

To: Jennifer Henfey, Board Liaison, NALP Board of Directors

Cc: Fred Thrasher, NALP Deputy Director

From: Michele Hoff, Chair, Judicial Clerkship Section

Date: April 9, 2020

Re: Judicial Clerkship Section Quarterly Report

Below please find a summary of the section's activities and concerns from this quarter.

I. Leadership Team

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| Section Chair | Michele Hoff, Georgetown University Law Center mh1845@georgetown.edu (202) 662-9612 |
| Annual Education Conference, Bulletin Article and Webinar Planning Workgroup Co-Chairs | Jennifer Riedy Clark, University of Missouri School of Law riedyj@missouri.edu Alfred "AJ" Finch, University of Iowa School of Law alfred-finch@uiowa.edu |
| Federal Law Clerk Hiring Plan Workgroup Co-Chairs | Elizabeth Peck, Cornell School of Law ep83@cornell.edu Greta Trakul, University of Michigan School of Law gtrakul@umich.edu |
| OSCAR Workgroup Chair | Marilyn Drees, Yale marilyn.drees@yale.edu |
| State Court Workgroup Co-Chairs | Jennifer Pollard, University of Maryland School of Law jpollard@law.umaryland.edu Tamara Stephen, Brooklyn Law School tamara.stephen@brooklaw.edu |
| Strategic Planning Workgroup Co-Chairs | Kirsten Solberg, Harvard University School of Law ksolberg@law.harvard.edu Laura Woodson, University of Georgia School of Law lwoodson@uga.edu |

II. Section Meeting

The section held general section call on March 27. The section's workgroups contributed through the call which addressed the following topics:

- Open RFP Processes
 - RFP processes are open for both the 2020 Professional Development Institute and the 2021 Annual Education Conference and members are encouraged to consider submitting program proposals.
 - A brainstorming call will be scheduled in the coming weeks (exact time/date TBD) to gather program ideas for the 2021 conference.
- Call for 2020-2021 Volunteers
 - Encouraged members to start thinking about how they might like to be involved in the section during the upcoming year.
- OSCAR Workgroup Outreach to the AO
 - The OSCAR Workgroup recently reached out to the AO to share concerns that schools and their applicants currently have about the application process. Among those concerns are preparing and submitting paper applications and conducting interviews. The AO team indicated that they would send an email out to judges to share the concerns and to encourage them to reconsider accepting materials on OSCAR.
- Current Concerns
 - Many courts are closed or working on an extremely reduced basis. The AO and PSJD have two good resources for tracking the status of closures for the federal and state courts respectively.
 - Many schools are hearing concerns from their students who have accepted summer judicial internships. There seems to be a mix of responses from individual chambers about if, and how, the summer positions will move forward.
 - There are a number of questions about the timing of clerkship applications and interviews. There has been no change announced to the timing of the federal hiring plan timeline for the Class of 2021 (as yet), but some state courts have made or are considering changes to the timing of their application cycles.

III. Environmental Scanning

Many of the concerns that came up within the section this quarter are related to the current pandemic. They include:

- The use of pass/fail grading by many schools for the spring 2020 semester – Many current student applicants are concerned how judges will view their GPAs, transcripts now that schools are using mandatory pass/fail or adjusted grading schemes this semester. Current 1L students are also concerned about how their applications will be received in future cycles.

- How to manage requests for paper applications and/or letters of recommendation – Applicants have concerns about how to submit applications to judges/courts who request paper applications. They are concerned that materials will get lost, overlooked given court closures. Clerkship advisors, many of whom are not able to get into their offices or access their normal processing resources, are struggling to prepare and submit paper letters of recommendation. Many schools have been reaching out to judges to ask if letters can be submitted via email, and have been meeting with a certain degree of success. There are growing concerns about how applicants will be able to send out paper applications to judges who only accept materials in that fashion. There are also concerns about if and how schools will be able to support hard copy applications during the height of the application period in May/June of this year.
- The timing and format of interviews– There are a number of questions about how the federal court interview process will play out this summer. It is unclear if judges will continue forward using a similar timeline (where we saw a significant number of interviews held during the last two weeks of June and in early July) as they did last year. And, if the judges do more forward, there are questions about whether those interviews will be scheduled using phone or video technology to reduce the need to travel. Many student applicants are also concerned about how the interview timeline could interact with their summer work schedules, especially as more and more employers are moving their summer program start dates to the week of June 15 and/or June 22.
- Potential changes to current clerkship hiring timelines and practices – Many people have been asking whether there may be changes to the June 15 release date set out under the current federal court hiring plan. So far, there has been no indication that there will be a global change made to that date. On the state court level, some courts have announced that they are adjusting their hiring timelines and/or interview processes for this hiring cycle. Applicants are wondering if more state courts will follow suit.
- How to advise students in the Class of 2022 about clerkships – The federal courts have not yet announced a timeline for the current 1L class to follow, nor have they established an OSCAR access date. There are questions about whether the judges will conduct their survey evaluating the two year pilot program on the same timeline as originally planned and about when 1L guidance may be announced. There are also concerns about the possibility of clerkship hiring taking place on a timeline that coincides with, or occurs very shortly after, the on-campus interviewing programs which seem largely to be moving to spring of 2021.
- The timing of bar exams and fall clerkship start dates – As the timing of July 2020 bar exams is up in the air, there are an increasing number of questions about how new bar exam timelines will impact recent graduates who had planned to sit for the bar prior to starting their clerkships. There are candidates who may not be permitted to study for and/or take the bar exam in the early days of their clerkships, which could impact their post-clerkship job prospects.
- What impact will the pandemic may have on overall clerkship applications – Counselors are watching for any emerging trends in or changes to the clerkship applicant pool. We may see

an increase in the number of current 2Ls applying for clerkships to hedge against any uncertainty they perceive in the summer job market. We may see fewer current 2Ls pursuing clerkships as they are afraid to risk or turn down a potential offer to return to their summer employer after graduation. We may see an increase in 3Ls entering the clerkship market to broaden their immediate post-graduate opportunities. We may see a change in the number of diverse candidates, particularly those who feel confident about their alternative opportunities, being willing to pursue clerkships.

- How law firms might adjust their deferral policies in light of their economic circumstances – There are questions about whether firms may relax their clerkship deferral policies to allow for candidates to pursue clerkship with a broader range of judges and/or courts. For example, will we see firms that currently do not allow for a deferrals for state intermediate court or federal magistrate judge clerkships to temporarily allow such deferrals in order to manage their fall 2021 incoming associate class numbers?

IV. Upcoming Section Calls

The section has planned scheduled its next general meeting for Tuesday, April 28 at 3 p.m. ET/12 p.m. PT. The call will include a brainstorming session for 2021 conference proposals and future Bulletin articles.