

University of Mississippi School of Law
Office of Career Services

JUDICIAL CLERKSHIP HANDBOOK



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Why Clerk? Judicial clerkships provide an opportunity for recent graduates to spend a one or two year period working with judges in federal, state, county or municipal courts. Seventeen percent of the graduates from the class of 2008 obtained clerkships in federal and state courts. Unlike judicial internships and externships, post-graduate clerkships are paid positions. They provide exposure to varied legal issues, an opportunity to master research and writing skills, and, in trial court, a chance to develop advocacy skills through observation of the various arguments and strategies, both good and bad, used by many lawyers. Clerkships also serve as catalysts for future employment, since law firms, government agencies, public interest organizations and other legal employers actively solicit judicial clerks.

A clerkship is an educational experience unlike any other. A clerk sees the judicial system in operation from the inside, i.e., from the perspective of the judge, and can observe the manner in which the judge reacts to the lawyers, briefs, and arguments. This provides invaluable insight into what makes a persuasive brief and an effective oral argument. The value of critical advocacy skills learned through most clerkships cannot be overstated. Also, because clerks work on a random group of cases, they become familiar with a wide array of legal issues. Clerks in both trial and appellate courts do a great deal of research and writing, often under time pressure. The experience is worthwhile simply because it presents a unique opportunity to develop these essential skills.

Some judges will act as mentors to their law clerks. Mentor relationships with judges provide for a rich clerkship experience and may offer you a great deal of insight about your future legal career path, as some judges will provide their clerks with career advice and supportive recommendations.

Recommendations from judges carry great weight, especially for someone who clerks and subsequently practices in the same geographical area. For example, United States Attorney offices and Federal Public Defenders regularly hire from the ranks of clerks who worked for judges in their districts and rely heavily upon recommendations from those judges. Many law students are undecided about what sort of legal jobs to pursue, e.g., litigation, government work, corporate practice, lobbying, public interest work, etc. A clerkship not only provides you with an extra year to consider your choices but also enables you to make a more informed decision. For example, if you are considering a career as a trial attorney, a trial court clerkship would provide you with invaluable information about trial practice. If you are thinking about pursuing corporate law, a clerkship in the Delaware state courts may clarify your choices. Moreover, exposure to many different cases may help you discover a previously unrealized enthusiasm for a particular area of the law.

The weight a clerkship carries in the job market is not simply a function of how difficult it is to obtain; the experience itself is generally recognized to be an intensive and unique training experience. For those who are considering a career in legal academia, a clerkship tends to be a particularly important credential.

What Basic Qualifications Do Judicial Clerks Need? In order to become a federal judicial clerk, an applicant must have completed his or her JD prior to beginning work and be a US citizen. A non-citizen of the US may be employed by the federal judiciary to work for courts in Puerto Rico, Guam, the Virgin Islands, Northern Mariana Islands, and Hawaii. For additional information regarding the employment of non-US citizens, you may contact the General Counsel's Office at the Administrative Office of the US Courts at 202-502-1100.

Federal court clerkships are the most competitive. Many federal judges consider only students with strong academic credentials from national law schools or law schools in their geographic area. However, if a student's application reflects some unique qualities or an interesting background, federal judges may look beyond his or her grade point average. Law journal or other extensive writing is a very important factor for many federal judges.

State court judges may be more flexible, although some state supreme courts are as competitive as federal courts. State and local judges provide an excellent learning experience and often consider demonstrable local ties to or a desire to practice law in the area.

What Does a Judicial Clerk Do? The specific responsibilities of a judicial clerk depend on the type of court at which the clerk serves and on the preferences of the judge. The judicial clerk is a full-time assistant to the judge and usually performs a wide range of tasks, including legal research, drafting of memoranda and court opinions, proofreading and cites checking. A judicial clerk is often responsible for various administrative tasks, such as maintenance of the docket and library, assembling documents or other administrative tasks necessary to meet the many obligations of the judge.

