

To: Fred Thrasher, NALP Deputy Director  
Melissa Lennon, Board Liaison  
NALP Board of Directors

From: Amy Killoran, Chair, Judicial Clerkship Section

Date: June 18, 2014

Re: Judicial Clerkship Section Quarterly Report

Below, please find information about the Judicial Clerkship Section's activities since our initial meeting at the Annual Conference in Seattle, including section communication, best practices documents, 2015 Annual Conference RFPs, Bulletin articles, updates from work groups, and environmental scanning.

### **Section Communication**

On May 6, 2014, the Judicial Clerkship Section held a conference call after the Annual Meeting to discuss the status of RFPs as well as work group leadership, volunteer opportunities, and charges for the new term. Approximately 53 members joined the call. I posted minutes from the call on NALP Connect.

### **Proposals for the 2015 Annual Conference**

The Judicial Clerkship Section submitted seven proposals for the 2015 Annual Conference in Chicago, as follows:

1. **Advancing a Public Service Career Through Clerking: Strategies, Challenges and Guidance:** A joint program with the Public Service Section, this panel will examine how clerkships intersect with and lead to careers in public service. Speakers: Jennifer Pollard (Maryland), Janet Siegel Brown (Northwestern), Elizabeth "Lizzie" Rosenthal (Legal Aid Foundation), Sheri Wong (City of Chicago Law Department).
2. **Building Relationships with the Bench: A Judicial Clerkship Advisor's Toolkit:** An interactive program that provides an overview of strategies for judicial outreach, including marketing your law school and student body, planning events and programs, faculty involvement in judicial outreach, and tracking relationships. Speakers: Jessica Malott (Iowa), Rémi Ratliff (Texas), Shannon Schaab (John Marshall).
3. **Clerking in the Windy City Beyond the Article IIIs:** A distinguished panel of staff attorneys and magistrate judges will discuss clerkship opportunities in Chicago beyond those with Article III judges. Speakers: Maureen Kieffer (Loyola) and Susan Staab (Chicago), Judge Young Kim (U.S. Magistrate Judge), Michael Fridkin (Senior Staff Attorney, U.S.

Court of Appeals for the Seventh Circuit), Elsa “Yadi” Trujillo (Staff Attorney, Illinois Appellate Court).

4. **Federal Clerkships and OSCAR: Looking Back, Looking Forward:** The Chair of the federal judges' OSCAR Working Group and the OSCAR Program Manager will join seasoned clerkship advisors for a conversation on OSCAR’s tenth anniversary year about the clerkship hiring landscape and to consider OSCAR’s past, present, and future role in federal law clerk hiring. Speakers: Marilyn Drees (Yale), Susan Staab (Chicago), Judge Timothy Burgess (U.S. District Court, District of Alaska), Laura Simon (OSCAR Program Manager, Administrative Office of the U.S. Courts).
5. **Forging Faculty Partnerships: Engaging Faculty To Help Clerkship Applicants:** The program will address ways to successfully work with faculty members to assist clerkship applicants throughout the entire application process, and will present best practices information about how other law schools capitalize on faculty involvement. Speakers: Michele Hoff (Connecticut), Shannon Schaab (John Marshall).
6. **Impact of Early Clerkship Hiring on Summer Associate Programs and OCI:** A joint program with the Recruiting Section, the session will examine the impact of judicial clerkship hiring on firms’ OCI practices and summer associate programs and continue the discussion started at the 2014 Annual Conference regarding judges hiring alumni candidates with one or more years of experience at a firm. Speakers: Sheila Driscoll (George Washington), Natasha Zech (Williams & Connelly), Melissa Lennon (Temple).
7. **Selling Clerkships – How to Engage Students to Apply to Clerkships:** In light of declining clerkship applications, especially among “top” students, the session will address mechanisms to get students more engaged and apply to judicial clerkship opportunities. Speakers: Diane Cross (Cincinnati), Julie McLaughlin (George Washington), Jocelyn Salvatori (California Western), Fairuz Abdullah (UC Hastings).

### **Bulletin Article Proposals**

The Judicial Clerkship Section has submitted four bulletin article proposals, as follows:

1. For the September or October Bulletin, Maureen Kieffer (Loyola) has proposed an article addressing how to advise judicial clerkship applicants who have been asked to write their own letters of recommendation.
2. For the February Bulletin, Marilyn Drees (Yale) and Rémi Ratliff (Texas) have proposed writing an article explaining federal clerkship background checks.
3. For the March Bulletin, Sonja Hayes (Barry) and Alisa Morales (Wyoming) have proposed writing an article regarding managing clerkships as only a portion of one’s job duties.

4. For the April Bulletin, Elyse Moskowitz (Pace) is working on an with Public Service section member Claudia Mello (Minnesota) on best practices for advising students interested in both public interest careers and judicial clerkships.

### **Work Group Status Reports**

#### **OSCAR (Susan Staab, Chicago):**

As of June 1, 2014, OSCAR now allows rising second-year law students to register for applicant accounts with read-only access. Read-only access accounts allows these applicants to view and research clerkship and staff attorney positions, upload application materials such as resumes and writing samples to the system, identify their recommenders, make use of OSCAR's folder system, and access extensive online resources. The 2Ls will gain full system access on August 1, 2014, enabling them to build online applications and submit them for consideration to judges and staff attorney offices with available position listings.

