

## NALP JUDICIAL CLERKSHIP SECTION

Quarterly Report to the Board of Directors

June 26, 2010

Submitted by: Sheila Driscoll, George Washington, Chair

We are off to a great year for the Judicial Clerkship Section with lots of proposed articles and programs. The section had a productive meeting at the NALP conference in Puerto Rico in April with over 30 members attending. A summary of that meeting was distributed via the listserv. A follow up section-wide meeting was held on May 13, 2010 via conference call with 39 participants and a summary of that call was also emailed to the list. We discussed the RFPs for the 2011 Palm Springs Conference and proposed articles for the NALP Bulletin, as well as the work of the work groups.

### RFPs for 2011 Palm Springs Conference

The following RFPs were submitted on behalf of our section:

- **Beyond the Basics – Tips and Tricks for Using OSCAR Efficiently** submitted by: Katie Wilkinson (Tulane), Kirsten Solberg (Harvard), Matt Zimmerman (Georgetown)

Program Description: Since 2005, OSCAR has become the single, centralized online resource for U.S. federal judicial clerkships. This program will provide valuable inside tricks on how law school administrators can use OSCAR's functions to streamline the federal clerkship application process and to counsel law students and alumni more effectively. The panel will include a mix of seasoned clerkship advisors and a newer professional, and both current and former members of the OSCAR Working Group. The program will also provide a forum for participants to ask questions about OSCAR's various functions and the federal application process in general.

- **Go West! State and Federal Judicial Clerkships on the West Coast (CA, OR, WA, AK) and in the Pacific (Saipan, Guam, Palau and more)** submitted by Cara Mitnick (San Diego), Elizabeth Peck (Cornell) and Joshua Burstein (Oregon)

Program Description: Students often ask how they can obtain legal experience in interesting, exotic locations. Others want to know how they can clerk on the West Coast, Alaska and in the Pacific. Panelists for this program, including a federal judge from Saipan, a former Alaska state court clerk, a hiring attorney for California state courts and a career services expert on clerkships in Oregon and Washington will provide information on hiring practices, benefits of clerking, tips for learning about clerkships and application advice.

- **The Rise of Alumni Clerks: Challenges and Opportunities for Career Counselors and Legal Recruiting Professionals** submitted by: Michele Hoff (Connecticut), Eric Stern (Berkeley), Laurie Logan-Priscot (Carmody & Torrance, LLP), Marilyn Drees (Yale)

Program Description: During the last two years, more graduates applied for federal clerkships than did students. With continuing shifts in the legal economy and an increasing number of judges hiring graduates, many people speculate that this trend is here to stay. As graduates can apply for federal clerkships whenever they want, there are different strategies that career counselors must employ when working with graduate applicants. The rise in graduate clerkship applications also poses unique issues for law firm recruiting professionals – who must address the issue of an associate’s departure for a clerkship and the uncertainty about their return to the firm.

- **The Three Year Plan for a Successful Clerkship Program at Your Law School** submitted by Eric Stern (Berkeley) and Melissa Lennon (Temple)

Program Description: Federal and state judicial clerkship opportunities have never been hotter. While some schools already have well-developed systems and resources in place, many do not. Now, law school deans and faculty are asking career counselors to either build a system from scratch or to significantly expand upon the current services and resources offered to clerkship applicants. Whether you are just starting to build your clerkship program or whether you have a program in place already, this session will provide you with an overview of best practices and the tools you need to take your clerkship program to the next level.

- **Improving Racial and Ethnic Diversity in Federal Clerkships** submitted by Hanna Stotland (Northwestern), Christian Garza, Irma Gonzalez, and Frank Wu (co-sponsored by Diversity Section)

Program Description: Federal clerkships open doors to desirable positions in private practice, public service and academia. Despite strides made to diversify the law school population, the number of clerks of color in the federal courts is small and may be dwindling. What are the implications for schools’ and employers’ on-going diversity initiatives, and what can they do to address the problem? How can we encourage diverse students to apply and what can we do to enhance their prospects and increase the numbers? This panel presentation features perspectives from a law school dean, a federal judge and a former federal law clerk, all attorneys of color.

#### **Other Miscellaneous Programs:**

In addition to the Conference program on OSCAR the group proposed presenting a webinar “OSCAR 101” to provide a basic overview of how OSCAR works to the new members. The target date for such a program is February 2011.