APPELLATE COURT CLERKS are more likely to spend most of their time researching and writing. An appellate court reviews cases for error from the trial court and does not have contact with the litigants apart from the oral argument. The primary tasks of an appellate judicial clerk are to review the record from the trial court, review the parties' briefs to the courts, research the applicable law and draft either a memorandum of law or an opinion for the judge.

SPECIALIZED COURTS: Some courts serve only specialized areas of the law, such as the US Bankruptcy Court, the US Tax Court, the US Court of Federal Claims and the US Court of International Trade. Judicial clerks serving these courts generally perform duties similar to judicial clerks at the trial level.

TRIAL COURT CLERKS generally are responsible for a wider range of functions than appellate court clerks. This is primarily because a trial court is a fact-finding court that deals directly with litigants and with the everyday details of the litigation process. As such, the trial court clerk is often responsible for assisting with discovery disputes, settlement conferences and trials. The clerk drafts trial briefs and opinions, both short and long, and maintains correspondence and contact with attorneys and witnesses. Students interested in litigation find a clerkship in a trial court particularly helpful in their understanding of the litigation process.

Federal Clerkships

ARTICLE III JUDGES: Justices of the Supreme Court, judges of the courts of appeals and the district courts, and judges of the Court of International Trade, are appointed under Article III of the Constitution by the President of the United States with the advice and consent of the Senate. Article III judges are appointed for life, and they can only be removed through the impeachment process. Although there are no special qualifications to become a judge of these courts, those who are nominated are typically very accomplished private or government attorneys, judges in state courts, magistrate judges or bankruptcy judges, or law professors. The judiciary plays no role in the nomination or confirmation process.

UNITED STATES SUPREME COURT. At its discretion and within certain guidelines established by Congress, the Supreme Court each year hears a limited number of the cases it is asked to decide. Those cases may begin in the federal or state courts, and they usually involve important questions about the Constitution or federal law. The court consists of the Chief Justice of the United States and eight associate justices. US Supreme Court justices are authorized to hire four clerks each with the exception of the Chief Justice, who may hire five. Clerks are hired for a single one-year term. Retired Supreme Court justices also can hire one clerk; the work there will vary, ranging from sitting on Court of Appeals cases when the Justice sits as a circuit judge, to being "on loan" to the chambers of the Justice who replaced the retired Justice. Justices usually hire clerks who, by the time they arrive at the Supreme Court, will have clerked for at least one year for another judge, most frequently at the federal appellate level. www.supremecourtus.gov.

UNITED STATES COURTS OF APPEALS. There are thirteen judicial circuits, each with a court of appeals (the Court of Appeals for the Federal Circuit, which has jurisdiction over certain types of cases, and twelve regional courts, which have jurisdiction over certain geographic areas.) The smallest court is the First Circuit, with six active judges; the largest is the Ninth Circuit, with 28 active judges. The First through Eleventh Circuits each comprise three or more states; the District of Columbia Circuit hears cases arising in the District of Columbia. A list of the states that comprise each circuit may be found in 28 USCS § 41, and the number of the judgeships in each circuit is set forth in 28 USCS §44. Each circuit has a different caseload. For example, the District of Columbia Circuit hears

mostly administrative cases and not a lot of criminal cases. The Second Circuit tends to have a lot of financial and corporate cases, while the Sixth Circuit tends to have a lot of labor law cases. The Federal Circuit has jurisdiction over patent cases, as well as cases brought against the federal government.

Active judges generally hire three or four law clerks, depending on the number of secretaries (two to one, respectively) they choose to have. Chief Judges may hire four or five clerks, and senior (retired) judges may have from one to three, depending on the size of the caseload they elect to maintain. Some federal judges ((both circuit and district), however, have begun hiring career, or permanent , clerks to fill one slot in their chambers, which will reduce their need for temporary clerks.

