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Why Clerk?

Clerking for a judge or for a court is a unique experience, as is the process of applying for a clerkship. The Office of Judicial Engagement and Professional Development developed this handbook as a guide to the wide variety of clerkship opportunities and their application procedures. Your first step in approaching the clerkship application process is to read this handbook! Then, seek advice from Elizabeth Peck, Assistant Dean for Judicial Engagement and Professional Development, or another member of the Faculty Clerkship Committee (Professor Sherry Colb, Chair; Professor John Blume; Professor Angela Cornell; Professor Michael Dorf; Professor Maggie Gardner; Professor Josh Macey; and Professor Nelson Tebbe). Do not forget that other faculty members who have clerked can be valuable resources as well. Consult the list posted here.

We recommend that you speak with Dean Peck during the second semester of your first year to begin a discussion of clerkships. That said, it is never too late to consider applying for clerkships, so you should feel free to seek advice when the time is right for you.

Overview of the Job and the Options

Law clerks have been a vital part of the judiciary for more than a century. Titles and duties have varied throughout history; indeed, a law clerk’s duties have never been statutorily defined. No two judges use their clerks in precisely the same manner, but generally speaking, a law clerk’s fundamental duty is to assist the judge (or judges) with the disposition of cases. Typical tasks include conducting legal research, drafting, editing, proofreading, preparing bench memos, analyzing issues before the court, reviewing papers, and briefing the judge. A clerk may also be responsible for library maintenance, document assembly, and, if the clerk is working for a trial judge, they may assist at trials and other courtroom procedures.

Judicial clerkships are available in federal, state and municipal courts across the country. In courts of general jurisdiction, law clerks work on a wide range of civil and criminal issues. Specialized courts such as the U.S. Bankruptcy Court, the U.S. Tax Court, and the Court of International Trade also provide quality clerkship opportunities. In specialized courts the range of issues addressed is narrower, but the experience can be especially interesting if you plan to specialize in that particular practice area.

On the federal level, a general provision for each court authorizes the hiring of law clerks, and the number of clerks is set in the annual Financial Services and Government Appropriations Act. At present, each Supreme Court justice is authorized four law clerks; each circuit judge, three; each district judge, two; each magistrate judge, one; and each bankruptcy judge, one or two. Senior judges have an allotment of clerks based on the caseload they choose to carry. The majority of these clerkships are one-year positions. However, a significant number of federal judges prefer two-year clerkships, which allow a clerk in their second year to train a successor. Also, some judges will opt for a permanent, or “career,” clerk(s), therefore they do not hire new clerks each year. Additionally, all federal appellate and some district courts are authorized a varied number of staff attorneys, who perform duties for the entire court. These may be one- or two-year clerkships, or, in some cases, career positions. Finally, some federal agencies have clerkship opportunities as well.

A vast number of clerkships are available on the state level, and as the size and structure of state court systems vary, so too do the type and availability of state court clerkships. Some state court clerkships are one-year positions (e.g., the New Jersey Supreme Court) and some are two-year positions (e.g., the New York Court of Appeals Central Staff clerkships). Many state courts hire clerks as permanent staff rather than hiring new term clerks annually.

The Benefits of a Judicial Clerkship

Judicial clerkships are an outstanding learning experience. A judicial clerkship provides the opportunity to hone research and writing skills while being exposed to a wide variety of legal issues. Furthermore, a clerkship offers insight into the judicial process and provides practical familiarity with the litigation process. Because law clerks have the opportunity to observe a large number of attorneys in practice, the experience exposes them to a wide range of legal styles and abilities. It may also provide insight into local legal employers that can inform decisions about permanent employment.

A significant benefit of a judicial clerkship is the mentoring relationship that often develops between a judge and their law clerks. The relationship is almost always an intensely personal one, and former clerks will tell you that the professional and personal relationship lasts well beyond their careers.

The experience and training obtained in a judicial clerkship is valued by most law firms, public interest organizations, government agencies, and corporations. Large private firms often pay clerkship bonuses and provide a year of “credit” toward partnership when associates return from their clerkships. The U.S. Department of Justice actively recruits judicial law clerks for its Honors Program, which is the only avenue through
Some states, like New Jersey, hire hundreds of new clerks annually for one- to two-year clerkships for their trial, appellate, and highest court. Others, such as New York and California, do not hire clerks routinely since judges in those states prefer their legal staff to commit to long-term positions. Review our online state court resources here to learn more about specific states.

U.S. Supreme Court

Practically speaking, clerkships with the Supreme Court are available only following clerkships with other courts. See our website for the useful article U.S. Supreme Court Application Basics. If you think you are interested in a clerkship with the Supreme Court, speak with a member of the Judicial Clerkship Committee or a faculty member who has clerked there. You can find a list of faculty and the judges with whom they have clerked here.

U.S. Courts of Appeals

The district courts are grouped into circuits (the First through the Eleventh Circuit and the D.C. Circuit) with one court of appeals in each circuit. The courts of appeal consider appeals from their district courts and review rulings of administrative tribunals such as the Board of Immigration Appeals and the National Labor Relations Board. There is also a Court of Appeals for the Federal Circuit, which is located in Washington, D.C. This court has jurisdiction over appeals from district courts in cases involving patents and certain claims against the United States, the U.S. Claims Court, the Court of International Trade, the Court of Veterans Affairs, the Merit Systems Protection Board, the Patent and Trademark Office, the boards that decide government contract issues, and a few other Article I agencies.

The principal function of the clerk for an appellate judge is to research the issues of law and fact presented by an appeal and review transcripts of proceedings below for errors by the trial judge or counsel. Law clerks may be required to prepare bench memos, assist the judge in preparing for oral argument, draft an opinion pursuant to a judge’s directions, or to edit and cite check opinions written by the judge. Appellate clerks do attend oral arguments; however, there is significantly less time spent in court than at the trial level. Appellate opinions typically contain an exhaustive and detailed analysis of the law, and these opinions are frequently published.

U.S. District Courts

District courts have jurisdiction over cases arising under federal question and diversity jurisdiction and comprise the first level of the federal court system. District courts consider a wide range of civil and criminal matters. There are 94 U.S. district courts; they are located across each of the states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands (each state or territory has at least one district court, some have as many as four).
Since district courts are trial courts, a law clerk at this level is involved in the many decisions that take place at every stage of the litigation process. Briefs submitted tend to be shorter than at the appellate level. Decision making is fact oriented. A clerk may assist with discovery disputes, settlement conferences, pretrial, trial, and post-trial motions, and, in criminal cases, sentencing. Trial court clerks, in general, have substantial contact with attorneys and witnesses. District court opinions are published only when the trial judge elects.

U.S. Magistrate Judges
Each federal district court has magistrate judges attached to it. Each district establishes its own rules regarding the assignments that may be made to magistrate judges. Generally, these judicial officers perform many functions similar to those performed by district court judges, but they do not have the authority to make final decisions. Magistrate judges typically have a great deal of responsibility in handling the pretrial stages of cases: issuing arrest warrants, handling discovery matters, and making recommendations on motions for dismissal and motions for summary judgment. Magistrate judges can try individuals accused of minor criminal offenses and may also conduct all of the proceedings in civil cases upon the consent of all parties. Therefore, a magistrate clerk’s duties are similar to the duties of a district court judge’s clerk, e.g., writing legal memoranda, assisting with courtroom proceedings, and drafting opinions and recommendations. (Note that the appropriate title to address the Magistrate by is “Judge.”)

U.S. Bankruptcy Courts
Each federal district court has an associated bankruptcy court. The U.S. bankruptcy courts have jurisdiction over claims arising under the federal bankruptcy laws. The volume of cases and proceedings in bankruptcy court is generally greater than in other trial courts. Law clerks can expect to work on disputes involving the interface between bankruptcy law and most other areas of civil law, such as contract law, labor law and tax law. Most trials are bench trials.

