

NALP JUDICIAL CLERKSHIP SECTION

Quarterly Report to the Board of Directors

October 21, 2009

Submitted by: Sheila Driscoll, George Washington, Chair

The Judicial Clerkship Section continues its work with several articles selected for publication in the bulletin and programs selected for the annual conference. The section had a productive section-wide meeting on October 14, 2009 via conference call. Approximately 39 people participated in the call and minutes of the conference call were distributed via the Jud-Clerk listserv.

Programs for 2010 Puerto Rico Conference

Three programs were selected for next year's conference. They are:

- Clerkships Off The Beaten Path -- Submitted by: *Beth Wickwire, Michigan; Hanna Stotland, Northwestern and Toni St. John, Maryland.*

Judges off the beaten path offer clerks the opportunity to enjoy rigorous legal challenges and close mentoring. Clerkships in Puerto Rico, the Virgin Islands, Alaska, Guam, American Samoa, Israel, India, and more can be a great way to start a legal career. Panelists, including current and former clerks, will discuss the benefits of clerking around the world, tips for learning about unusual clerkships, and application advice.

- America The Beautiful – Exploring Our Country Through State Court Clerkships—Submitted by: *Melissa Lennon, Temple; Lorri Olan, Washington & Lee and Michele Hoff, Connecticut.*

This program is designed to provide an overview of the state court clerkship application and interview process. It will focus on the benefits of state court clerkships, application strategy, tips for assembling successful applications and insider information regarding interview process. The program will introduce a new resource – a counseling guide for State Court Clerkships – which has been prepared by the NALP State Court Work Group on Judicial Clerkships as a supplement to the Vermont Guide to State Court Clerkships.

- OSCAR (Online System for Clerkship Application and Review): Season Review and Look Ahead – Submitted by: *Marilyn Drees, Yale and Sheila Driscoll, George Washington*

OSCAR (the Online System for Clerkship Application and Review) has experienced remarkable growth since its debut in 2005 and now serves as the single, centralized resource for federal clerkships. This past year saw judge participation pass 50 percent, as well as the introduction of a variety of new features. Come hear our panelists – from those who designed OSCAR to those who used it — discuss how OSCAR performed in its fifth season. The program will also explore what to expect from OSCAR in the

coming years, and provide a forum for participants to voice their concerns, hopes, and expectations about OSCAR's role in the judicial clerkship application process in the future.

Bulletin Articles

Members submitted several article proposals that were accepted for publication. They are:

Tips for Increasing State Judicial Clerkship Applications, by Cybele Smith and Alisa Rosales (published in the October '09 NALP Bulletin)

Lateral Law Clerks: the Law Firm Perspective by Jessica Heywood and Carla DeVelder (January '10 Bulletin)

Tracking Alumni Clerkship Applicants, by Susan Staab and Kirsten Solberg (February '10 Bulletin)

The ABCs of Researching Judges: Why, How and What exactly are you looking for?
By: Lorri Olan (March '10 Bulletin)

International Students and Clerkships by Beth Wickwire and Chris Council Fritton (May '10 Bulletin)

OSCAR Work Group

The group consists of *chair Marilyn Drees of Yale and members Rhonda Beassie of Houston, Terry Galligan of Berkeley, Sonja Hayes of Stetson, Allison Heverin of Northwestern, Susan Staab of Chicago, and Katie Wilkinson of Tulane.* They report the following.

- The work group hosted a second conference call for the section on July 14, which gave members an opportunity to ask questions and raise issues focusing on the creation and management of third-year student applications. Over 40 members participated.
- The work group suspended weekly conference calls in August and September as the clerkship application activity spiked. The group resumed conference calls with the OSCAR staff on October 2, and is currently reviewing all requests for modifications and new features submitted to OSCAR to make recommendations on the general utility of the suggested changes and suggest priorities.
- The annual meeting of the Judicial Conference's OSCAR work group will be held in Washington, DC, on November 5, 2009. Katie Wilkinson and Marilyn Drees are nonvoting members of the work group and will participate in the meeting. The annual meeting focuses on larger policy questions, and NALP's OSCAR

working group has had the opportunity to submit agenda items. The group may also be asked to submit written comments on agenda items before the meeting.

- Marilyn Drees is working with Sheila Driscoll to identify new members for NALP's OSCAR work group. The new members will be integrated in November and will begin working on Version 6.0.

State Court Work Group

Melissa Lennon (Temple), and Michele Hoff (Connecticut) are co-chairs.

