

NALP JUDICIAL CLERKSHIP SECTION

Quarterly Report to the Board of Directors

March 16, 2009

Submitted by: Kirsten Solberg, Harvard, Chair

We have had an active year in the Judicial Clerkship Section, with people participating in various ways. Our last section-wide meeting was on March 3 by conference call. Approximately 35 people participated in the call. We discussed the clerkship-related programming at the Annual Education Conference, the potential timeslots for the section's meeting at the conference, and the reports from the work groups summarized below. Special thanks go to all the volunteers named below, our Board Liaison Marilyn Drees, and Fred Thrasher and Janet Smith at the NALP headquarters.

Articles and Programs

Articles and programs have proceeded as planned. Our third of three articles for the NALP Bulletin was just published, and our program speakers are finalizing their presentations for the Annual Education Conference.

Articles

- Judicial Clerkships: Federal Staff Attorney Positions (December) - *Authors Elizabeth Armand of Stanford and Malini Nangia of UCLA, Editor Lois Casaleggi of Chicago*
- The Value of Judicial Clerkships for Transactional Careers (January) - *Author Aymara Zielina of Pepperdine, Editor Laurie Neff of George Mason*
- Obtaining Good Judicial Clerkship Recommendations (March) - *Author Colleen Truden of Pacific, Editor Margaret Talmers of Suffolk*

Programs

- Beyond Article III – Clerkships with Administrative Law Judges - *Sheila Driscoll of George Washington*
- OSCAR: Season Review and First Look at Version 5.0 – *Marilyn Drees of Yale and other members of the OSCAR Work Group*
- Maximizing Faculty and Alumni Involvement in Your Judicial Clerkship Program - *Lori Ann Reifschneider of UC Davis, Jessica Heywood of Catholic, Sonja Hayes of Stetson*

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.

- Law school administrators for OSCAR should have received an email notice about the schedule for archiving.

- Each law school has one primary law school administrator identified for OSCAR. If staffing changes within a school prompt a need to change the identity of the primary law school administrator for OSCAR, the head of the school's career services office should email the OSCAR help desk to request the change in writing.
- Inactive recommenders should have received email notice about their accounts being archived. A recommender who is in the system now, then archived, then entered again with the same email address should have her templates remain accessible in OSCAR. The final recommendation letters that resulted from mail merging the templates will not be accessible.
- The public information side of OSCAR is being reconfigured, but the Work Group has not seen the changes yet.
- The Work Group is continuing its weekly conference calls – including OSCAR staff every other week – to focus on various ongoing issues and the tentative beta-test schedule for Version 5.0 in April.
- The OSCAR staff will not have a vendor booth at the NALP Annual Education Conference this year. They will hold two training sessions (dates and times to be announced). Because they will not receive anything new from the developer until the end of the Conference, and they have a great deal of work still needed before the launch of Version 5.0, they decided their time would be better spent focusing on the technical side rather than in the vendor booth.

State Court Work Group

The group consists of *co-chairs Michele Hoff of Connecticut and Melissa Lennon of Temple and members Eric Bono of Colorado, Holly Brajcich of Gonzaga, Denise Carl of Richmond, Trisha Fillbach of Drake, Amy Killoran of American, Mary Pat McInnis of St. Louis, Deborah Mosman of Willamette, Laurie Neff of George Mason, Lorri Olan of Washington & Lee, and Colleen Truden of Pacific.* They report the following.

The objective of the State Court Work Group was to compile best practices guidelines for obtaining state court clerkships in certain jurisdictions, to work as a supplement to the Vermont Law School Guide. Members volunteered to make inquiries in each of the selected jurisdictions to gather information relevant to students in their applications and career planning offices in assisting them.