Staff Attorneys and Pro Se Clerks
In addition to clerkship positions with individual judges, all of the federal circuit courts and some of the federal district courts and state courts also have staff attorney and/or pro se law clerk positions available. Titles and duties vary somewhat from jurisdiction to jurisdiction, but in general it can be said that staff attorneys and pro se law clerks perform many of the same tasks performed by law clerks for individual judges, but they work for the court as a whole or for a particular panel of judges. These tasks include legal research and the preparation of memoranda, opinions, and orders in various areas of federal law. Typically, at least one-half of the cases handled by a staff attorney are cases in which one party is proceeding pro se. Some courts, especially the circuit courts, handle a large number of pro se matters and, therefore, have pro se clerks who handle these cases exclusively.

The staff attorneys’ or pro se law clerks’ office may work under the supervision of the chief judge, a committee of judges, a single judge, a senior attorney, the circuit executive, or the clerk of the court. The basic criteria used for selecting staff attorneys do not differ from those used by the judges in selecting their personal “elbow” clerks. A demonstrated interest in and commitment to public interest law is a big plus for positions involving a substantial number of pro se cases. Some courts classify staff attorney and pro se law clerk positions as “temporary,” meaning that they are for a one- or two-year duration, like “elbow” clerks. Other courts classify these positions as permanent. While most of these positions are available to recent law school graduates, a few of the jurisdictions require several years of practice experience.

U.S. Court of Federal Claims
The jurisdiction of the U.S. Court of Federal Claims extends to actions against the United States government. About one-third of the cases involve tax refund suits, an area in which the Court exercises concurrent jurisdiction with the district courts. Because invoking the federal claims court’s jurisdiction is more difficult than that of the district court or of the tax court, the cases presented tend to involve the most complex and difficult issues in tax law. Another aspect of the court’s jurisdiction involves government contracts, among the fastest-growing areas of federal law. Other areas of jurisdiction include inverse condemnation suits under the Fifth Amendment and claims by Indian tribes for unfair dealing by the U.S. government.

U.S. Court of International Trade
The U.S. Court of International Trade has nine judges and is based in New York City. This court hears cases involving the customs laws of the United States. The court rarely hears cases involving public international law, but most of the law clerks hired have studied international law in law school.

U.S. Tax Court
The U.S. Tax Court has jurisdiction over controversies involving deficiencies determined by the Commissioner of Internal Revenue in income, estate, and gift taxes, and other cases involving federal tax law. The principal office of the Tax Court is in Washington, D.C., and all clerks are located there. Although the court holds sessions throughout the country, clerks
do not travel with the judges. The U.S. Tax Court is part of the legislative branch, and these judges are not listed on OSCAR. The summer between your 2L and 3L years is typically a good time to apply for a U.S. Tax Court clerkship. For additional information, see the resources located here.

U.S. Court Of Appeals for the Armed Forces
The U.S. Court of Appeals for the Armed Forces, formerly known as the Court of Military Appeals, exercises appellate review of court-martial convictions. Located in Washington, D.C., its jurisdiction is world-wide but encompasses only questions of law arising from courts martial in the United States Army, Navy, Air Force, Marine Corps, and Coast Guard in certain specified instances. Its decisions prior to 1984 were final, but now are subject to review by the Supreme Court. The five judges are civilians appointed for 15-year terms by the President. While this court hears only cases relating to the United States Military, law clerks are not required to be active service members to apply for these clerkships.

U.S. Court Of Appeals for Veterans Claims
The United States Court of Appeals for Veterans Claims has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans’ Appeals, an entity within the Department of Veterans Affairs. Located in Washington, D.C., the court provides veterans an impartial judicial forum for review of administrative decisions by the Board of Veterans’ Appeals that are adverse to the veteran-appellant's claim of entitlement to benefits for service-connected disabilities, survivor benefits, and other benefits such as education payments and waiver of indebtedness.

Federal Administrative Agencies
A number of positions are available in which attorneys act as clerks to Administrative Law Judges (ALJs). Unlike federal judges who are appointed for life or specific terms, ALJs are U.S. Government employees. ALJs conduct formal administrative hearings and issue decisions based on trial-type proceedings. Typically, appeals from these decisions are made to the federal courts of appeal. Working as an ALJ’s law clerk can be useful to your career, especially if you plan to practice in the particular area of law in which the agency specializes. The best resource on this topic is compiled by NALP, which you can find on our website.

How and When Should I Apply?

Federal Courts

OSCAR
Understanding when individual judges wish you to apply is a challenge. Judges do not articulate their preferences at the same time, so this information is not available all at once. The best tool available for ascertaining when and where to apply is the Online System for Clerkship Application and Review (OSCAR).

OSCAR is a website developed by the Administrative Office of the U.S. Courts (AO) to facilitate judicial clerkship applications. The AO lists every federal judge in the OSCAR database. However, each judge decides to what extent they will utilize the OSCAR system—typically dividing judges into three categories:

- Judges who do not use OSCAR at all will have greyed out names and will not be linked to a record
- Some Judges will use OSCAR to communicate available clerkship positions and their preferred method of receiving applications
- Some judges will use OSCAR to receive applications via electronic upload

Using OSCAR
The OSCAR site is very user friendly. Your first step is to create a profile in OSCAR by clicking on the “Register Now” button on the home page. Once on your home page, you should use the video tutorials, tip sheets, and other resources to familiarize yourself with how to use the site. It is very useful to sign up for delivery of a weekly email from OSCAR, which announces newly posted clerkships.

Applying Electronically via OSCAR
If a judge requires you to apply electronically via OSCAR, you should, of course. Applying electronically involves uploading all of your application materials and selecting your recommenders so that their recommendation letters will be uploaded. Detailed instructions are available in the OSCAR tip sheets and video tutorials.

If the judge gives you a choice – OSCAR or hard copy – you should think strategically about the decision. Because it is easier to apply via OSCAR, you will be competing with a larger pool of applicants. Also, judges can filter applications by class rank, so if you are not ranked, a paper application may be a better approach.
Applying with Hard Copy Materials

Some judges prefer that you submit hard copy materials. You will know that a federal judge wants hard copy materials because (a) they have expressed that preference via their Hiring Preferences section of OSCAR, or (b) the judge has no information on record in OSCAR. For judges in group (b) or where the information is clearly out of date, it is perfectly appropriate to call the judge’s chambers to gather more information.

For each judge to whom you apply, you will need to:

1. Assemble a resume, cover letter, reference list, writing sample, transcript, and a law school grading policy. If you want to mail merge your cover letter, using judges’ contact information in the Symplicity clerkship database, see these instructions.

2. Request your hard-copy letters of recommendation. Instructions are here.

Application Timing for the Class of 2020 & 2021

In response to concerns from law school faculty and administrative deans, as well as feedback from clerks, the Chief Judges of the U.S. Courts of Appeals for the Second, Seventh, Ninth and DC Circuits developed a new Federal Law Clerk Hiring Plan, which they announced through OSCAR in late February of 2018.

Here's the plan in a nutshell:

OSCAR access: On February 6, 2019, members of the class of 2020 obtained access to an OSCAR account, uploaded documents, searched for clerkship positions, and built online applications; on June 17, 2019 OSCAR will release those applications to judges. On February 5, 2020 members of the class of 2021 will obtain access to an OSCAR account, upload documents, search for clerkship positions, and build online applications. On June 15, 2020 OSCAR will release those applications to judges.

Hiring timing: Participating judges will not accept applications (via OSCAR or otherwise) conduct interviews, or make offers until June 17, 2019 for the class of 2020 and June 15, 2020 for the class of 2021.

Offer window: Judges must leave offers open for at least 48 hours - so no exploding offers!

This is a voluntary plan: individual judges or groups of judges may choose to participate but are not required to do so. As of April 2019, notifications on their websites indicate that the D.C. Circuit, First Circuit (“majority” of judges), Second Circuit, Third Circuit, Seventh Circuit, Ninth Circuit as well as the District of Connecticut and District of Massachusetts will participate. The roster of participating jurisdictions is being kept current on NALP’s website, here, so please refer to that page for updates to the above list. Many judges in other jurisdictions will also voluntarily participate.