Appellate clerks generally have no contact with the attorneys or parties in cases before the court. Typical duties for a clerk include reading the briefs and selected portions of the record (called the joint appendix) in a case scheduled for argument and preparing a bench memorandum prior to oral argument (although some courts and some judges do not use pre-argument bench memoranda). The format of bench memoranda can vary greatly among chambers...some judges prefer cursory, five-page treatments while others prefer lengthier memoranda. In general, the bench memo will contain independent research and will include a recommendation on the disposition of the case. Usually clerks attend oral argument and discuss cases with the judge. After oral argument, if the judge is assigned to write the opinion, the clerk will usually be asked to write a first draft, which the judge will revise and edit. In some chambers, it is the judge who provides the first draft, and the clerk is asked to comment, edit, and provide additional research. If the judge is not writing the opinion, often the clerk will be expected to read the proposed opinion from another judge's chambers once it is circulated. The amount of advice a clerk is asked to render in these opinions varies with the judge. For a map of circuits and links to circuit court websites, visit www.uscourts.gov/links.html.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT was established under Article III of the Constitution on October 1, 1982. The court was formed by the merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Federal Claims. The Federal Circuit is unique among the thirteen Circuit Courts of Appeals. It has nationwide jurisdiction in a variety of subject areas, including international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, and veterans' benefits. Appeals to the court come from all federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. The court also takes appeals of certain administrative agencies' decisions, including the United States Merit Systems Protection Board, the Boards of Contract Appeals, the Board of Patent Appeals and Interferences, and the Trademark Trial and Appeals Board. Decisions of the United States International Trade Commission, the Office of Compliance of the United States Congress and the Government Accountability Office Personnel Appeals Board are also reviewed by the court. The court's jurisdiction consists of administrative law cases (55%), intellectual property cases (31%), and cases involving money damages against the United States government (11%). The administrative law cases consist of personnel and veterans claims. Nearly all of the intellectual property cases involve patents. Suits for money damages against the United States government include government contract cases, tax refund appeals, unlawful takings, and civilian and military pay cases. For more information visit <http://www.cafc.uscourts.gov/>.

UNITED STATES DISTRICT COURTS. There are 89 districts in the 50 states, which are listed in 28 USCS § 81-144. District courts also exist in Puerto Rico, the Virgin Islands, the District of Columbia, Guam, and the Northern Mariana Islands, making a total of 94 district courts. Some states, such as Alaska, are composed of a single judicial district while others, such as California are composed of multiple districts. The number of active judgeships allotted to each district is set forth in 28 USCS § 133.

District judges typically hire two recent law school graduates as law clerks; many offer only two-year clerkships, while others offer one-year terms.

District court clerkships offer variety. Court clerks are in daily contact with attorneys and parties proceeding without counsel. They do almost all of the things appellate court clerks do and also have a number of additional tasks. Many cases are decided by dispositive motions that are briefed and argued in much the same manner as are appellate cases. A district court clerk assigned a case with a pending dispositive motion is, in essence, performing the same role as an appellate court clerk. District court judges also function as appellate judges at times "sitting by designation" on courts of appeals. District court clerks are also heavily involved in the discovery process. They will often plan the leading role in resolving discovery related motions and will play a role in recommending (and sometimes participating in) pretrial conferences. Many cases settle before trial, and in-chambers settlement conferences are an important part of that process. Law clerks are asked to prepare judges for these conferences, often by reviewing the history of multi-year cases, sometimes by researching issues likely to arise at later stages of the case, and clerks often attend the conferences, as well. Finally, in those cases that do reach trial, the clerk will generally attend the trial and all related hearings. If there is a jury, the clerk may be involved in the preparation of *voir dire* and jury instructions. In civil bench trials, the clerk will often draft findings of fact and conclusions of law. The clerk may be asked to participate in sidebar conferences on disputed evidentiary issues. In criminal cases, clerks are likely to be involved in the evaluation of sentencing recommendations under the Federal Sentencing Guidelines. For a map of circuits and links to circuit court websites, visit www.uscourts.gov/links.html.

UNITED STATES COURT OF INTERNATIONAL TRADE, previously named the US Customs Court, is an [Article III court](#), with full powers in law and [equity](#). In the Customs Court Act of 1980, Congress created the US Court of International Trade within the judicial branch to deal with cases involving international trade and customs duties. Most of its cases concern the classification and valuation of imported merchandise, customs duties, and unfair import practices by trading partners. There is one notable exception to the Court's jurisdiction. In cases involving antidumping and countervailing duties imposed on Canadian or Mexican merchandise, an interested party can request that the case be heard before a special ad hoc binational panel organized under Chapter 19 of the 1988 Canadian-U.S. Free Trade Agreement.

