

**To:** Clara Solomon, Board Liaison  
NALP Board of Directors  
**Cc:** Fred Thrasher, NALP Deputy Director  
**From:** Samantha Kasmarek, Chair, Judicial Clerkship Section  
**Date:** June 18, 2018  
**Re:** Judicial Clerkship Section Quarterly Report

The following is a report on the activities of the Judicial Clerkship Section and its Work Groups for the first quarter.

**I. Leadership Team**

***Chair:***

Samantha Kasmarek, Syracuse University College of Law ([kasmarek@law.syr.edu](mailto:kasmarek@law.syr.edu))

***Annual Education Conference/Bulletin Article/Webinar Planning:***

Michele Hoff, Georgetown ([mh1845@georgetown.edu](mailto:mh1845@georgetown.edu)) and Jen Pollard, University of Maryland Francis King Carey School of Law ([jpollard@law.umaryland.edu](mailto:jpollard@law.umaryland.edu))

***OSCAR:***

Marilyn Drees, Yale ([marilyn.drees@yale.edu](mailto:marilyn.drees@yale.edu))

***State Courts:***

Laura Woodson, UGA ([lwoodson@uga.edu](mailto:lwoodson@uga.edu))

***Diversity in Judicial Clerkships:***

Betsy DiPardo, Harvard ([bdipardo@law.harvard.edu](mailto:bdipardo@law.harvard.edu))

***Bankruptcy Court Clerkships:***

Andrea Hilton, Washington and Lee ([HiltonA@wlu.edu](mailto:HiltonA@wlu.edu))

***Federal Law Clerk Hiring Plan***

Liz Peck, Cornell ([ep83@cornell.edu](mailto:ep83@cornell.edu)) and Greta Trakul, Michigan ([gtrakul@umich.edu](mailto:gtrakul@umich.edu))

**II. Section Meeting**

The Section's first quarter call was held on Monday, June 11<sup>th</sup> at 2 pm Eastern. Approximately 35 people were on the call for the duration.

The Work Groups provided the following updates:

**A. *Annual Education Conference/Bulletin Article/Webinar Planning:***

**RFPs for 2019 Annual Education Conference**

The Section submitted six (6) RFP's for the 2019 Annual Education Conference in San Diego.

- 1) **#MeToo in the Courthouse: How to Support Clerks in Challenging Chambers**  
(Presenters: Liz Peck, Honorable M. Margaret McKeown, Wendy Patrick)
- 2) **Inside Judicial Chambers: Exploring the Diversity Program in Judicial Clerkships** (Janet Brown, Ajay Mehrotra, Honorabl Goodwin Liu)

- 3) **Judicial Clerkships: A Strategic Stop on the Public Interest Career Path** (Susan Curry, Eric Stern, Alison Kennedy, Michele Hoff)
- 4) **OSCAR Preview: What's New? What's Next?** (Presenters Marilyn Drees, Laura Simon, Tyrus Manuel, Marty McDade)
- 5) **State Court Clerkships: Cultivating a Hidden Gem** (Michele Hoff, Jen Pollard, Jennifer Reidy Clark, Laura Woodson)
- 6) **When Clerkship Hiring and Summer Programs Collide: A Student Survival Guide** (Julie McLaughlin, Trisha Selden, Katherine Paculba)

#### **NALP Bulletin**

The Section also proposed six (6) *Bulletin* articles for the 2018-2019 year.

- 1) **Encouraging/Counseling Diverse Candidates** (Follow-up to AEC program by Tamara Stephen)
- 2) **Clerkship Buy-in: Convincing the Most Qualified Candidates to Apply** (by Linda Hale and perhaps co-authoring with Paula Smith)
- 3) **Judicial Externships** (by Diane Fears)
- 4) **Background Checks & Social Activism** (by Maureen Kieffer)
- 5) **Federal Law Clerk Hiring Plan for Recruiters** (by Betsy DiPardo, Greta Trakul)
- 6) **Messaging around Offer Timing** (TBD)

#### **B. OSCAR:**

The OSCAR staff expressed their appreciation to all who stopped by to see them at the Annual Education Conference (AEC) in Hollywood. OSCAR is planning to supplement the user feedback work done at the AEC (user stories) and offer online versions for those who couldn't participate/were unable to attend the conference. They are tentatively planning an interactive webinar/ video followed by a Survey Monkey type of form for users to submit their feedback. OSCAR expects this to roll out late June/early July.