For students in the class of 2021, the new hiring plan provides a lot of time to prepare your application materials for federal judges, which will, hopefully, reduce the stress of the clerkship-application process.

Between now and spring 2020, see below for some considerations for class of 2021 clerkship hopefuls interested in federal courts.

Your Next Steps

Select classes carefully

As you select your courses, try to enroll in more than one class with your favorite professors, especially those in whose classes you've earned high grades in the past. The more opportunity a professor has to observe your performance and get to know you, the better your recommendation letter will be.

Take smaller classes so you'll have a greater likelihood of getting noticed and building a relationship with your professors.

Enroll in writing-intensive courses to sharpen your skills and develop another writing sample option. Speaking of writing samples…

Plan early for your writing sample

Your 1L summer job is a great place to draft a 10-15 page writing sample. With this in mind, discuss this option with your summer employer so that you can work on assignments which will yield a good sample. Also, don't forget that judges will want to see writing that is your work, and yours alone, so keep early drafts of your work product. Finally, note that your employer must give you permission to use a piece of writing as a sample and all confidential information must be redacted.

Likewise, keep your writing sample in mind during the fall and spring of your 2L year. Putting extra effort into proofing and improving your writing during your second year will help you generate a solid sample or two (and some applications will call for two) by the time June 2020 rolls around.

Think about recommenders

Apply for teaching assistant and research assistant positions. Professors often form strong bonds with their student assistants and will go the extra mile to help them get clerkships.
During your summers, talk with supervising attorneys about clerkships and recommendation letters. For many applicants, supervisor letters are a good choice to round out an application packet. In some cases, these attorneys know judges and may be willing to put in a call to a judge for you.

**Do your homework, stay alert, and keep in touch**

If you are targeting particular regions, jurisdictions, or judges, it is a good idea to get a sense for their timing early on, so that you can plan your strategy. Take the extra time to peruse the websites for jurisdictions in which you are interested and look carefully at the judges’ postings in OSCAR to get a sense of what kind of applicants they’re interested in interviewing.

Watch your email for messages from our office, as we will be monitoring developments and will work to update you regarding potential effects of the new plan.

**Make an appointment** with Dean Peck to make sure your strategy is on track.

**Application Timing for the Class of 2019 and Alumni**

Applicants from the classes of 2019 and earlier are not directly affected by the new hiring plan and should go on applying as they always have. But, the plan may cause both federal and state judges to rethink their hiring timelines for all candidates, so you’ll need to keep an eye on how things develop. Some judges have decided that they will look at **all** candidates on the hiring-plan timeline, so 3L and alumni applicants should apply to on-plan judges along with the 2L class.

When hiring clerks during their 3L year or after graduation, federal judges hire year round and on a wide variety of timetables. It is safe to say that most clerks begin work in August or September each year. Some federal judges are hiring clerks 18 months to three years in advance of their start dates. On the other hand, some judges hire only alumni clerks, so they hire on short timelines that are only feasible for graduates who can leave their jobs quickly. In rare situations, judges may hire on a very short time horizon, for example, if a clerk leaves chambers unexpectedly. Also, newly appointed judges may have immediate hiring needs.

**State Courts**


Most state courts hire students in the summer after their second year or in the fall of their third year. However, be aware that some state courts’ clerkship deadlines fall in the spring of the 2L year. Applicants may need to submit materials 18 months in advance of the clerkship’s start. If you are interested in clerkships in any of the following states, check the Guide to State Judicial Clerkship Procedures for application information: Alabama, Arkansas, Delaware, District of Columbia, Georgia, Iowa, Kentucky, Louisiana, Maryland, Nevada, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington (state), and Wisconsin. Many other state court judges accept applications on a rolling basis or at the discretion of individual judges.

**What Should My Application Packet Contain?**

You need to be prepared to supply judges with a resume, cover letter, list of recommenders, law school transcript, law school grading policy, writing sample, and three recommendation letters from members of the law school faculty.

**Resume**

As always, your resume should be carefully reviewed and updated before you send it. Appearance and content are both important. It MUST be free of spelling mistakes and typographical errors. Judges are comfortable reading longer resumes, so you needn’t worry about keeping your resume to one page. Judges interview relatively few candidates for each available position. Therefore, your paper application has to make you stand out among hundreds of applicants. A sample resume is available at Appendix B. Keep in mind these general guidelines:

- **Emphasize your intellectual ability and engagement.** Judges want clerks who are bright people with active and inquiring minds, qualities they do not necessarily measure by law school grades alone. Include all academic honors and awards, merit scholarships, etc., on the undergraduate as well as graduate level; participation in programs or activities that provided broad or intense learning experiences, or that represented academic achievement; extracurricular activities that are creative (e.g., drama) or intellectually demanding (e.g., debating).
Your GPA: Here are the options for stating your GPA:

- If you are in the top 5 ranked students:
  “GPA = x.xx - ranked number x in my class.”

- If you are in the top 5%:
  “GPA = x.xx - top 5%”

- If you are in the top 10%:
  “GPA = x.xx - top 10%”

- If you are near the top 10%:
  “GPA = x.xx (top 10% = x.xx)”

Otherwise, indicate “GPA = x.xx”

Emphasize writing experience. If you are on a journal and have published any legal jobs that involved substantial writing. Other possibilities include journalistic experience and non-legal jobs that involved substantial writing.

Give a sense of who you are and what’s important to you. Judges receive hundreds of applications from smart people at good law schools. Distinguish yourself by listing volunteer, community service, or extracurricular activities before and during law school, your interests, skills such as foreign languages, experiences such as travel, or unusual jobs. This is not the occasion for a safely neutral, “plain vanilla” resume.

If it is not a household word, explain it. It does no good to proudly list that you were a “Puffinstuff Scholar” at your undergraduate school if the judge has never heard of this distinction. For example, Boardman, Kerr and Fraser prize winners should state and define the honor. Awards, activities, programs and achievements that are not reasonably self-evident should have a clear, but succinct, explanation. Do not belabor the explanation of “typical” legal internships or jobs. Do include any unusual or significant projects.

Important: You should redraft your resume, adding all items that might fit these guidelines, and then make an appointment with Dean Peck to review and refine it.

Cover Letter

The same concerns about both appearance and content, which apply to resumes, also apply to cover letters. Your cover letter should be considered a writing sample. Even a strong resume and references may not be enough to overcome poor grammar, bad sentence structure, typographical errors, or misspellings in your cover letter. Edit and proofread carefully.

It is difficult to give generic advice about the style of this letter. Some people write a short transmittal letter that simply describes the materials enclosed. Others use the cover letter as another opportunity to emphasize what sets them apart. It is probably not worth discoursing generally on “why I want to clerk.” On the other hand, there are several situations in which a substantive cover letter clearly makes sense. If you had an extended “life before law school” - another career, substantial academic training in another discipline, etc. - you may want to briefly discuss why you came to law school and what your prior life adds to your professional legal skills. Similarly, if you are applying to a specialized court, like the bankruptcy court, you should mention any relevant experience (e.g., accounting) as well as any directly relevant courses you are taking. If you plan to practice in the geographic area, say so. Finally, if you have special interest in or connections to a geographical area, highlight them. Many judges, especially in state courts and federal district courts outside major metropolitan areas, look for people who have lived, or plan to practice, in the area. Again, we urge you to try your hand at a draft and bring it to your meeting with Dean Peck. See cover letter samples in Appendix C.

Whether simple or substantive, all cover letters should convey the following basic information:

- year of graduation and year of clerkship applied for;
- a list of what’s in your application packet;
- names of people serving as your references with a description of who they are if there is anything useful to be added on this subject (e.g., “Professor X, for whom I am working as a research assistant”);
- if the area is geographically distant, a reference to any travel plans you may have, in order to facilitate scheduling an interview. This is likely to be more effective with state court judges or geographically-isolated federal district court judges than with the bulk of federal judges, who have no trouble getting applicants to come to them.

