Appendix C

SOME COMMENTS ON CLERKING
FROM CORNELL LAW SCHOOL GRADUATES...

Abigail Marshall ‘04
Hon. Maryanne Trump Barry
U.S. Court of Appeals for the Third Circuit
March 22, 2005

...my only other comment would be to encourage anyone who is considering a clerkship to apply. It has been an invaluable experience on a variety of levels - I feel like my legal writing has improved dramatically, which is perhaps the biggest bonus. A close second is the relationship you cultivate with your judge. On a personal level, it is of course rewarding, but on a professional level it provides insights into effective argument, presentation, and delivery skills that I think are so important for us as young lawyers. You see what sways judges’ opinions, what doesn’t and what makes them downright mad.

Peter Riesen ’03
Senior Judge John P. Wiese
U.S. Court of Federal Claims
March 31, 2004

What I have quickly learned is that, in addition to the writing and research, an elbow clerk’s job requires that he or she strike the important balance between respect and candor. Judges can be fearsome individuals, and it is natural to accord them a great deal of respect. But the best opinions are written after both clerk and judge have stood up for their positions and have engaged in plain-spoken debate. I would argue, in fact, that many clerks are chosen, not just by how well they will get along with their judge, but by how much the judge thinks they’ll be able – again, all the while being respectful–to stand up to the judge, to provide the judge with a well-argued second opinion. On short, clerks are judges’ reality check.

Jonathan Fischbach ‘02
Hon. Kermit V. Lipez
U.S. Court of Appeals for the First Circuit
February 20, 2003

“It’s difficult to imagine becoming a truly effective litigator without spending at least a year inside the head of a judge. After six months as a law clerk, I can instinctively differentiate between those legal arguments an appellate court will find worthy and those that will be dismissed as meritless.”

Kirsten Stolte ’02
Hon. Frederick J. Scullin, Jr.
U.S. District Court for the Northern District of New York
February 20, 2003

“Working for a federal district court judge brought the law alive for me. I watched jury trials, oral arguments on motion days and drafted opinions on a range of issues that I doubt I’ll ever be exposed to again. I learned how a courtroom functions. Now that I’m working at a firm, I realize how little I knew about the practical workings of the court when I started my clerkship. And, it matters. Firms rely on past clerks for knowledge about individual judges and even broad questions of local and federal civil procedure.”
Shelly Detwiller ’99  
**Judge Miriam Goldman Cedarbaum**  
U.S. District Court, Southern District of New York  
February 14, 2000  
“I am excited to be in the early stages of my legal career, and I think a clerkship is a great beginning. It is so far a very challenging and rewarding position.”

Stephen A. Mutkoski, Jr. ‘97  
**Chief Judge Jackson L. Kiser**  
U.S. District Court, Western District of Virginia  
January 29, 1998  
“I really cannot say enough about how positive the experience has been, and I still have another seven months to go. I truly wish that more students would seek out clerkships.”

Anton Pal Montaño ‘97  
**Judge Lucius D. Buntion III**  
U.S. District Court, Western District of Texas  
January 29, 1998  
“I could not put a price on this experience, nor imagine how different an attorney I would be without it.”

Russell Yankwitt ’96  
**Chief Judge Thomas C. Platt, Jr.**  
U.S. District Court, Eastern District of New York  
February 5, 1997  
“In a nutshell, working for a federal district court judge is a truly wonderful experience.”

Chris VanArsdale ‘96  
**Judge Jackson Kiser**  
U.S. District Court for the Western District of Virginia  
February 4, 1997  
Working with the Judge has been a tremendous learning experience. I was surprised (pleasantly) by the degree to which he relies on my co-clerk and me in making decisions and writing opinions. He requires a detailed bench memorandum for every dispositive motion and some non-dispositive motions. In attempting to set down the reasons supporting a particular ruling, it is not uncommon for me to arrive at an understanding of the facts or the importance of certain legal authority which conflicts with the Judge’s rulings. After discussing these concerns with the Judge, it is also not uncommon for him to alter his initial rulings. Of course, if he disagrees with my assessment of a case, well...he wins.

Patricia Warth ’96  
**Senior Judge Raymond Pettine**  
U.S. District Court for the District of Rhode Island  
I have learned a great deal from this clerkship about the law in general, legal writing, and motion practice. Simply put, clerkships provide a variety of invaluable opportunities to learn. I obtained this clerkship because of the support and assistance of the clerkship committee, namely Professor Farina. I encourage students to develop positive relationships with members of the faculty by participating in class discussions and visiting professors during their office hours. Finally, I encourage students to put aside their concerns about money. While I am not living an extravagant lifestyle, I am comfortable.
David D. Oberg ‘95
Judge Jonathan H. Link
Alaska Superior Court
May 1, 1996
My clerkship has taught me invaluable lessons in how the judicial system works and how judges think. I have dealt with approximately 1,000 motions since August of 1995, with items ranging from motions to amend pleadings to complex motions for summary judgment. Where a first year associate with a large law firm might deal with several large matters, I have dealt with hundreds of civil and criminal cases, in every stage of litigation.