The Work Group is working with OSCAR on the next round of applications (when OSCAR opens for the Class of 2020). One issue the Work Group raised with OSCAR staff deals with students who are evening/pursuing a joint degree. These students may have completed the requisite number of semesters, but will have a later grad date. OSCAR profiles do not account for these students who do not follow a traditional law school timing track, so the Work Group is hopefully adjustments will be made to OSCAR profile options.

#### **C. State Courts:**

The Work Group is continuing to update the *Insight and Inside Information for State Courts* guide for career counselors. California, Washington, Texas and a few upper-Mid West states were recently updated. Almost all states included in the guide and once that is done, the complete update will be circulated for additional/final review by Section members.

#### **D. Diversity in Judicial Clerkships:**

This is a joint charge with the Diversity & Inclusion Section, and Eric Stern is Vice-Chairing the Work Group for them. The Work Group was tasked with closing in on an exact number (or as

close as possible) of law clerks who identify as a member of a minority group. During the 2019 RFP development stage, the Section discovered that the American Bar Foundation (Bar Foundation) had the same idea. A representative of the Bar Foundation recently contacted NALP to license the data it collected from a 2000 study. They discussed their upcoming plans with NALP leadership and potential collaboration. The Bar Foundation will be dedicating resources to their survey. In the near future, a call will take place between the Bar Foundation, NALP leadership and representatives from the Judicial Clerkship and Diversity and Inclusion Sections to discuss the content of the survey.

**E. *Bankruptcy Court Clerkships:***

The Work Group is in the process of setting up a call with Judge Isicoff (Chief Judge, U.S. Bankruptcy Court, Southern District of Florida) to discuss her thoughts on what information she would like to share with the section. She emailed with a list of initiatives she is working on with the National Conference of Bankruptcy Judges and the Diversity Subcommittee of the Committee on the Administration of the Bankruptcy System.

**F. *Federal Law Clerk Hiring Plan:***

The Work Group continues to monitor court reactions to the Federal Law Clerk Hiring Plan. The most recent court to adopt the Hiring Plan is the [First Circuit](#), however it did not appear universal: “A majority of judges of the United States Court of Appeals for the First Circuit are following a new national law clerk hiring plan.”

In May, the [Third Circuit](#) also adopted the plan, but as a one-year pilot plan. Judges will reconsider their participation after one year.

**III. Environmental Scanning**

During the Work Group reports and subsequent Q&A at the end of the call, two issues were discussed:

***Federal Law Clerk Hiring Plan:***

1. A question that has been consistently posed is whether a Circuit Court’s decision to adopt the Federal Law Clerk Hiring Plan binds the District Court judges. Because a few District Courts have expressly adopted the plan, many have presumed that it is the discretion of the District Court Judges. However, someone pointed out that with respect to different issues, the Circuit Courts can heavily influence the District Courts – and cautioned that silence does not necessarily mean no. It’s assumed that if a judge wants to use exclusively use OSCAR, they have to follow the plan. Judges will have to use alternative methods to collect applications if they want to hire outside of the plan.
2. Given the timing of applications being released – it will occur right in the middle of summer associate programs. There was a “Best Practices” for Recruiters developed with respect to the last Federal Law Clerk Hiring Plan. A NALP *Bulletin* article was proposed for the upcoming year; however the section should be actively engaging members of the Recruiting Section to make sure they are aware of the new hiring plan for federal law clerks.

**IV. Next Quarterly Call**

The 2<sup>nd</sup> Quarter Judicial Clerkship Section call will take place ***Wednesday, October 10, 2018 at 2 pm Eastern*** (11 am Pacific).