In addition, if any of the following apply to you, include in the cover letter:

- if you have a high class rank and/or journal experience, mention this in your first paragraph;
- your journal note was selected for publication;
- you are applying only to courts in a specific geographic area because you have a strong commitment to practicing in that area;

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1 Top 5, top 5%, and top 10% information is available from the law school Registrar’s office for each semester except the fall 1L semester.
2 Rankings beyond the top 10% are not released by the Registrar’s office. You MAY NOT estimate your rank.
there is something specific about a judge’s background that makes you particularly interested in clerking for that judge (but don’t be overly obsequious).

List of References
While judges will ultimately receive letters from each of your recommenders, it will be helpful for the judges to have on hand your recommenders’ names and contact information, in the event they want to make affirmative outreach concerning your application. This list should be included as the last page of your resume. See Appendix D for a sample.

Transcript/Grade Report
Unless otherwise indicated, a photocopy of your unofficial grade report, available from the law school Registrar’s office, is sufficient. You do not need to send an official university transcript unless the judge requires it. If you have applications pending and you have received new grade information, send a copy of your most up-to-date grade report, along with a brief cover letter, to the judges to whom you have applied.

Grading Policy
Students should send a copy of the most current Cornell Law School Grading Policy for JD Students (the grading policy), and alumni applicants should include the grading policy published right after they graduated. Both current and historic grading policies are available on the Registrar’s website.

Writing Sample
Your writing sample should be the best legal writing you have done. Typically judges prefer no more than 10-15 pages, so if your preferred writing sample is longer, send a discrete section. It can be a memo from a summer job, a portion of a moot court brief, or a part of a journal note. Attach a cover page with your name and contact information. Also indicate on the cover page the extent to which the sample has been edited by someone else, the context in which you wrote it, and that you have permission to use it as a writing sample if you wrote it for an employer. (See Appendix E for a sample cover page.) Be very aware of confidentiality issues with memos and redact client-identifying information. Additionally, you should proofread the document and check your bluebook cites.

Again, if you are sending a sample that has been edited by someone else, indicate the circumstances. Be aware that some judges request a sample that has not been substantially edited by another person. You should also be sure to make clear why and when you wrote the sample, e.g., for a seminar in a particular course, as part of a memorandum for an employer, for a particular journal. If your writing sample has been accepted for publication, be sure to indicate that and send the judge the published version if it becomes available at a later time. If you are using an opinion that you worked on for a judge (e.g., in a summer intern position), do not use the phrase “opinion that I drafted” or “opinion that I wrote.” Instead, indicate that you “worked on” the opinion or “wrote a draft opinion.” This is an important distinction to some judges. When sending a draft opinion, send the unedited version you submitted to the judge, not the published opinion.

Recommendation Letters
Recommendation letters are a much more significant part of the application process for judicial clerkships than they are for many other legal jobs. During your initial counseling session with Dean Peck at the beginning of your clerkship search, review your options for possible recommenders.

Plan to arrange for three recommendation letters. The recommendations most judges will find most useful will be from permanent members of the Cornell Law faculty, although you will have to consider how well they can speak to your skills and personal qualities. One option is to secure recommendation letters from two faculty members who have taught you in substantive courses as well as one from your Lawyering faculty member, who can speak to your legal research and writing skills. It is acceptable to ask for a recommendation from a visiting professor who is a permanent faculty member at another law school. Finally, a reference from an employer can be helpful, particularly if it happens to be an employer who knows something about the judicial clerkship process or knows the particular judge. However, unless the judge specifically asks for it, an employer’s reference should not substitute for one of the required two or three recommendations for student applicants. Alumni candidates may be best served by a combination of professor and supervisor recommendation letters. Consult with the Office of Judicial Engagement and Professional Development about letter-production logistics if any of your recommenders do not work at Cornell Law School.

If you plan to apply for clerkships at any point, you should make outreach to potential faculty recommenders ASAP. It takes time for a faculty member to write a good letter of recommendation for you. We believe a reasonable amount of lead time for faculty is three weeks. Note that lead time varies with season. During very busy times for faculty, including August, December, and May, professors may need more than three weeks lead time. Speak with your recommenders about their preferences. Your letter is likely to be only one of six (or more) the faculty member will have to write on a very tight time schedule. Some members of the faculty will not write letters to more than a limited number of judges, and/or will only
recommend one applicant to a particular judge. Ask each of your recommenders whether he or she sets any limits.

After your recommenders have agreed to write for you, next you need to provide them with as much information as you can so that they can write an in-depth letter that provides judges with a rich portrait of you. Send your recommenders a copy of your clerkship resume and unofficial transcript. Also, complete a Recommender Form, located [here](#) (fourth item on list), for each recommender. Take your time completing this form and feel free to consult with the Office of Judicial Engagement and Professional Development if you have questions. If you can, plan to meet with each recommender in person to discuss your application strategy and how their letter fits into that plan.

Keep your recommenders apprised of your progress. Periodically let them know of the judges to whom you are applying so that they will know who is receiving their letters. **Do not forget to ask your recommenders to update their letters every few months if you are applying over the course of the year.** Letters can become stale if the writer uses language that refers to you at a particular time in your legal career. E.g. “Hannah is a current student in my class” or “Ben is a rising 2L.” A stale letter can hurt your application. Report back to your recommenders any success you have had! Faculty really enjoy hearing about your clerkship success.

### How Many Judges Should I Apply To?

#### Federal Judges
The number of applications you should submit is a function of your particular goals, geographic preferences, and how selective the judges are; this will be a central discussion topic in your counseling sessions. This is as much an art as it is a science. There’s no baseline number of applications you should send.

Keep in mind the following:

- **Electronic applications:** OSCAR limits the number of electronic applications that may be submitted to 100.

- **Hard copy applications:** If you request hard copy/PDF letters of recommendation for more than 100 judges per calendar year, you may need to [make an appointment](#) with Dean Peck to refine your strategy.

#### State Judges
The number of applications you should send to state court judges is guided by (1) the state(s) in which you plan to practice after your clerkship and/or to which you have ties, and (2) the types of courts to which you are applying. For some applicants who have narrowed their focus to one state and who seek to clerk only on the court of last resort in that state, the total number of applications may be in the single digits. However, when an applicant is open to clerking in more than one state and is interested in both trial and appellate-level courts, the number of state court applications can be very high. Because state court clerkship applications always require that hard copy letters of recommendation be prepared by law school staff, the number of letters requested could easily become very high, as well. **If you request hard copy/PDF letters of recommendation for more than 100 judges per calendar year, you may need to make an appointment with Dean Peck to refine your strategy.** (Note that in states like New Jersey in which applicants can send in one application to a central administrative office for dissemination to judges around the state, that application will be treated, for purposes of the limitation above, as one application.)

### What Factors Should I Consider When Selecting Judges?

Because the clerkship-hiring process tends to be idiosyncratic and because information about individual judges is hard to come by, generating a list of judges to whom to apply is also not an exact science. Still, it is in everyone’s interest for you to come up with a list that is reasonably tailored to your situation. The following sections provide some guidelines for this tailoring process.

#### Judges with a Cornell Connection
A judge’s positive experience with the Law School through a previous Cornell clerk, a visit to judge Moot Court, a personal or professional relationship with a faculty member, etc. can create special receptivity to applications from Cornellians. Contact us to obtain the following charts to help focus your search:

- Judges Who Have Interviewed and/or Made Offers to Cornellians
- Judges With Cornell Clerks (current term)
- Judges Who Are Known Personally By Someone on the Faculty
- Judges Who Are Cornell Law School Alumni/ae and Who Hire Clerks
- Judges Who Have Judged Cornell’s Moot Court Competition
- Judges Who Hired Cornellians (in most recent hiring cycle)

**Be sure you strategically consider applying to judges on these lists,** especially judges who currently have a Cornell clerk. Current clerks may be able to help Cornell applications reach a judge’s short list.

