

## **WHAT IS A JUDICIAL CLERKSHIP?**

- Most judges hire recent law school graduates to serve as law clerks in their chambers.
- A judicial clerk is generally appointed for one year, sometimes two.
- Federal judges typically have one to four clerks, most often two or three. State appellate judges generally have two clerks and state trial judges generally have a single law clerk, if at all.
- An increasing number of judges are hiring career clerks who work permanently with the judge.
- In addition to law clerks working for individual judges (“elbow clerks”), many courts have staff law clerks, who work for the entire court and multiple judges.
- Typically, judicial clerks perform legal research, prepare memos and draft orders, write draft opinions and stipulations, assemble documents, and perform other duties as the judge may require.
- The clerk will often spend an extensive amount of time reviewing motions, memoranda, briefs, and other documents submitted to the court.
- Most judges use their clerks as a sounding board to prepare for arguments and discussions; therefore, judges often expect the clerk to be well briefed on the legal issues and facts of the various cases.
- Judicial clerks often accompany the judge to trials, hearings, and conferences, and may occasionally take part in discussions.

## **ADVANTAGES OF A CLERKSHIP**

- A clerkship is an exceptional educational opportunity.
- Clerking provides an insight into the process of judicial decision making.
- It provides exposure to the documents, procedures, and functioning of the litigation process. Attorneys who have served as state trial clerks often have the advantage when dealing with procedural matters.
- It provides the opportunity to strengthen analytical skills and legal writing abilities.
- Often judges will serve as mentors to their law clerks, providing the clerks with insights into the practical aspects of law practice and suggesting additional preparation for each clerk's future career.
- Legal employers recognize the benefits of the clerkship experience and consider them heavily in making hiring decisions. Some of the larger law firms prefer their new associates to have served a clerkship and many give large hiring bonuses to former clerks.
- Law clerks gain exposure to local practice and to the local bar where they will practice, particularly if the clerk is at the state court level.
- A clerkship with a specialty court will enable the student to develop an area of expertise upon which to build a future legal practice.
- A recommendation of a judge, known in the legal community, will carry a great deal of weight with potential legal employers.
- Clerking for a year or two following graduation can make the transition into law practice easier.

## **DISADVANTAGES OF A CLERKSHIP**

- The work load is sometimes extremely heavy.
- An eccentric judge can make for an unpleasant year or two.
- Endless research and writing (which is not for everyone).
- Salary. Federal clerkships generally start at the GS-11 rate with a locale pay, but salaries at state courts are all over the board, ranging from the 60's to as low as \$30,000 year.
- If you clerk for a specialty court, such as bankruptcy, you may be "pidgeon-holed" into a practice.

## **CLERKSHIP OPTIONS**

Judicial clerkships are available on both the federal and state levels.

### **The Federal Courts**

Federal courts hear cases when the questions of law involve federal law, the United States government is a party in the case, or there is diversity of citizenship between parties (i.e. the parties are citizens of different states).

Following are the various United States Federal Courts:

- *The United States Supreme Court*
- *United States Courts of Appeals*
- *United States District Courts*
- *United States Bankruptcy Courts*
- *Specialty Courts:* A number of Special Courts have been created to resolve disputes in specific areas. These courts include:
  - *U.S. Court of Federal Claims:*
  - *U.S. Court of International Trade:*
  - *U.S. Tax Court:*
  - *U.S. Court of Appeals for the Armed Forces:*
  - *U.S. Court of Veterans Appeals*
- *Administrative Law Judges*

### **The State Courts**

These courts hear cases dealing with issues arising under state law, including contract disputes, torts, criminal prosecutions, divorce and custody matters, and probate of estates.

Following are the various state courts:

- *Highest State Appellate Court/State Supreme Court*
- *Intermediate Appellate Court/ State Court of Appeals*
- *State Trial Courts/State District Courts*
- *Specialty Courts:*
  - *Hawaii Land Court*
  - *Las Vegas Family Court*
  - *Delaware Court of Chancery*