Lori Baker ‘94
Judge Janis Graham Jack
U.S. District Court for the Southern District of Texas
March 20, 1995
The work is very interesting. The Judge requires her clerks to be present for all hearings, trials, and even phone conferences. Therefore, I am in court almost every day. The cases are divided between myself and the other clerk mostly on the basis of interest. However, there are certain areas that neither of us are interested in, such as bankruptcy and tax. These cases are therefore assigned on a rotating basis. Each week the Judge, her two clerks, the magistrate’s clerk, and the pro se clerk meet to review all pending motions. The magistrate’s clerk is included in these meetings because the magistrate administers the Judge’s social security cases. The pro se clerk handles the Judge’s prisoner civil rights and habeas corpus cases. Each clerk is responsible for the pending motions of their respective cases. The clerks write memoranda and proposed orders for each motion. They then discuss the motion with the Judge and write the final order.

The clerks here are not assigned criminal cases; these cases are briefed by Pre-Trial Services. However, the Judge does rule on all discovery disputes herself, rather than refer them to the magistrate as other judges often do. Therefore, we occasionally have last minute telephone conferences to settle these disputes.

Although my Judge requires long hours, this has been an outstanding experience. I have found the jury trials insightful and have occasionally been surprised at the verdict. It is interesting to watch the jury and attempt to once again view cases from a layperson’s perspective.

Janet Durholz ‘94
Judge Richard Cardamone
U.S. Court of Appeals for the Second Circuit
February 15, 1995
Judge Cardamone likes to hire Cornell graduates, in part because winter in upstate New York holds no surprises for them. The Judge’s regular chambers are in Utica, a small city located just south of the Adirondacks, but we travel to Manhattan every six weeks or so to hear cases argued.

My work is fairly cerebral. Unlike a district court clerk, I don’t have to make decisions about motions and orders on short notice. At the appellate level, I can often rely on the briefs submitted by the parties to give me an accurate and thorough sense of the law on point, so my research is simplified.

Before each New York sitting, we spend about two weeks reviewing the cases to be argued and writing “bench memos” that summarize the briefs for the judge. I find this fun, because of the diversity of cases that come to us, and the speed with which we review them. During our week in the city, we discuss each day’s cases with the judge, and spend the rest of the morning listening to the arguments. After we return to Utica, our time is mostly devoted to drafting opinions and reviewing drafts from other chambers until the next sitting looms.

I’d say the single most unexpected aspect of my clerkship is how much responsibility we clerks have for the decisions that are reached. The judge relies heavily on our input when he casts his vote. Often, in a technical
or complicated case, the clerks have a much better grasp of what is going on than do any of the judges on the bench. The worst thing about clerking for Judge Cardamone -- who is, by the way, the kindest man on this planet -- is that absolutely all his former clerks tell us that this is the best job we’ll ever have.

Susan Woolf ’94
Senior Judge John C. Godbold
Eleventh Circuit Court of Appeals
March 16, 1995
I highly recommend clerking for a year or two to anyone who is remotely interested. The fact that you have an opportunity to be behind the bench and observe what goes into the decision-making process makes the experience unparalleled to any other experience you might have in your legal career. I am going to focus on a few aspects that have made my experience clerking for a senior judge unique.

A senior judge is a judge who, due to a combination of age and years on the bench, takes senior status and thus a lighter load of work. Because of their lighter load, senior judges have fewer clerks than active judges; most have two clerks, while others have only one. Also, many senior judges travel to other circuits.

Senior judges have the opportunity to sit by designation with other circuits. For example, while Judge Godbold is a Senior Judge with the Eleventh Circuit Court of Appeals, he has sat by designation with almost every other circuit at one time or another. As his only clerk, I have accompanied him on all out-of-town sittings, which have included sessions with the 2nd Circuit (New York), 7th Circuit (Chicago), and 10th Circuit (Denver), among others. Not only is the traveling in and of itself enjoyable, but the traveling also has provided the opportunity to observe the proceedings in other circuits, see how a variety of judges conduct court, and talk to many clerks about their experiences.

I strongly encourage you to apply for clerkships regardless of your class rank or grades and regardless of your career plans. Also, contact Cornell Law alumni who are clerking or have clerked to get inside information on a particular judge or judges within the same court.