**Geographic Considerations for Federal Clerkships**

One major consideration in defining your search is geography. Think carefully about the areas of the United States to which you would be willing to move. The broader your geographic scope, the better your chances of obtaining a federal clerkship. If at all possible, try to expand your search beyond very competitive areas, namely urban areas on the east and west coasts and other areas having a large number of local law schools, like Chicago. Particularly if you are applying in distant areas, cluster your applications so that if you get an interview from one judge you can call others in the area to whom you have applied and try to pick up additional interviews on the trip.

**Geographic Considerations for State Clerkships**

State court clerkships are typically most useful to graduates who seek to practice in that state (or a nearby state) after their clerkship ends. By clerking for a state court judge, you will learn state law and procedure, and you will become familiar with the state judiciary and practitioners who appear before state court judges. In addition, while ties to a state are not essential, state judges may have a preference for clerks who have a connection to their state or who can demonstrate that they plan to stay in the state after their clerkship ends. When considering the states to which you should apply, select those states in which you have family, attended college or law school, have worked, know well, or would like to begin your legal career.

**Type of Court**

Another consideration is the level of court for which you wish to clerk. Clerkships differ, of course, depending upon the level and jurisdiction of the court. (Read the section of this handbook discussing the duties involved in the various courts.) Federal court of appeals clerkships are usually more competitive than federal district court clerkships, which are usually more competitive than clerkships with federal magistrate judges or bankruptcy judges. Similarly, in the state court systems, courts of last resort are usually more competitive than intermediate appellate courts, which are usually more competitive than trial-level courts. Think seriously about applying to courts below the courts of last resort in your chosen state(s): state appellate-

level and trial-level state court clerkships can be both intellectually interesting and useful for post-graduate job searching. You should refer to the resources mentioned above to research specific judges’ hiring criteria.

A note about “senior” and “recalled” judges in the federal system: Court of Appeals, District Court, and Court of International Trade judges have life tenure, and they may retire if they are at least 65 years old and meet certain years of service requirements. Many judges who are eligible to retire elect to continue to hear cases on a full- or part-time basis as “senior judges.” Retired Bankruptcy, Magistrate, and Court of Federal Claims judges also may be “recalled” to active service. Therefore, senior and recalled judges may have a full workload and a complete complement of clerks. If you are otherwise interested in applying for a clerkship with such judges, do not disregard them because they are on senior or recalled status.

**Stacking Clerkships and Gap Years**

Some clerkship applicants will apply for a second clerkship after securing a first.

In some cases, the applicant will seek to stack their clerkships. In other words, they will seek to secure a second clerkship that will commence immediately after the first clerkship ends. For example, you might secure a clerkship with a federal district court judge for the year following graduation. Then, you might seek a second clerkship, this time with a federal appellate judge, which will begin as soon as your district court clerkship ends. Stacking may be essential when a federal appellate court judge requires applicants to serve with a district court, or other court, before the appellate clerkship begins.

In other cases, the applicant will seek a second clerkship to fill in a “gap year,” because the first clerkship secured will not commence for a year (or two), thus leaving a gap between graduation and the start of the clerkship. We encourage you to make an appointment with Dean Peck about these possibilities and their implications for your legal career.

**Viewpoint**

If you have strong political or jurisprudential views, you need to decide before you begin the application process whether you will feel comfortable clerking for a judge whose views may be different from, or even diametrically opposed to, your own. Certainly, some conservative judges have liberal clerks and vice versa. Many clerks and judges report that this arrangement can be very intellectually stimulating. However, if you know that you will feel uncomfortable by constantly being at philosophical
odds with your judge, you should not put yourself in that situation. You are likely to gain more from the clerking experience if you are comfortable with the fit between your views and the judge’s. And you must, in the end, be confident that you can put your best efforts behind the position the judge decides to take.

Affinity
Like viewpoint, how you feel about clerking for a judge with whom you share affinity (or not) is the most important thing. If you are a member of an underrepresented group, are you seeking a clerkship with a jurist who is like you in some way? Or who, at least, is affirming and supportive of people who share your affinity? Or does that not matter to you? When you are compiling your list of judges, take an honest look at your feelings about issues around affinity so that you will apply to judges for whom you will be very happy to clerk.

What Are Some Other Strategic Issues?
Grades and Other Credentials
You do not have to be at the top of your class to obtain a clerkship. History has shown that Cornell Law School graduates in every quartile of the class have obtained federal and state court clerkships. However, you do have to be realistic about your chances. You need to assess your credentials, think about your geographic location, and the likely level of competition for the clerkships you desire. Note that some judges have very individualistic criteria, such as a preference for clerks who went to their alma mater or who will remain to practice in the community.

Between the time that you apply and the time that a judge considers your application, many months may pass. Whenever you receive new grades or wish to share a major accomplishment (like winning a moot court competition or having a note published), be sure to update all of the judges to whom you’ve applied. You can send judges updates by uploading new materials to a finalized application on OSCAR or by sending the judge a short, professional letter. This will provide the judge with useful information, evidence your continued interest in the position, and demonstrate your professionalism.

Judicial Internships
Many judges are willing to have law students volunteer in their chambers during summers or the school year to allow students to gain experience in how a chambers works and to assist the judge and clerks with their work. These positions are usually referred to as judicial internships (or externships). At Cornell, students usually take advantage of this opportunity during the summer following the first year of law school. Students may also intern for judges during their second summer or during the term.

Judges seeking law clerks generally view the experience you may have gained as a judicial intern as exceedingly valuable. Applicants who have been judicial interns have the benefit of being “up the curve” on a judge’s expectations and on the role of a law clerk. Judicial interns typically are able to develop their legal research and writing skills, and may wind up with a solid writing sample. In addition, a judicial internship may allow an applicant to develop a strong relationship with a judge, who may be willing to act as a reference or provide recommendations for your judicial clerkship search, in addition to being a valuable mentor.

Note that judges differ in their policies regarding the hiring of former interns. Some judges make it their practice not to hire former interns at all. However, many do hire their former interns and may even have a preference for them. If you have had the experience of being a judicial intern, contact the judge or clerks with whom you worked to find out how your experience as an intern can best be presented in your search for a judicial clerkship.

Financial Issues
Certainly financial considerations may limit the number of interviews you are able to accept in distant locations, as judges do not have money available to fly candidates in. Judges are sensitive to this issue, however, and may be willing to interview you when you are already visiting the area. See below for a further discussion of interviewing strategies.

Law clerks’ salaries cannot match those of some private-sector lawyers; however, federal law clerk salaries are reasonable. Recent law school graduates without post-law school experience will be appointed at about $50,000 per year. One year of post-graduate legal experience and bar membership qualifies the appointee for an initial salary of around $60,000. With three years of post-graduate experience, clerks can expect to make approximately $71,500. Salaries are adjusted to account for cost-of-living differences nationwide and can increase these baseline salaries substantially. You can look here for more information. Specific information about salary can be made available prior to accepting an offer from the employing court’s personnel representative.

State court clerkship salaries vary. For instance, New York Court of Appeals clerkships pay more than $76,000 the first year
and up to $89,000 the second year. New Jersey Supreme Court clerkships pay over $60,000.

Before you assume that you cannot afford to interview for or accept judicial clerkships, consider contacting the Law School’s Financial Aid Office for information about the availability of aid for financing interviews, student loan deferral options, and income-based repayment of your federal loans under the College Cost Reduction and Access Act.

Citizenship Issues: Federal Courts

Under federal law, most non-citizens cannot clerk for federal judges in the continental United States. That prohibition does not extend to federal courts outside of the continental U.S., namely federal courts in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Northern Mariana Islands.

For additional information regarding the employment of non-United States citizens, call the Office of General Counsel at the Administrative Office of the U.S. Courts at (202) 502-1100.