Most cases in the US Court of International Trade are heard by a single judge. If a case challenges the constitutionality of a U.S. law or has important implications regarding the administration or interpretation of the customs laws, then it may be heard by a three-judge panel. The court is located in New York City and currently has 13 judges. For more information visit www.cit.uscourts.gov.

ARTICLE I judges are not subject to the Article III protections. For example, these judges do not enjoy life tenure, and their salaries may be reduced by Congress. The existence of Article I tribunals has been controversial, and their power has been challenged before the US Supreme Court, which has determined that Article I tribunals may exist, but that their power must be circumscribed and, when a potential deprivation of life, liberty, property, or property interest is involved, their decisions are subject to ultimate review in an Article III court.

Article I tribunals consist of certain federal courts and other forms of adjudicative bodies. These tribunals, as created by Congress, are of various forms, and have differing levels of independence from the executive and legislative branches. They can be Article I Courts (also called legislative courts) set up by Congress to review agency decisions, ancillary courts with judges appointed by Article III appeals court judges, or administrative agencies.

UNITED STATES BANKRUPTCY COURT: A bankruptcy judge is a judicial officer of the US District Court who is appointed by the majority of judges of the US Court of Appeals to exercise jurisdiction over bankruptcy matters. Bankruptcy judges are appointed for 14 year terms.

Bankruptcy courts are trial courts and have jurisdiction over some of the most complex and economically significant litigation in the US. The Bankruptcy Courts handle individual and business reorganization and insolvency matters. Clerks are exposed not only to bankruptcy law and procedure, but also to many types of legal claims that can be made against the debtor. (You may wish to review *West's Bankruptcy Reporter* for the types of claims/issues/cases that can arise.) Clerks are responsible for reviewing cases, drafting judicial opinions and orders

of the court, attending and assisting in pretrial conferences and hearings, writing memoranda of law and answering attorney questions regarding court procedures and policies. Each federal district has a Bankruptcy Court, and each bankruptcy judge generally hires one clerk (occasionally two in larger states such as California or New York). For a map of circuits and links to bankruptcy courts across the country, visit <http://www.uscourts.gov/bankruptcycourts.html>.

UNITED STATES DISTRICT COURT MAGISTRATE JUDGES. A US magistrate judge is a judicial officer of the District Court and is appointed by a majority vote of the active district judges of the court to exercise jurisdiction over matters assigned by statute, as well as those delegated by the district judges. A full-time magistrate judge serves a term of eight years. A magistrate judge may eventually become appointed to the US District Court.

Duties assigned to magistrate judges can vary considerably from court to court and from judge to judge. Generally, however, magistrate judges are often involved in criminal cases, conducting arraignments, reviewing requested warrants, reviewing *habeas* petitions, etc. They also commonly have significant civil responsibilities, such as conducting settlement conferences, managing pre-trial matters in complex cases, holding hearings, issuing reports and recommendations and supervising discovery. Magistrate judges may also conduct trials and write opinions, called "reports and recommendations," advising the district judge as to how a case should be resolved. If you are considering a clerkship with magistrate judge, you should thoroughly research the types of matters referred to the judges. Magistrate judges generally hire one clerk for a one-year term. For a map of circuits and links to circuit and district court websites, visit www.uscourts.gov/links.html.

UNITED STATES TAX COURT: When the Commissioner of Internal Revenue has determined a tax deficiency, the taxpayer may dispute the deficiency in the Tax Court before paying any disputed amount. The Tax Court's jurisdiction also includes the authority to redetermine transferee liability, make certain types of declaratory judgments, adjust partnership items, order abatement of interest, award administrative and litigation costs, redetermine worker classification, determine relief from joint and several liability on a joint return, review certain collection actions, and review awards to whistleblowers who provided information to the Commissioner of Internal Revenue on or after December 20, 2006.

