

**NALP ANNUAL EDUCATION CONFERENCE 2021  
BEYOND ARTICLE III COURTS – STATE & SPECIALTY FEDERAL CLERKSHIP OPPORTUNITIES**

**SPECIALTY FEDERAL CLERKSHIP HANDOUT**

Court	Jurisdiction	Notes on the Court	Clerk Hiring: How to Apply	Clerk Hiring: Number of Clerks	Clerk Hiring: Clerk Term	Clerk Hiring: Notes
Magistrate Judge/U.S. District Courts	<ul style="list-style-type: none"> <li>•Varies widely from jurisdiction to jurisdiction</li> <li>•Parties must consent to trial before magistrate—common in some jurisdictions, not so in others</li> <li>•Some see more administrative appeals</li> <li>•Pretrial and discovery matters in civil cases; can issue a report and recommendation that the district judge adopts and approves</li> <li>•Usually handle preliminary criminal matters in felony cases and trials in misdemeanor and petty offense cases, and preliminary review of applications for post-conviction relief</li> </ul>	<ul style="list-style-type: none"> <li>•Judges serve 8-year terms (appointed by majority of the District Judges, no President or Senate involvement)</li> <li>•Number magistrate judges is set by Judicial Conference of the U.S.</li> <li>•Located in all U.S. District Courts</li> </ul>	<ul style="list-style-type: none"> <li>• OSCAR, if judge uses the platform</li> <li>• Typically, same timing as the District Judges; might be a bit behind</li> </ul>	Usually only 1, but may have 2	Usually 1-2 years, depending on judge	
Bankruptcy Courts	<ul style="list-style-type: none"> <li>• Each District Court has a Bankruptcy Court, but the Court operates completely independently of the District Court</li> <li>• Appeals go to a District Judge</li> <li>• Hears cases from individuals and businesses seeking bankruptcy</li> </ul>	<ul style="list-style-type: none"> <li>• Judges are appointed for terms of 14 years by a majority vote of the District Judges (no President or Senate involvement)</li> <li>• Number of judges set by Congress</li> </ul>	<ul style="list-style-type: none"> <li>• Hiring done through OSCAR</li> <li>• Usually hire later than District Judges, often in 3<sup>rd</sup> year of law school, but some are earlier, depending on jurisdiction</li> </ul>	Generally, one clerk per judge, but many have career clerks	Usually 1-2 years, depending on judge	Good for students interested in bankruptcy, tax, commercial, or consumer law

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Immigration Courts	<ul style="list-style-type: none"> <li>• Part of the Department of Justice Executive Office for Immigration Review (EOIR)</li> <li>• Determine whether individuals should be admitted to US or deported, as well as removal relief (asylum, adjustment of status, cancellation of removal, waiver of inadmissibility)</li> </ul>		<ul style="list-style-type: none"> <li>• Apply through the DOJ Attorney General Honors Program (see DOJ website)</li> </ul>	EOIR hires 100 clerks	2 years	<ul style="list-style-type: none"> <li>• Generally, need competitive academics</li> <li>• Should have interest in immigration</li> </ul>
U.S. Tax Court	<ul style="list-style-type: none"> <li>• Cases involve deficiencies or overpayment of income, estate and gift taxes, and personal holding company surtaxes</li> </ul>	<ul style="list-style-type: none"> <li>• Location: Washington DC</li> <li>• 15 judges and 4 Special Trial Judges</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic process is under revision currently.</li> <li>• Submit paper applications directly to the judges or, for court-wide, to the Office of Human Resources</li> <li>• Check for updates: <a href="https://www.ustaxcourt.gov/law_clerk_program.html">https://www.ustaxcourt.gov/law_clerk_program.html</a></li> </ul>	Hire law clerk or attorney advisor	Varies	<ul style="list-style-type: none"> <li>• Generally, recruit law clerks as vacancies occur, typically in summer</li> <li>• Apply no later than early Fall of preceding year</li> <li>• In the past, Court hosted “Law Clerk Interview Day” in the Fall. The portal would open for a limited time before that day to receive applications— unclear how this will change with new process</li> </ul>

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Court of International Trade	<ul style="list-style-type: none"> <li>• Disputes involving interpretation of U.S. Customs &amp; International Trade laws</li> <li>• Cases typically involve               <ul style="list-style-type: none"> <li>○ Decisions by the CBP</li> <li>○ Whether and at what rate to levy custom duties</li> <li>○ Decisions of the U.S. International Trade Commission and the U.S. Department of Commerce to levy antidumping and countervailing duties on certain imports</li> <li>○ Other types of legal disputes arising out of the importation of goods</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Actually Article III Court!!</li> <li>• Location: NYC</li> <li>• 7 active judges and 5 active seniors judges (all hire clerks)</li> </ul>	<ul style="list-style-type: none"> <li>• OSCAR—mix of judges who actually use OSCAR and who just have accounts, but all those who have an account seem to include some level of information on clerk hiring</li> </ul>	2, but some have a mix of career and term	Mix of 1- and 2-year clerkships	<ul style="list-style-type: none"> <li>• Often need an interest in international trade or at least administrative law</li> </ul>