Citizenship Issues: State Courts

State-court clerkships are often a better option for most non-citizens. State courts’ requirements vary, so you should check directly with the state court(s) in which you are interested. As a general matter, though, state court judges do not require their clerks to be U.S. citizens. Note, however, that even if citizenship is not required, non-citizens may encounter visa issues, so this is a topic that applicants should consider carefully before applying.

Clerking and Course Selection

There are no “required” courses for clerking, but it is a good idea to keep your clerkship plans in mind as you put together your second- and third-year curriculum. Moreover, some judges will like to know that you have taken, or intend to take, certain courses that will come in especially handy given the nature of their docket. Also, always look for opportunities to improve your legal writing. Be careful about when you take S/U courses. If you take several mandatory S/U classes in one semester, a judge may (wrongly) think that you weren’t working to your maximum potential. Finally, be sure to enroll in a few smaller courses which will allow you to get to know your faculty better. The better a professor knows you, the better a recommendation from that professor will be.

For a federal court clerkship, you may want to take Federal Courts which, among other things, will acquaint you with special issues involving the Article III judicial power and the most important federal causes of action. In addition, for your 3L year, you should also consider the Federal Appellate Practice course, co-taught by a federal appellate court judge. If criminal cases or civil rights cases form a significant part of your court’s docket (as they do for the federal courts and many state appellate courts), Criminal Procedure can be very useful. Most judges want their clerks to have taken core courses like Business Organizations and Evidence. Other courses you might find helpful include advanced procedure offerings (e.g., Advanced Civil Procedure; Injunctions) and Administrative Law. If you are interested in a “specialty court” (a court that handles exclusively tax, bankruptcy, domestic relations, etc.) you should obviously plan on taking the available courses relevant to that specialty. If you are interested in NY state courts or federal courts located in NY, a course with some NY state law content would be helpful. Finally, if you are a student, once you have secured a clerkship, you should ask your judge if there are any particular courses he or she would like you to take.

What Do I Need To Know About Clerkship Interviews?

Generally

Interviewing for a clerkship requires that you be as flexible and accommodating as possible. Keep in mind that declining or delaying interviews reduces your own chances of success and may discourage the judge from offering scarce interview slots to other Cornellians.

You must pay your own interview travel expenses. Consult the Financial Aid Office for information on options available to assist with these expenses. If you are offered an interview, call nearby judges to whom you applied and try diplomatically to arrange to meet with them while you are in the area. Or, if you travel to a distant city on other business and one of the judges to whom you applied has chambers there, you might call to ask whether the judge has begun to interview and, if so, whether he or she would like to see you. Some judges will conduct interviews by telephone with candidates who do not live nearby, and some judges are willing to conduct video interviews. The law school has the necessary equipment and designated space for video interviewing. That said, most judges will want to meet you in person.

Learning about the judge’s interview style and preferences is essential. Log in to Symplicity and check for feedback from previous applicants who have interviewed with the judge. Click the “clerkships” tab. Then select “clerkship interview,” search by judge’s last name, and click the “review” button. Next, email or make an appointment with Dean Peck.
She will review the CONNECT database to find any other Cornell links to the judge. (See the next section for a description of CONNECT.)

In addition to accessing personal feedback, another good resource is our Clerkship Interview Tips webpage which links to other resources and contains sample interview questions.

Interviews with judges do not follow the same, somewhat typical, format that you may have gotten used to in your interviews with other employers. You may speak only to the judge, or, as is more common, you may find yourself meeting with the judge’s current law clerks as well. Some judges focus on law-related questions; some may “quiz” you (for instance, asking questions about recent Supreme Court decisions or requiring you to respond to a legal issue in writing); some spend a great deal of time assessing your “fit,” focusing on interesting and different non-law related aspects of your background. In any case, you will be trying to convince an individual, not a group or institution, to hire you.

Be prepared to discuss anything on your resume. For example, if you listed an undergraduate thesis, spend enough time refreshing your memory that you can talk intelligently and succinctly about it: this is no time to sound as if your undergraduate education is a foggy blur.

Also, be ready to engage substantively with the law. The judge may want to see the quality of your thinking and interaction on legal issues; after all, that is a central part of the clerk’s role. If your resume shows you have completed a journal note, a moot court competition, or a clinical course, these are obvious possibilities for substantive discussion. Be sure you have the issues well in hand. If you submitted a writing sample, this is another likely source of substantive discussion. You might also collect your thoughts on some issue that intrigued you in a course or seminar, or that was presented in a recent Supreme Court case. The bottom line is simple: if the judge wants to talk substance, you’d rather it be on a topic about which you have had some time to reflect.

If you have a chance to meet with the current clerk(s), the meeting may be relatively informal. However, do not be lulled into a false sense of security: it is still part of the interview. Clerks often participate in the selection process and are often very determined to find their judge the “right” new clerks. Although there are no guarantees about the format an individual interview will take, you should always be prepared with some questions. You will want to know how the judge assigns cases, whether the judge expects all reports in writing, and if you will have the chance to observe court proceedings.

If time permits, a carefully written thank-you letter is appropriate. If you sense that the judge will be making decisions quickly, an emailed thank-you note is just fine.

Expectations about Acceptance: Federal Clerkships

Perhaps most importantly, you should bear in mind that the informal protocols governing offers and acceptances of clerkships are very different from those of other legal employers. In contrast to other employers, judges have every expectation that you will accept their offer. Although judges are advised by the Judicial Conference that, “Generally, it is for the judge to determine the terms upon which an offer is extended. However, judges are encouraged not to require an applicant to accept an offer immediately without reasonable time to weigh it against other viable options that remain open to the applicant;” the reality is that judges are accustomed to deference, and many will expect you to accept their offer on the spot. Be prepared for a judge to call you with an offer. Some judges will even make an offer at the end of the interview or within a day or so thereafter. Telling a judge you will get back to them can—aside from costing you that offer—tarnish the Law School’s relationship with the judge and may cause the judge to pass over future Cornell applicants. Moreover, if you eventually accept the offer, having put the judge on hold can start your relationship off to a bumpy beginning.

On very rare occasions, your interview with the judge will convince you that clerking for them would clearly be unwise. The ideal course under such circumstances is to write a letter and withdraw graciously as soon as possible after the interview without indicating your unfavorable reaction to the judge. This will avoid placing you in a position of having to refuse an offer. In a potentially awkward situation such as this, you should promptly consult with Dean Peck for advice on how to proceed.

Because judges will expect you to accept their offer, you might try to arrange your interviews (to the limited extent possible) so that you interview first with those judges for whom you think you would most prefer to clerk. Of course, while this is ideal, it will not always be possible, since your preferred judges may not respond to you as quickly as others.

Expectations about Acceptance: State Clerkships

State court judges, are first and foremost, judges. Like their federal colleagues, they are also accustomed to deference. So, when a state court judge makes a clerkship offer, they would like it accepted as soon as possible. If you receive an offer
from a state court judge and feel comfortable accepting it on the spot, by all means, do so. However, if you need a bit of time, perhaps a week, to think it over, you may, graciously and humbly, ask for that small amount of time to weigh your decision. Once that time has expired, promptly contact the judge and tell him or her of your decision. While state court judges may be slightly more flexible about acceptances, remember that the judge’s perceptions of you (and Cornell Law School) will be formed, in part, based on these initial interactions.

What Resources Are Available To Help Me?

The Judicial Clerkship Committee and Its Programs

The Faculty Judicial Clerkship Committee is composed of members of the faculty and administration who are especially well suited to offer advice about your judicial clerkship search. You are encouraged to seek individual guidance from members of the Committee. Also, be sure to attend the various clerkship information programs offered from the Office of Judicial Engagement and Professional Development. These programs will offer a great deal of detailed information about what clerks do and how you apply for clerkship positions.

Judges of the Week

Delivered to subscribers’ email inboxes every week, Judges of the Week highlights recently posted clerkship openings of particular interest to Cornell applicants. You may register online and can unsubscribe to these emails at any time.