Jamon A. Jarvis ’93
Judge Howard D. McKibben
U.S. District court for the District of Nevada
June 29, 1994
Judge McKibben’s court is located in Reno, but he is also required to spend approximately two weeks every other month sitting on the bench in Las Vegas. My co-clerk and I alternate accompanying the Judge during his time in Las Vegas. Judge McKibben also sat on a panel for the Ninth Circuit Court of Appeals in Seattle last November. I accompanied him to Seattle and also assisted him in preparing bench memoranda for the other judges on our assigned cases. Eventually, I prepared the initial drafts of the dispositions for several of the cases we heard.

I have interviewed with several firms and agencies since both accepting and beginning my clerkship. The comments I have received about my clerkship have been almost unanimously positive. One potential employer stated that he believed the experience received in one year of clerking for a judge, especially in a trial court, was the equivalent of two to three years of experience in a private firm.

A typical week in Judge McKibben’s chambers involves many different activities and duties. Our first responsibility is to handle the cases assigned to us. Nevada has one of the highest caseloads per judge in the country. Therefore, the Judge needs his clerks to sift through many of the motions or other matters submitted to him, research the issues involved, and offer a recommendation as to how those issues may be resolved. This is done both through writing memoranda that outline the facts and issues of a particular motion or case, and through orally advising the Judge on submitted motions or other issues and their possible resolution. Judge McKibben relies heavily on his clerks to present concise explanations of pending matters and to offer logical and legally sound recommendations.
Our other activities depend on what is occurring in court for that week. If we have a jury trial, we are responsible to basically take care of the jury while they are in the courthouse. We act as a spokesperson, when necessary, between the Judge and jury. We also provide the jurors with any administrative information they might need. Judge McKibben also encourages his clerks to spend time in the courtroom observing oral argument, pre-trial conferences, and bench or jury trials. This has been probably the most enjoyable and beneficial part of my clerkship. Other duties can include assisting the Judge in preparing for one of his many committee assignments, handling inquiries from attorneys or other interested parties regarding the status of certain cases, or dealing with “emergency” motions such as temporary restraining orders. The work is fairly demanding, but also educational and enjoyable.

Economically, my clerkship has been “tight” but certainly manageable. I contacted several of my student loan lenders before beginning my clerkship to discuss my options for diminishing or postponing my loan payments. I found most of these lenders, including Cornell University, to be very cooperative in assisting me to structure my loan payments in a manner that would allow me to do this clerkship. I would recommend that no student pass on a clerkship opportunity due to finances.

I want to emphasize how valuable I believe the judicial clerkship experience to be. I would encourage any student with interest in a judicial clerkship to pursue that interest vigorously. I would be happy to discuss with any interested student my clerkship experience should any further questions arise.

Lisa Pirozzolo ‘92

Judge Franklin S. Billings
U.S. District Court for the District of Vermont
February 11, 1993

Greetings! I am enjoying my clerkship with Judge Billings and am happy to share with you and others at Cornell Law School some perspectives on the experience.

The aspects of the clerkship that I most value are: the direct contact with Judge Billings; the opportunity to observe the legal process from the perspective of a decision maker, rather than a litigant; frequent observation of court proceedings; and the chance to research and write on different areas of the law.

Kimberly Hult ‘93

Chief Judge Joseph L. Tauro
U.S. District Court for the District of Massachusetts
May 2, 1994

I strongly recommend applying for a clerkship. My experience during the past eight months convinces me that it is an incredible opportunity for a recent graduate.

From what I have heard (and experienced), law firms and government agencies are usually extremely interested in law clerks. A clerkship is almost a prerequisite for some jobs—such as teaching and Assistant U.S. Attorney positions.

I have found my clerkship to be educational (you are constantly amazed at how much more there is out there to learn) and exciting. Not many people straight out of law school have the opportunity to spend as much time in the courtroom. And it is an excellent opportunity to develop a mentoring relationship.

Approximately half of my time is spent preparing “bench memos” or memoranda to the Judge, describing the status of cases that are coming in for conferences. Sometimes that involves briefing all of the issues on a summary judgment motion. Often, it simply means that we summarize what discovery has already occurred on a case, and what remains to be done before we can schedule a case for trial. I then sit in on all of the conferences, motion hearings, and trials that I have worked on—as well as hearings, etc. on any interesting cases that my co-clerks may have.
The rest of my time is spent researching and working on drafts of opinions. As you might imagine, the amount of time I spend working on any draft varies substantially.

Our hours are very reasonable. You could do all of your work in 40-45 hours a week. Vacation time is usually pretty flexible, and Judge Tauro does not mind if you take the bar exam during your clerkship. Judges will vary on this, though, so check with the individual judge.

One last note: a lot of big city law firms provide substantial bonuses for people who clerk. You may also enter a firm with credit for your clerkship time. If you are planning to go to a law firm, check it out. But I really believe that if you want to clerk, there is a way to swing the finances.

