supreme Court you should apply to ALL the justices (including retired justices), unless you have a very compelling excuse. A personal disagreement with a certain justice's politics or holdings is not a valid excuse. The justices may disagree in their decisions, but they value the personal and working relationships that they enjoy with each other and with their clerks. They want clerks who will complement their chambers and contribute to the comradery within. If you don't apply to all the justices, be prepared to explain why.

Information received from Jay Jorgensen, 1999 – 2000 clerkship w/ Chief Justice Rehnquist