

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

Cc: Fred Thrasher, NALP Deputy Director

From: Michele Hoff, Chair, Judicial Clerkship Section

Date: June 25, 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

Section Chair	Michele Hoff, Georgetown University Law Center mh1845@georgetown.edu (202) 662-9612
Annual Education Conference, Bulletin Article and Webinar Planning Workgroup Vice-Chairs	Elizabeth Crane, University of South Carolina School of Law ecrane@mailbox.sc.edu Blair Edwards, Boston University School of Law edwards2@bu.edu
Federal Law Clerk Hiring Plan Workgroup Vice-Chairs	Elizabeth Peck, Cornell School of Law ep83@cornell.edu Greta Trakul, University of Michigan School of Law gtrakul@umich.edu
OSCAR Workgroup Vice Chair	Marilyn Drees, Yale marilyn.drees@yale.edu
State Court Workgroup Vice-Chairs	Jennifer Pollard, University of Maryland School of Law jpollard@law.umaryland.edu Tamara Stephen, Brooklyn Law School tamara.stephen@brooklaw.edu
Member Relations Workgroup Vice-Chairs	Janet Siegel Brown, Northwestern University School of Law jbrown@law.northwestern.edu Andrea Saavedra, Columbia University School of Law acs2126@columbia.edu

Knowledge Management Workgroup Vice-Chair	Alfred “AJ” Finch, University of Iowa School of Law alfred-finch@uiowa.edu
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II. Section Meetings

The section held two calls this quarter.

The first call was held on Tuesday, April 14, 2020 for the purpose of gathering input to share with the federal judge’s OSCAR workgroup. This call was organized and led by the section’s OSCAR workgroup. A number of topics were addressed including:

- Encouraging judges to post details of their clerkship openings on OSCAR;
- Asking judges to accept application materials on OSCAR, and, if not on OSCAR, by email rather than in hard copy;
- Encouraging judges to consider using phone or video options for interviews; and,
- Inquiring about when a decision may be made about OSCAR access for the class of 2022.

The second call was held on Thursday, May 7, 2020 as a general section call. The following topics were covered.

- 2021 AEC Proposals, Webinars & Bulletin Articles
 - RFPs for the 2021 Annual Education Conference must be submitted by July 24th. Suggested programs/topics include:
 1. Beyond Article III Clerkships – originally approved for the 2020 conference – Jennifer Pollard is the current point of contact for the RFP
 2. When Clerkships are Not Your Only Job – originally approved for the 2020 conference – Samantha Kasmarek is the current point of contact – the panel will need at least one new panelist
 3. Clerkships on the Public Interest Path – originally approved for the 2020 conference as a joint program with the Public Interest Section – Susan Curry is the current point of contact
 4. OSCAR Next Gen Presentation – new idea for 2021 – Marilyn Drees is the point of contact and will coordinate with OSCAR staff at the Administrative Office of the US Courts (the AO)
 5. Diversity and Clerkships: Update on the ABF Project – new idea for 2021 – Janet Siegel Brown is the point of contact and will coordinate with the ABF team
 6. Fallout: Review of the Federal Court Hiring Pilot Plan – originally approved for the 2020 conference – will consider updating and resubmitting the program – Michele Hoff is the current point of contact
 - A webinar, based on a program originally scheduled for the 2020 conference, is being planned. No date has been confirmed yet. Marilyn Drees is the point of contact for the webinar which will feature the Judicial Integrity Officer from the AO.

- Bulletin articles for the 2020-2021 year were submitted to Andrew Parker. While we are still identifying authors, the topics include:
 1. Federal Court Pilot Hiring Plan: A Debrief and a Look Forward (potentially a two part article)
 2. Corporate Law Careers & Clerkships
 3. State Court Focus
 4. Clerking for a Federal Magistrate Judge
- New Workgroups & Volunteers
 - The section has two new workgroups this year – the Member Relations Workgroup and the Knowledge Management Workgroup.
 - Section members who are interested in volunteering to assist any of the section workgroups should contact Michele Hoff or the Workgroup Vice-Chairs.
- Current Concerns
 - Schools are continuing to monitor the status of judicial internships for both the summer and the fall semesters. Some summer internships have moved forward in a largely remote fashion. Others have been cancelled. There are still outstanding questions about what the fall will bring.
 - Some schools have been hearing concerns from current students about the lack of immediate post-graduate clerkship opportunities in the federal courts. An increasing number of judges seem to be giving preference to candidates with post-law school experience and/or hiring for terms further in the future.

III. Environmental Scanning

Many of the concerns that came up within the section this quarter include:

- The timing and format of federal court interviews – Many schools were anxious about how federal court interviewing would unfold in the face of the pandemic related restrictions. Many judges seem to have embraced video technology to conduct their interviews. This has been seen as a somewhat mixed blessing. On the plus side, video interviews have allowed clerkship candidates to save money and participate in an increased number of interviews as they have not had to travel across the country on short-notice to meet with judges. On the negative side, some judges have moved forward with their interviews even faster than in past years which has not always allowed candidates time to properly prepare for their interviews. (There have even been reports of judges making calls themselves and conducting full-blown phone interviews on the spot rather than scheduling interview times.)
- How to advise students in the class of 2022 about clerkships – The federal courts have still not announced a timeline for the rising 2L class to follow, nor have they established an OSCAR access date. More and more class of 2022 students are starting to ask questions about how to prepare and when to apply for federal clerkships. And, there are already reports of judges actively interviewing and hiring students in the class of 2022.

- How will students manage clerkship applications and a later OCI period – As many schools are planning for an OCI process that will take place in early 2021, there are concerns about the burden that students will face if they want to participate in OCI and also pursue clerkships. There are currently a number of areas (for both state and federal courts) where clerkship hiring moves forward from mid-January to early March.
- The timing of bar exams and fall clerkship start dates – With the bar exam landscape continuing to change and evolve there are continued concerns about how incoming clerks will be able to balance their bar studies and the beginning of their clerkships. If candidates are not able to study for and/or sit for bar exam in the early days of their clerkships, their post-clerkship job prospects could be impacted.
- How will schools manage clerkship programming during the 2020-2021 academic year – For many schools there is still some uncertainty about what the fall 2020 semester will look like. This is generating a number of questions about how to plan for clerkship programming. And, it is raising concerns about how to reach and engage students if all of the program offerings are virtual.
- The impact of pass/fail grading and its potential use in the fall 2020 semester – Students are concerned how judges will view their GPAs and transcripts as many schools adopted mandatory pass/fail or adjusted grading schemes for the spring 2020 semester. These concerns now seem to be amplified at schools where the fall semester will be held in a fully virtual format or will rely on some type of hybrid model for fall 2020 semester (and they seem to be even more amplified at schools that have not yet announced their grading policies for fall 2020).

IV. Upcoming Section Calls

The section has planned scheduled its next general meeting for Tuesday, July 7 at 2 p.m. ET/12 p.m. PT. The call will include a debrief on the federal court hiring cycle thus far, an additional call for 2021 conference proposals and a request for authors for the section's Bulletin articles.