

## 2015 NALP CONFERENCE:

### IMPACT OF EARLY CLERKSHIP HIRING ON SUMMER ASSOCIATE PROGRAMS AND ON-CAMPUS RECRUITING

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#### Case Study

*Jane Smith is a rising 2L and top student at the George Clooney School of Law in Las Vegas, Nevada. Jane feels good about her prospects for obtaining a summer associate position at a large Las Vegas firm but she is concerned that when she begins fall on-campus interviewing in August, she will have also applied for several federal clerkships whose timing is uncertain. Specifically, one of her professors has recommended her to several district court judges who require that their clerks have at least one year of legal experience. Most of the firms where she is interviewing value federal clerkships but she is not sure of the best way to address her clerkship pursuits during her firm on-campus interviews. If she is fortunate enough to receive a summer associate position and permanent offer, she may have to leave the firm after a year or two to begin her clerkship.*

*Jane has come to seek advice from you, her career counselor, and has a number of questions/concerns.*

**1. Jane wants to know how to answer any questions from on-campus interviewers about her interest in clerking. What do you think is the best response?**

- a. She has applied for federal clerkships, most of which will begin a year after graduation, and wants to make sure that each firm where she is interviewing has sufficient advance notice of her plans.
- b. She has applied for federal clerkships and but the timing is uncertain. While she knows how much the firm values federal clerkships, she is most interested in joining a firm and pursuing a clerkship in a way that is least disruptive to the firm.
- c. She is interested in clerking but until she actually obtains a clerkship, there is no need to tell the firm anything about a potential gap year.

*Jane's federal clerkship applications as a 2L were ultimately unsuccessful but she did spend the summer at Willwee, Helpham and Howe, a leading law firm in Las Vegas, where she received an offer for permanent employment after her graduation. She has accepted the offer. The law firm only has one office but many of its attorneys have federal clerkship experience and the firm prides itself on being a litigation powerhouse. The firm also has a thriving corporate practice. Jane had originally chosen the firm because of its reputation in litigation, but after rotating through the corporate group, Jane is more interested in joining the corporate practice.*

*It is now the fall of her 3L year, and Jane recently received a call from Judge Pitt who sits on the local federal district court inviting her in to interview for a clerkship in his chambers based on the application she had submitted almost a year ago. Judge Pitt is close personal friends with Matt Damon, the managing partner and head of the litigation group of Willwee, Helpham and Howe.*

*Jane has accepted the interview offer which will take place in two weeks. Jane has come to seek advice from you, her career counselor, and has a number of questions/concerns.*

**2. Jane wants to know whether she should tell the recruiter at Willwee about her upcoming interview. What do you think is the biggest potential downside of telling the firm ahead of the interview?**

- a. There is a risk that the firm will perceive Jane as not committed to joining the firm.
- b. There is a risk that the firm will perceive Jane as primarily interested in litigation and not assign Jane to the corporate group (regardless of whether she gets the clerkship or not).
- c. If Jane is rejected by the judge, the firm may perceive that she is not a highly qualified candidate for the firm or the clerkship.
- d. If Jane receives an offer from the judge but doesn't want to accept, the firm might pressure her to accept especially given the relationship between the judge and the managing partner.

**3. What is the biggest potential upside for telling the firm ahead of time?**

- a. Jane might get insights into the judge from either the partner or other people at the firm that will help in the interview.
- b. Jane will demonstrate professionalism, openness and transparency to the firm and show that she is a team player.
- c. Jane will learn more about the firm's policy with regard to clerkships including how it might affect future assignments (including with respect to corporate vs. litigation).

*Jane decides against informing the firm ahead of time, and goes on the interview. She originally thought the interview was for the 2016 Term, but the judge offers her a position for 2017, i.e. the clerkship would not start until two years after graduation and after two years of working for the firm. The judge gives Jane two weeks to make a decision. She is soon back in your office.*

**4. What is most persuasive reason for Jane to accept the offer?**

- a. A clerkship will be the best professional development experience she will get and open doors well beyond the law firm, including other firms or government (i.e. prosecutor).
- b. A clerkship will give her the skills to be the best lawyer she can be even if she decides to stay at the firm (especially in litigation).
- c. It will make the law school look really great if she accepts a prestigious clerkship.

**5. Which of the factors below would MOST likely lead you to advise Jane to NOT accept the clerkship offer?**

- a. Jane tells you that she is 99% certain she would like to practice corporate law at the firm and aspires to go in-house eventually.
- b. The judge is 88 years old and in poor health.
- c. Jane informs you that she is engaged to be married and she and her fiancé would like to have children within the next three years.

*Jane accepts the 2017 Term clerkship. Jane decides to tell the recruiter the "good news" immediately. You are now in the role of the recruiter. Jane is unsure about how and when to notify the rest of the firm.*

- 6. What is your recommended strategy for Jane in telling the firm about her plans to clerk?**
- a. She should let the firm know as soon as possible, i.e. even before she starts working there.
  - b. After being employed at the firm for at least 6 months so that the attorneys can get to know her before she tells them she plans to leave.
  - c. About a month before she plans to leave so that she has sufficient time to transition her matters to someone else.

*You had originally, based on Jane's wishes, been planning to assign Jane to the corporate practice group which is extremely busy and very eager to have Jane on board. Jane was equally well liked by the litigation team, and now the partner who is BFFs with Judge Pitt would like Jane to work on his team.*

- 7. What would be the most important factor in deciding where Jane would be placed?**
- a. The needs of the firm as a whole and which department is busiest and needs Jane's help the most.
  - b. The needs of the most important/powerful partner. If Matt Damon wants Jane, then he gets her.
  - c. What Jane wants.
  - d. Which department would be least disrupted in 2 years when Jane leaves.
  - e. Which department would benefit most from Jane's clerkship experience assuming she comes back (i.e. the litigation group).