The jurisdictions we initially targeted are: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Nevada, New Jersey, New York, Oregon, Pennsylvania, Texas, Utah, Virginia, Washington, and Washington D.C. We currently have the draft samples written for Connecticut and Pennsylvania. We are planning to have a core group of samples ready to be distributed at the NALP Conference. The general questions the write-ups will focus on are:

1. What is the timing of applications to each court (appellate and trial) if any further supplement to the information already provided in the Vermont Guide would be helpful?
2. When is it likely an applicant will hear if he or she has received an interview?
3. What information can be learned about the interview itself? Are there certain questions or types of questions that are typically asked? Will interview be with a

- panel of judges, just one judge, judge and clerks or another combination? Will there be a substantive skills test or hypothetical question?
4. If offer is given, do judges allow a reasonable time to reply? Do judges on the same court collaborate so as not to give multiple offers to the same person?
 5. Will successful applicants be required or expected to take that state's bar exam?

The current State Court Work Group proposed, organized, and started this project that could be ongoing into future years. The section-wide conference call demonstrated that there is active interest in continuing the project into at least the next NALP year, subject to approval from the new NALP President and Board.

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*. They report the following.

The Alumni/Lateral Work Group's objective was to research issues related to the purported increase in lateral judicial law clerks, including: (1) whether indeed there has been an increase in the number of lateral law clerks and why; (2) implications for employers (e.g., smooth departures, whether clerks return, recruiting lateral clerks, etc.); and (3) implications for law schools (e.g., increased demand for counseling services for alumni seeking clerkships, tracking lateral law clerks, etc.). In addressing these issues, the Work Group planned to rely on statistical and anecdotal information gathered from Work Group members, NALP school and employer members, current law clerks and judges. Additionally, the NALP Board requested specific information from law firm members regarding: (1) the internal effects of lateral law clerks within a firm (such as on associates' progression, assignments, etc.); and (2) the impact of associate departures. The Work Group's original goal was to draft a report analyzing the relevant issues and suggesting best practices for both schools and employers, which possibly would be published on the NALP website or as a series of articles for the NALP Bulletin.

In carrying out its charge, the Work Group encountered two unanticipated challenges: (1) recruiting law firm members to participate; and (2) collecting accurate data regarding the number of alumni lateral law clerks. With regard to recruiting law firm members, the Work Group co-chairs spent considerable time soliciting law firm members through personal telephone calls and emails as well as general email solicitations through relevant NALP list serves including the Judicial Clerkship Section, the Lateral Recruiting Section and Law Student Recruiting Section. The Work Group currently has two law firm members. Despite a small group with limited firm members, the Work Group next focused on gathering data in a way that would ensure accuracy and provide a statistically meaningful sample. Outreach was conducted to judges and current clerks, seeking advice on survey techniques. Law schools also were contacted to inquire about their practices regarding capturing alumni clerkship data. As a result of this outreach, the Work Group concluded that law clerks would be unlikely to respond in sufficient numbers and that law school data would be inconsistent. A specific recommendation was that data be collected directly from the courts with the survey request coming from NALP so as to carry the weight and legitimacy of the organization.

In Fall 2008, the economy fell into a steep decline which has had an unprecedented impact on the legal profession. The Work Group believes the current downturn has impacted our mission, both in terms of our ability to attract law firm members and in collecting meaningful data. As NALP employer members struggle with the myriad of challenges created by the current market, including dissolutions, lay-offs, outplacement and severance, the issue of alumni/lateral clerks is secondary. At least one member who had originally indicated interest was unable to commit after her law firm dissolved late in 2008. Furthermore, the Work Group believes statistical data collected at this time might be useful only in a historical context. Career choices are currently motivated by our unique economic circumstances rather than normal market conditions. For example, law clerks may extend their clerkships for an additional year and more associates than normal may be applying for clerkships as a way to “ride out the storm.”

The Alumni/Lateral Work Group last met via conference call on February 27, 2009, to discuss the status of our project. We recapped the Work Group’s charge and progress over the last six months, and focused on the level of interest going forward. All members agreed that now is not the time to pursue this topic due to the current market, but most are eager to revisit the project in the future, develop a survey instrument through official NALP channels, and formally approach the courts regarding participation.

Section members agreed with the recommendation not to renew the alumni/lateral clerk topic as a work group for the 2009-2010 NALP year. Several people proposed that the section publish a Bulletin article on the topic with more anecdotal information, as a way of keeping the topic alive until market conditions improve and stabilize enough to warrant revisiting the larger scale project.