## Proposed Bulletin Articles

The following article ideas were discussed during May 13<sup>th</sup> conference call and in subsequent individual discussions, but I have not confirmed with Janet Smith at NALP whether proposals have actually been submitted by the June 25<sup>th</sup> deadline. As soon as Janet confirms what submissions she has received, I will follow up with members who have not submitted proposals to see whether they are still interested in writing on these topics.

- Liz Peck (Cornell) proposed an update to the staff attorney hiring article that was published in December 2008, focusing on the changes/impact of the new staff attorney hiring module in OSCAR.
- An article focusing on ALJ's in state court systems. Lorri Olan (Washington & Lee) offered to take the lead and Chris Fritton (Pennsylvania) offered to provide assistance.
- Mary Fitzpatrick (Brooklyn) offered to write an article comparing the systems in New York and California of only hiring permanent law clerks. This led to discussion that the article could highlight pursuing permanent "career" clerkships, i.e. clerking as a career path and not just a one year job, and using California and New York as examples. Cara Mitnick (USD) offered to help. Diane Downs (Paul Hastings) noted that she had been a clerk in the New York system and could offer assistance/information.
- Tricia Hackleman (Georgia) expressed interest in writing a Bulletin article about conflicts/ethics issues for attorneys hired as law clerks after working for a couple of years.
- Lorri Olan (Washington & Lee) has expressed interest in writing an article about counseling students interested in pursuing public interest opportunities and judicial clerkships.

## Work Groups

**State Court Work Group.** Co-chairs Melissa Lennon (Temple) and Lori Olan (Washington & Lee) report the following:

The state court work group continues to invite volunteers to submit tips and tricks to add to our growing guide, "Insight and Information for Select State Court Clerkships." So far, we have 13 jurisdictions, which include: Colorado, Connecticut, Georgia, Illinois, Iowa, Maryland, New Jersey, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, and Washington D.C. We would welcome additional contributions, especially from Florida and California. Also, if NALP members review the guide and find they would like to make suggestions to the content already provided, we would welcome that, too.

**OSCAR Work Group.** Chair Marilyn Drees (Yale) reports the following:

The OSCAR work group was busy in April and May with the OSCAR 6.0 beta testing of the upgraded Law School Administrator, Applicant, and Recommender interfaces, as well as the newly-developed module for circuit staff attorney positions. OSCAR 6.0 was successfully launched on May 21. Members of the group have participated in webinar training sessions hosted by the OSCAR staff in June. The work group plans to host a conference call for section members

in July, to talk through issues that have arisen with OSCAR 6.0 and respond to questions about the system.

### **Experienced Attorney Hiring Work Group**

This work group was previously the Lateral Hiring Trend work group and was chaired by Jessica Heywood (Catholic) last year. Jessica wrote an article for the Bulletin addressing many of the issues facing law firms with respect to attorneys leaving for clerkships. The charge of the work group has been revamped, and we are still looking for volunteers to lead the work group this year. A conference program on this topic has been proposed, see above, and I hope to garner more interest in formalizing the goals and leadership of this work group during our next quarterly conference call.

The new charge is reprinted below:

This work group will examine the new practice of judges hiring “deferred” associates as unpaid interns after graduation, as well as the more established practice of judges hiring experienced attorneys as their law clerks. The group will identify the extent of postgraduation unpaid intern hiring and how the experience is viewed by the interns and future legal employers. The group will also continue to examine the practice by judges of hiring experienced attorneys, including hiring students still in school for “future” clerkship openings after the students have committed to work for one or two years, as well as hiring currently practicing attorneys for immediate or future clerkship openings. The group will bring together NALP members from the school side as well as from the employer side to discuss the impact of such experienced attorney hiring on clerkship counseling, recruitment and retention. The results of these discussions will be shared with the membership either as Bulletin article(s) or for future conference programs.

### **Administrative Law Judge Hiring (Proposed New Work Group)**

A new work group proposal was discussed on May 13 (although not formally submitted to the Board). Chris Fritton (U. Pennsylvania) has begun tackling the project to create a more complete and more accessible document on ALJ hiring, hosted on NALP’s web site or as a NALP publication building upon the handout created by me for the ALJ program held in 2009 in Washington, DC. Approximately 9 members contacted Chris expressing interest helping with such a project. They had a conference call in late May, and Danielle Sorkin (Brooklyn) offered to share with the group the information she had already gathered on ALJ hiring. Chris Fritton is reviewing the information provided by Danielle and will share the final product with the entire section.