CONNECT: The Cornell Clerkship Database

CONNECT is a database, accessible only by Cornell Law School administrators, that tracks a variety of information about various state and federal judges. This information includes:

- Cornell Connections: links to faculty, administrators, alumni, and other friends of the Law School; experiences with the Law School such as Moot Court judging
- Our Track Record: information on judges’ history of giving interviews and offers to Cornellians

CONNECT is a valuable resource. Many of the Excel spreadsheets on the clerkship website that you will use to create your application lists were drawn from CONNECT data.

Keep in mind that Cornell clerkship applicants are the principal sources of information to expand CONNECT. Throughout your clerkship search, we will ask you to report back to us on your interviews and outcomes. By providing us with information, you are helping to enlarge CONNECT, and you are helping make the clerkship process easier and more successful for those who come after you.

Web Resources

The tools you need to help you create your federal and state clerkship applications can be quickly accessed here.

These include:

OSCAR, the Online System for Clerkship Application and Review (see discussion above)

Sypmlicity Clerkship Module: Use this resource to create an excel spreadsheet of mailing addresses for the federal and most state court judges to whom you are applying. This excel file is used for your cover letter mail-merge (the efficient way to create letters that are addressed to each individual judge). Also, the Office of Judicial Engagement and Professional Development uses your Excel file to create your recommendation letters.

Judicial Nominations and Confirmations: The Senate Judiciary Committee maintains an official web page listing nominations and confirmations.

Almanac of the Federal Judiciary: Located on Westlaw, this resource profiles circuit, district and key bankruptcy and magistrate judges, providing biographical information, noteworthy rulings, lawyer evaluations and media coverage.

Leadership Connect: This resource contains a massive research database with information on all federal judges and as well as the judges from each state’s court of last resort and intermediate appellate court (available only to current students).

LexisNexis: Useful for researching judges’ published rulings and docket information.

Print Resources

Appendix G lists hard copy judicial clerkship resources. Contact Dean Peck to access them.
Conclusion

There is no secret formula for success. Applying for clerkships requires strategy and grit. The process, once set in motion, is largely beyond your ability to control. However unsettling, unusual, or endless this process may seem, remember that a clerkship is not like most other legal jobs. It is a unique, one- or two-year long experience during which you will, no matter where or for whom you clerk, learn much about the practice of law while often developing an enduring personal and professional relationship with someone who has lived a life in the law. Nearly every former law clerk would tell you that they would go back and do their clerkship all over again if given the chance.

Please do not hesitate to consult with any member of the Office of Judicial Engagement and Professional Development if you have questions. We wish you the best of luck in your search!
Appendix A

The Value of Judicial Clerkships to a Transactional Career

by Aymara Zielina

The benefits of judicial clerkships are well recognized. Clerkships offer an opportunity to rigorously improve legal research and writing skills, as well as to learn the elements of effective advocacy. They provide a privileged view into the decision-making process of the judiciary. A clerkship can also expose graduates to a wider range of legal practice areas than they will likely encounter at any other time after completing law school. For a future litigator or student who is uncertain about which practice area to pursue, the benefits of clerking may seem evident. But how valuable are clerkships to graduates pursuing a transactional career?

Practical Skills and Career Advancement

Clerkships can be valuable to those looking at a transactional career because clerks learn to review and thoroughly analyze complex facts and laws. The ability to spot issues efficiently is paramount to success in any practice area. For corporate attorneys, having seen the consequences of a deal that unravels in litigation can help them structure better transactions for their clients. Ryan Johnson, a shareholder in the Health Law practice group of Fredrikson & Byron, notes that his experiences as a law clerk on the 8th Circuit allow him to effectively speak to corporate clients about ways to avoid future litigation. The clerkship assists him in conducting due diligence and helps him understand the potential litigation liabilities of a target entity in a proposed transaction.

Clerkships can also increase junior attorneys' confidence in their own abilities. Many clerks fortuitously discover that despite their relative inexperience, they have the capacity to produce work product that is equal to or better than that which finds its way to court. This confidence can help junior lawyers embrace more responsibility early in their careers, leading to better advancement prospects, and can also prevent junior lawyers from becoming intimidated by more experienced counsel. Clerkships provide prestigious credentials that open doors to better career prospects, and the long-lasting relationships that clerks form with their judges and fellow clerks are not only immediately rewarding but can serve them well in the future.

Specialty Courts

Certain specialty courts offer future transactional attorneys a higher concentration of cases substantively relevant to their chosen career path. Future corporate and real estate lawyers could benefit from clerking with courts that regularly hear complex matters of business law, as well as in federal bankruptcy courts. The Delaware Court of Chancery champions itself as “the nation's preeminent forum for the determination of disputes involving the internal affairs of ... thousands ...of Delaware corporations and other business entities through which many of the world's commercial affairs are conducted” (https://courts.delaware.gov/chancery/). Similarly, the Commercial Division of the Supreme Court of the State of New York is a specialized business court that deals with commercial contract disputes, finance and banking transactions, matters arising out of real property transactions, and UCC cases (http://www.nycourts.gov/courts/comdiv/).

Other specialty courts similarly provide transactional attorneys with a framework for understanding the substantive law behind their chosen practice area. The United States Court of Appeals for the Federal Circuit, where 31% of the court’s cases involve patent and trademark matters, serves as solid training for an intellectual property attorney or patent prosecutor (http://www.cafc.uscourts.gov/). Future tax attorneys can consider a clerkship with the United States Tax Court, while those interested in international import transactions should look to the United States Court of International Trade, where they would have the opportunity to interpret federal statutes affecting trade.

Limitations

Despite the many benefits, future transactional attorneys should recognize that a clerkship does not directly train them for some of the day-to-day practices in the transactional world. Clerks may find themselves having to play catch-up on tasks such as contract drafting compared with their peers who joined law firms immediately after graduation. Potential candidates interested in transactional careers are also probably better served by clerking immediately upon graduation. After a few years of
practice, they would likely attain many of the professional skills developed during a clerkship, thereby limiting its utility. Transactional attorneys several years out of law school also might be less desirable to judges than experienced litigators.

Nevertheless, the inherent value in clerking for a judge may be more important than any of its career-related benefits. Perhaps Alan C. Smith, a corporate partner at Fenwick & West and former clerk for the 9th Circuit, best summarizes the merits of clerking by calling it “one of the most intellectually stimulating experiences” of his legal career.

Aymara Zielina is Director of Career Development at Pepperdine University School of Law. This article was submitted on behalf of the NALP Judicial Clerkship Section, with special thanks for editorial assistance from Laurie Neff, Assistant Director of Career Services at George Mason University School of Law.
Appendix B

Sample Resume (student 3)

Name
xxx123@cornell.edu

Local Address
Ithaca, NY 14850
(607) xxx-xxxx

Home Address
Seattle, WA 98101
(206) xxx-xxxx

EDUCATION

Cornell Law School, Ithaca, NY
Candidate for Juris Doctor, May 20xx
GPA: 3.52
Honors: Journal of Law and Public Policy
Associate, Legal Information Institute Supreme Court Bulletin
Round of 16 (of 130), Langfan Family Moot Court Competition
Dean’s List: Spring 20xx, Fall 20xx

Note: Religion at the Altar and in the Courtroom: A Jewish Argument for Same-Sex Civil Marriage After Lawrence

Publication: “Supreme Court Previews: Chase v. McArthur,” The Federal Lawyer,
Vol. xx, No. xx, Nov/Dec p. xx-xx

Activities: President, Lambda Law Students

Cornell University, College of Arts and Sciences, Ithaca, NY
Bachelor of Arts in Government and History, cum laude, May 20xx
GPA: 3.74
Activities: Columnist, The Cornell Progressive

RELEVANT EXPERIENCE

Blank Rome LLP, Philadelphia, PA
Summer Associate, June – July 20xx
Will research and prepared written memoranda on a wide range of time-sensitive matters, including securities law, RICO, and constitutional law.