Deciding to apply for a clerkship was the best decision I made in law school.

Matthew J. Rita ’92  
Chief Judge Joseph L. Tauro  
U.S. District Court for the District of Massachusetts  
January 25, 1993  
My clerkship with Chief Judge Tauro has proven to be everything I had hoped it would. The only negative aspect of the job is that it’s going to end in eight short months!

As far as advice to future applicants is concerned, I would offer the following. First, they should be aware of the differences between a court of appeals clerkship and a district court clerkship. For whatever reason, many students assume that the former is “better” than the latter. The reality, however, is that each offers a very different--and equally valuable--experience.

Boyd M. Johnson III ’92  
Senior Judge Laughlin E. Waters  
U.S. District Court for the Central District of California  
March 3, 1993  
Working for Judge Waters here in Los Angeles has been the most exciting legal experience I have ever had. Because I was able to gain the Judge’s confidence in the first few months, I have received a substantial amount of responsibility. For example, I recently recommended to the Judge that he grant two summary judgment motions involving over three million dollars. The Judge granted both of the motions and allowed me to write opinions supporting the orders.

The most satisfying aspect of my clerkship experience has been the relationship I have developed with the Judge. While he has always been a wonderful mentor, Judge Waters has also become a trusted friend. In fact, I consider the Judge one of my best friends here in Los Angeles.

I would encourage anyone at Cornell Law School with a good personality and interesting educational and extracurricular experiences to apply for clerkships here in the Central District of California.

I would encourage any student interested in becoming a significant part of the federal judicial system and in demystifying the trial process to apply for a clerkship at the district court in Los Angeles. I have thoroughly enjoyed my first five months as a law clerk to Judge Waters, and I am looking forward to the balance of my term with great excitement.

Rusty Wilson ’92  
Judge Ernest C. Torres  
U.S. District Court for the District of Rhode Island  
The clerkship so far has been a blast. The combination of the variety of issues that arise, the fairly serious responsibilities the job entails, and the chance to see a never ending parade of legal wizards and buffoons in
the courtroom is both an effective and enjoyable way to view and understand the legal system. But then, this is no secret, and I am sure that you and most students already know this.

As far as duties go, we do the basic clerkship kinds of things. We brief the judge on new cases, write memos on dispositive motions, take notes during trial, discuss legal issues, and draft opinions. Generally, at least one clerk goes to court during trials (especially bench trials), and there is usually time both to sit in court and also get your work done; when there isn’t, you either miss court or stay later (and with the insanity that happens in court, staying later is usually worth it).

Amy Weissman ‘92
Justice Christine Durham
Utah Supreme Court
February 3, 1993

Clerking is quite possibly the best job one can obtain after law school, and I would love to see more students take advantage of the opportunities such a position offers.

The clerkship experience is truly first-rate. Among its advantages are the ability to consider a wide range of legal issues, to interact with great legal minds (of judges as well as other clerks), and to contemplate the broader implications of individual cases. On an appellate court, the latter is especially true. As a clerk for the highest court in Utah, I am constantly alert for ideas, sentences, or even mere words, that, while seeming innocuous, might affect future cases in ways I might not have anticipated. On a more practical level, clerking exposes one to legal writing and oral argument from a perspective different from that of any advocate. Reading countless briefs and viewing oral argument teaches a clerk to distinguish good writing from bad, persuasive arguing from mere talk. These skills would benefit any lawyer, and the ability to evaluate one’s work from the viewpoint of the judge and clerk who will read it can only enhance the final work product.

In terms of qualifications, I want to encourage all students to apply regardless of rank or grade point average. Nor is law review experience essential, especially for students who have other significant writing experience. Different judges look for different skills, and there’s no telling what might interest a judge.

One last word of advice: don’t overlook state court clerkships. While federal clerkships may seem prestigious, especially for Ivy League law students, state clerkships can offer exciting opportunities and may include broad exposure to federal law.

Steven Nadel ‘92
Justice David Harris
Iowa Supreme Court
February 22, 1993

My clerkship has been professionally and personally rewarding beyond my greatest expectations!

I believe that, for reasons unknown, and from my experience, unjustified, Cornell students overlook state courts when seeking clerkships. State court clerkships provide the opportunity to clerk for the highest court in the jurisdiction and greatly sharpen both practical skills (researching and especially writing) and theoretical skills (I spend hours each week discussing and debating legal theory and social policy with Justice Harris).

Cornell students attach a mystique to clerkships, believing these jobs to be reserved for only those at the top of the class. If students would expand their search for clerkships to include state courts (and federal courts in their home state if in a region without law schools of Cornell’s caliber) they would find the competition less intense, both in terms of number of applicants and academic achievement.