The group is working on a resource guide that will be a companion piece to the Vermont Law School Guide with “tips and tricks” about what students can expect when applying to clerkships in various states. The group has drafts from several states, and they are aiming to have guides to at least 15 states.

Alumni/Lateral Work Group

The group consists of *co-chairs Carla DeVelder of Creighton and Jessica Heywood of Catholic and members Diane Downs of Paul Hastings, Polly Lawson of Virginia, Amy Liu of Iowa, Laurie Logan-Priscott of Paul Hastings, Kyle Martin of Georgia, Ruth Payne of Virginia, and Alisa Rosales of DePaul.*

Carla and Jessica report that they are working on an article where they plan to survey law firms on their practices with respect to recruiting judicial law clerks. They are continuing to work to recruit law firm volunteers who would be willing to share their practices (anonymously) with them. They will be conducting outreach to a handful of firms.

Strategic Planning Issues

Based on discussions with individual members of the Clerkship Section as well as during the section-wide conference call on October 14, 2009, the following are important issues for clerkships in the next five years.

- Increased Applications and Competition

Given the state of economy, clerkships continue to be a very popular option and more and more students and alumni are applying. During the October 14th conference call most members reported increase volume in applications, and they also heard from judges and candidates about increased applications. For example, in the DC District Court, applications increased from 700-800 applications to 1500+. The increase in application volume has an impact on schools' resources and judges' resources. OSCAR alleviates much of the burden on schools (especially schools that bundle applications), and NALP should continue to promote the use of OSCAR by the judiciary. Continued

improvements to OSCAR will help, especially enhancing the ability of schools and applicants to easily determine which judges are *not* hiring.

- Alumni Hiring/Timing of Hiring

The trend of alumni hiring in federal clerkships appears to be here to stay. Some group members thought that more alumni were hired this year than last year, including during the fall. Other members thought that the alumni hiring was the same as last year, both years having substantial alumni hiring. The increase in alumni hiring affects law schools and their applicants in a number of ways: (1) the ERSS data, which focuses on "at graduation" employment, gives a less accurate picture of a school's clerkship placement; (2) it is much more challenging for schools to track clerkship hiring of alumni, since many alumni do not report back to schools and they can be difficult to track down; (3) alumni hiring shrinks the number of vacancies available to third-year students; (4) judges' ability to hire alumni at any point in the year fosters a sense of disadvantage on the part of third-year students who must wait until September.

No members from the employer side identified themselves on the conference call, but other conversations with employers clearly indicate alumni hiring also affects their recruitment practices. The alumni/lateral hiring work group plans to survey firm members and write an article on the ways that firms are handling this issue.

- State of Economy on State Clerkship Hiring

The trend of state court's budgets impacting hiring was also discussed. A member from Georgia shared that many judges had kept on clerks from the previous year and that budget cuts impacted some judges' ability to hire which resulted in much less hiring of current 3Ls. Members from the northeast noted particularly budget cuts in New York and Massachusetts had reduced the number of clerk positions. I reported during the conference call that in the DC Superior Court approximately 80% of the judges kept on clerks who stayed on from 2008-2009 term to the current term (2009-2010), so there was much less hiring from the class of 2009 candidates.

NALP's role in responding to this issue was not discussed. However, NALP should continue to be a source for sharing information on state court hiring, through our section and through the work of the State Court Work Group. One excellent example is the collaboration between PSLawNet and the Judicial Division of the ABA which implemented a "Deferred Associate Opportunities with the Judiciary" program.

Miscellaneous

Symplicity Module Users

After one member shared her frustration with some of the features in the clerkship module of Symplicity, the group decided to schedule a separate conference call with members of the group who use the clerkship module which will take place on October 28,

2009. The group will discuss how each school uses features from Symplicity and how those features might be improved. The Section will also compile and distribute a list of all the schools that currently use the Symplicity Clerkship Module.

Program for Newer Professionals

Melissa Lennon at Temple and I presented a program “Judicial Clerkships 101” for the Newer Professionals Section’s “Ask the Experts” conference call series on July 16, 2009.

Environmental Scanning

I have been monitoring articles about the ability and practices of state and federal judges hiring deferred associates as unpaid judicial law clerks. Steve Grumm implemented a “Deferred Associate Opportunity with Judges” in collaboration with the Judicial Division of the ABA, <http://www.pslawnet.org/deferredassociateopportunitieswithjudges> and I plan on sharing the details of that program to the members via the section listserv .