The Tax Court is composed of 19 presidentially appointed members. Trial sessions are conducted and other work of the Court is performed by those judges, by senior judges serving on recall, and by special trial judges. All of the judges have expertise in the tax laws and apply that expertise in a manner to ensure that taxpayers are assessed only what they owe, and no more. Although the Court is physically located in Washington, D.C., the judges travel nationwide to conduct trials in various designated cities.

Nineteen judges are appointed to the tax court, and each has approximately three judicial clerks. Clerks receive the experience of a trial court within the specialized field of tax. The Court's trials involve controversies regarding deficiencies in income, estate and gift taxes among other things. Students interested in positions should be sure to take and excel in tax courses and be ranked in the upper third of their class. For more information on the U.S. Tax Court visit www.ustaxcourt.gov.

UNITED STATES COURT OF FEDERAL CLAIMS: The United States Court of Federal Claims – the "People's Court" – traces its roots directly back to the Court of Claims established by Congress in 1855. What began as a mechanism to advise Congress on the merits of claims against the United States became in 1863, at the urging of President Lincoln, a judicial forum for the citizenry against the government.

From the Tucker Act of 1887 to the Federal Courts Improvement Act of 1982, the U.S. Court of Federal Claims has been entrusted with nationwide jurisdiction over money claims (other than in tort) founded on federal statutes, executive regulations, government contracts, and the Constitution. The Court hears contract disputes and Constitutional claims, actions for patent and copyright infringement, tax refunds, Indian claims, federal contract bid protests, civilian and military pay claims, and vaccine injury claims. The Court has also maintained its authority, unique within the federal judiciary, to advise on claims submitted by Congressional reference. The Court is

composed of 16 judges, nominated by the President and confirmed by the Senate for terms of 15 years. For more information, visit www.uscfc.uscourts.gov.

UNITED STATES COURT APPEALS FOR THE ARMED SERVICES exercises world-wide appellate jurisdiction over court-martial cases involving U.S. military personnel. Cases address a broad range of legal issues, including constitutional law, evidence, administrative law, and national security law. Decisions are subject to direct review by the Supreme Court of the United States. Clerks perform an important public service in an environment designed to enhance their legal skills. The Court's web site, <http://www.armfor.uscourts.gov>, contains useful information about the Court, including recent decisions.

THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS is a national court of record, established under Article I of the Constitution of the United States. The Court has exclusive jurisdiction to provide judicial review of final decisions by the Board of Veterans' Appeals, an entity within the Department of Veterans Affairs. The Court provides veterans an impartial judicial forum for review of administrative decisions by the Board of Veterans' Appeals that are adverse to the veteran-appellant's claim of entitlement to benefits for service-connected disabilities, survivor benefits and other benefits such as education payments and waiver of indebtedness. In furtherance of its mission, the Court also seeks to help ensure that all veterans have equal access to the Court and to promote public trust and confidence in the Court. For more information visit <http://www.vetapp.uscourts.gov/>

THE DEPARTMENT OF LABOR'S OFFICE OF ADMINISTRATIVE LAW JUDGES is the "trial court" for many of the Department's programs. It is headquartered in Washington, D.C., and has eight District Offices. Judges hear cases involving a wide variety of labor-related actions, such as black lung benefits, longshore workers' compensation, immigration-related alien labor certifications and enforcement actions, nuclear and environmental whistleblower cases, Fair Labor Standards Act enforcement actions, and the Office of Federal Contract Compliance Programs (OFCCP) civil rights actions. These are only a few examples. The Office of Administrative Law Judges also houses two appellate boards: the Board of Contract Appeals (BCA), and the Board of Alien Labor Certification Appeals (BALCA). For additional information, visit <http://www.oalj.dol.gov/>

State Clerkships

Most of the legal matters in this country are handled at the state, not the federal, level. The state courts resolve most contract and tort disputes, criminal prosecutions, divorce and custody matters, and the probate of estates. The highest court in a state runs the state judicial system and regulates the state bar. States have trial courts and a hierarchy of appellate courts. There are many clerkships to be found in state courts, so do not neglect to research this area. In recent years, many University of Mississippi students have elected to clerk in state courts. State court systems vary in terms of their jurisdiction, caseload, employment of law clerks, etc. To learn more about state courts across the country, visit the website for the National Center for State Courts at www.ncsconline.org/

State Courts – Overview

For information on state clerkships, please refer to "The 2009 Guide to State Judicial Clerkship Procedures" published by Vermont Law School. The Guide is available in the Career Services Office.