United States Attorney’s Office, Northern District of New York, Syracuse, NY
Law Clerk, Summer 20xx
Researched and wrote memoranda on issues arising in appeals of criminal prosecutions, such as affirming district court decisions on forfeited or waived claims, sentencing departures or reductions under 18 U.S.C. § 3852(c)(2), Application Note 4 of the Federal Sentencing Guidelines, and admissibility of evidence.

3 Alumni should flip their resume so that the Education section is at the bottom of the page.
**Wiley Rein, LLP, Washington, DC**  
Intern, Attorney Recruiting Department, June - August 20xx  
Helped design, organize, and implement programs and events for summer associates. Wrote speeches for named partner. Summarized articles. Researched and presented information on minority recruiting and retention efforts, website design of area firms, and other topics. Designed initial template for 20xx-xx recruiting brochure.

**United States Supreme Court, Washington, DC** Intern,  
Office of the Clerk, January - May 20xx  
Answered questions regarding filing dates and helped attorneys comply with rules. Assisted with admission of lawyers to Supreme Court Bar. Checked credentials on oral argument days. Filed, researched, worked on projects for Clerk.

**Patty Murray for US Senate, Seattle, WA** Intern, May - July 20xx  
Drafted press releases, organized campaign appearances, and recruited volunteers.

**Michelle Robinson, Washington Secretary of State, Seattle, WA**  
Campaign Finance Office Assistant, August and December 20xx - January 20xx  
Wrote fundraising letters, conducted research, answered phone calls, interacted with voters, entered data, and organized mailings.

**OTHER EXPERIENCE**  
**Olin Café, Cornell University Library, Ithaca, NY** Barista,  
January 20xx-May 20xx

**Washington National Zoo, Washington, DC**  
Tour Guide/Birthday Party Leader, March - August 20xx  

**INTERESTS**  
Pick-up basketball, political races, Major League Baseball, vegetarian cooking
Appendix C

Sample Cover Letters

Example 1:

123 Main Street
Ithaca, NY 14850
(607) 255-6000

[date]

The Honorable XXX
United States District Court for the Western District of New York
United States Courthouse
68 Court Street
Buffalo, NY 14202

Dear Judge XXX:

I am a second-year student at Cornell Law School and wish to apply for a clerkship in your chambers for the 20__-__ term. A resume, transcript, law school grading policy, reference list, and writing sample are enclosed. Letters of recommendation from Cornell Law School professors Wendel, Garvey and Clermont will follow.

Please do not hesitate to contact me at the above address or telephone number if you should need any additional information. Thank you for your consideration.

Sincerely,

Signature

First and last name

Enclosures
The Honorable XXX
Massachusetts Appeals Court
One Pemberton Square
Boston, MA 02108

Dear Associate Justice XXX:

   I am writing to apply for a clerkship in your chambers for the 20__-__ term. I am a rising third-year student at Cornell Law School where I am a member of the [organization/journal name]. I grew up in Revere, MA and attended Tufts University, so I would welcome the opportunity to return home to clerk in Boston. In addition to pursuing a traditional course of legal study, I have [extensive practical business experience/participated in several clinical programs/studied legal philosophy in depth], and so have had an opportunity to develop a second perspective on the problems of adjudication.

   A resume, transcript, law school grading policy, reference list and writing sample are enclosed. Letters of recommendation from Cornell Law School professors Wendel, Garvey and Clermont will follow.

   I will be traveling to Boston next month and would welcome the chance to meet with you then or at your convenience. Should you require additional information, please do not hesitate to let me know. Thank you for your consideration.

Sincerely,

Signature

First and last name

Enclosures
The Honorable Justice XXX
The Supreme Court of New Mexico
Supreme Court Building
237 Don Gaspar, Room 104
P.O. Box 848
Santa Fe, NM 87503

Dear Justice XXX:

I am a litigator and recent graduate of Cornell Law School seeking a clerkship in your chambers for the 20__-__ term. As a native of New Mexico, I have a special interest in clerking in the Santa Fe area. I am currently practicing in Albuquerque and plan to remain in the state after the completion of a clerkship.

A resume, transcript, law school grading policy, reference list and writing sample are enclosed. Letters of recommendation from Cornell Law School professors Wendel, Garvey and Clermont will follow.

Should you require additional information, please do not hesitate to let me know. Thank you for your time.

Sincerely,

Signature

First and last name

Enclosures
Appendix D

Sample Recommender List

Your Name and Contact information (format from resume)

Recommenders

Professor Michael C. Dorf
Cornell Law School
247 Hughes Hall
Ithaca, NY 14853-4901
(607) 255-3890
md494@cornell.edu

Professor Barbara J. Holden-Smith
Cornell Law School
124 Myron Taylor Hall
Ithaca, NY 14853-4901
(607) 255-8577
bjh12@cornell.edu

Professor Odette Lienau
Cornell Law School
112 Myron Taylor Hall
Ithaca, NY 14853-4901
(607) 255-1449
ol53@cornell.edu
Appendix E

Cover Sheet for Writing Sample

Your Name and Contact information (format from resume)

Writing Sample

The writing sample is a memorandum of law which I wrote for the law offices of Jane Smith, where I worked this summer as a legal intern. The firm has approved my using this document as a sample of my writing. The memorandum examines an issue of statutory interpretation in the context of a specific drug-trafficking crime. Party names have been redacted for confidentiality reasons, but otherwise the memorandum is as I drafted it. The memorandum was originally 25 pages long; I have redacted it in the interests of brevity. I eliminated sections 3 and 4 regarding xxx and yyyyy.
Appendix F

Sample Thank You Letter

[date]

The Honorable XXX  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Dear Judge XXX:

I wanted to write and say what a great pleasure it was to meet with you last week. I very much enjoyed our conversation about your judicial philosophy, clerking, and the differences between Albee and Mamet. It was an especially rare treat for me to be able to talk about law with such a knowledgeable theater aficionado as yourself. 

Since we met I have thought seriously about the type of cases that you consider in the Eastern District, and I have become even more convinced that the focus and pace of working in your chambers are exactly what I am looking for in a clerkship. Although I recognize that you have a very difficult decision to make, I just wanted to express my continued enthusiasm for the possibility of clerking for you.

Please let me know if I can provide you with any further information or materials. Thank you again for your time.

Sincerely,

Signature

First and last name
Appendix G

Print Resources

Available in the Office of Judicial Engagement and Professional Development – See Bethany Jones (blj53@cornell.edu) for more details

The American Bench - Judges of the Nation
Forster-Long, Inc.
Contains biographies on over 17,000 federal, state and local judges, arranged by state, with an alphabetical locator index for all judges.

In Chambers: A Guide for Judicial Clerks and Externs
Jennifer Sheppard; Wolters Kluwer
Book addresses the key concepts and basic skills for clerks and externs. It explains rudimentary tasks, such as reading a docket sheet and working with a case file, and offers instructions on drafting jury instructions. Sources of authority commonly relied upon by the courts are identified for specific topics. Standards of review are covered in detail, including the standard for mixed questions of fact and law.

Judicial Clerkships: A Practical Guide
Mary Dunnewold, Beth Honetschlager, and Brenda Tofte; Carolina Academic Press
Guide to working as a judicial clerk. The book explains (1) the role and duties of judicial clerks, (2) how to adapt the writing style used in law school classes and journals for use in the judicial-clerkship setting, and (3) the form and content of specific documents written by judicial clerks.

Debra M. Strauss; West Academic Publishing
Contains information on all aspects of clerkships, including updated information and resources. Book focuses on what clerkships are, what kind of work clerks do, why you should apply, how to find and apply for the type of clerkship that would be right for you, how to give a strong interview, and why prospective employers actively seek applicants with clerkships credentials.
Cornell Law School
Office of Judicial Engagement and Professional Development

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(607) 255-9057

BETHANY JONES
Judicial Coordinator
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