To prepare law schools for these new features and rising 2L access, the OSCAR Program Office held four one-hour webinars for law schools. These webinars are also posted on OSCAR for law schools to review if they were not able to participate. Also in order to implement the software upgrades needed to accommodate allowing rising 2Ls access to the system, OSCAR was unavailable to all users from May 27, 2014 thru May 30, 2014.

As mentioned in the previous Board Report, the OSCAR Judges' Working Group developed a list of Federal Law Clerk Hiring Best Practices. The Chair of the Judges' OSCAR Working Group, Judge Timothy Burgess, sent a letter to NALP's leadership requesting law schools develop a list of best practices for clerkship applicants using OSCAR. This best practices list was mentioned in the OSCAR webinars, above. In response to the request, members of the section drafted a memo on Law School Suggestions on Federal Law Clerk Application Best Practices. The document was posted on NALP Connect and distributed at the Annual Conference for member comment. The Section Work Group is collaborating on finalizing the document and forwarding it to the NALP Board so that it may send it to the Judges' Working Group, with a target date in June. In addition, the letter from Judge Burgess requested that NALP gather perspectives from law schools on federal law clerk hiring to share with judges. This perspectives draft has received Board member input and undergone several revisions and is also due to be finalized in June.

#### **State Courts (Molly Stafford, McGeorge):**

We received a number of updates and new additions to *The Insight and Inside Information for Select State Court Clerkships* during the first quarter of this term. We added DE, updated MA, NY, and DC, and we have commitments for the following states: AL, AK, CO (update), IN, NM, ND, TX (update), WA, and WY. Currently, this resource includes the following 26 states: AZ, CA, CO, CT, DC, DE, FL, GA, IL, IA, MA, MD, MN, MO, MS, NE, NJ, NV, NY, OH, OR, PA, RI, TN, TX, and VA. The Guide is posted on the NALP website, under Professional Resources>Career Services>Resources for Judicial Clerkships. Additional volunteers to update or add the remaining states are welcome.

### **Federal Clerkship Hiring Timeline (Greta Trakul, Michigan, and Michele Hoff, Connecticut):**

The timing of federal law clerk hiring remains in flux as both schools and judges adjust to the discontinuation of the Federal Law Clerk Hiring Plan. While a sizeable number of District Court judges are just beginning to hire for 2015, many judges, particularly in the largest cities, hired their 2015 clerks at the end of 2013 and the early part of 2014. Most Circuit Court judges appear to have completed their hiring for 2015, and many are already accepting applications for 2016. Five judges (a mix of district and circuit) are already accepting applications for 2017. This demonstrates the challenges facing those who advise applicants on the appropriate timing of applications, as there is no longer a "cycle" or even a loose timeline.

We have reached out through NALP Connect to see what other schools are doing to respond to this change and to prepare for August 1, 2014, when rising 2Ls will have full access to OSCAR. The lack of response may indicate that schools are taking a watch and see approach, rather than aggressively preparing rising 2Ls to start applying in early August (during on-campus law firm recruiting). We will continue to solicit input from member schools as the summer progresses. We will also continue to monitor judge postings on OSCAR to see whether the judges will indicate whether they want to receive applications from 2Ls as early as this fall.

In addition to the application timing challenges, we have also noted an increase in unpaid clerkships being posted on OSCAR or sent directly to schools. We do not yet have a sense whether this is a temporary trend or if it has long term implications.

### **Programming and Resources (Shannon Schaab, John Marshall, and Sheila Driscoll, George Washington):**

As discussed above, the section submitted seven RFPs for the 2015 Annual Conference in Chicago, plus four proposed bulletin articles. We also solicited volunteers for updating the Guide to Administrative Law Judge hiring during our May conference call; several volunteers are in place, but we are hoping to get several more to divide up the calls to judges. We are also seeking volunteers to update the NALP brochure entitled "The Courts: An Excellent Place for Attorney of Color to Launch Their Careers."

### **Long Range Strategic Planning (Kirsten Solberg, Harvard):**

We briefly discussed the long range strategic planning process during our first quarter conference call in May. The first Section call dedicated to the long range plan will take place on Monday, July 14, at 2 pm Eastern. Kirsten Solberg will announce this on NALP Connect shortly. The call will brainstorm ideas and solicit volunteers for the work group. Later in the summer, work group members will dissect and expand the initial ideas by conference calls and emails. In September, the Section will likely hold another section-wide conference call to discuss progress and solicit additional feedback. We anticipate that a

rough draft of the memo will be shared on NALP Connect in October, with the final product turned into the Long Range Strategic Planning Committee by November 14.

### **Environmental Scanning and Miscellaneous**

While judicial clerkships often do not make national news, Karen Sloan devoted an article in the May 12, 2014, issue of the National Law Journal to the lack of diversity in the judicial clerkship ranks. Ms. Sloan attended the Seattle annual conference, and based a portion of her article, *Judges Doing Something About Dearth of Diverse Clerks*, on data from a presentation there. The article can be found at <http://m.nationallawjournal.com/module/alm/app/nlj.do#!/article/1608812002>.

For additional information about the current state of the clerkship market, please see the Federal Clerkship Hiring Timeline work group update, above. State courts continue to proceed along their own timelines, with hiring for the 2015 term clustered around the spring and summer of 2014 in many states' appellate courts.