SUPREME COURTS. State supreme courts are usually courts of discretionary review, and the justices tend to pick the most interesting cases with the best attorneys to settle the questions of the moment. In addition, since these courts are a state's highest court, the ability to influence state law is tremendous. As a substantive matter, state supreme courts develop and interpret the common law, rather than statutes. A clerk's tasks in the state supreme courts mirror those of a federal appellate court clerk.

INTERMEDIATE APPELLATE COURTS. Not all states have intermediate courts of appeals, and the quality of the court and duties of the clerks can vary greatly. The nature of the work, however, is similar to that of federal courts of appeals.

TRIAL COURTS. Students who know they wish to settle in a particular geographic area should consider applying to state trial judges for clerkships. These positions provide an unparalleled opportunity for students to get to know – and become known by – members of the local bar. Usually, clerks in these positions have far more contact with attorneys and court staff than is typical in the federal court system. Also, these clerkships are an excellent opportunity for learning state court civil procedure, as well as the substance of state law. State court trial judges typically do not publish opinions, but their clerks may be called upon to research legal issues (often on short notice, such as during trial), advise the judge on rulings, and observe and assist at trials.

Miscellaneous

INTERNATIONAL CLERKSHIPS. There are a variety of international clerkship possibilities that you may want to consider exploring, such as the Criminal Court in the Hague, the International Court of Justice in the Hague, the Iran Claims Tribunal in the Hague, the European Court of Human Rights, the European Court of Justice and the World Trade Organization Appellate Body. If you wish to explore opportunities with an international court, please see Yale Law Schools “Guide to Opportunities with International Tribunals and Foreign Courts” at http://www.law.yale.edu/documents/pdf/CDO_public/cdo-tribunals_public.pdf.

STAFF ATTORNEY POSITIONS: Law clerks who serve many judges or an entire court are commonly referred to as staff attorneys, staff counsel or *pro se* law clerks. These positions can be found in both federal and state courts, at both the appellate and trial court levels. The duties and responsibilities of a staff attorney vary by court but may include reviewing appeals and correspondence, preparing memoranda, and assisting in case management and settlement procedures. The length of service for these positions varies by court. Information on these positions may be found on websites for each state court, as well as at <http://www.usajobs.opm.gov/>. (Search for staff attorney).

ADMINISTRATIVE LAW JUDGES (ALJs). ALJs are independent, impartial triers of fact in formal administrative hearings. Over 30 US government departments and agencies employ ALJs. Some ALJs hire recent law school graduates as law clerks. These positions may be for a term or an indefinite period. *Want’s Federal-State Court Directory* is a good source of information on federal agencies and ALJs. In addition, see www.firstgov.gov for links to various federal agencies. (Enter ALJ in the search box).

Mississippi Courts

You may view the structure of the Mississippi Court system at http://www.ncsconline.org/D_Research/Ct_Struct/state_inc.asp?STATE=MS

MISSISSIPPI SUPREME COURT. Mississippi has a two-tier appellate court system that reviews decisions of law and fact made by the trial courts. The Mississippi Supreme Court is the court of last resort among state courts. Decisions of the Chancery, Circuit and County Courts and of the Court of Appeals may be appealed to the Supreme Court.

Appeals which go directly to the Supreme Court include annexations, bond issues, constitutionality challenges, death penalty cases, disciplinary matters involving attorneys and judges, election contests, certified questions from federal court, utility rates, cases of first impression and issues of broad public interest.

Nine Supreme Court justices are elected from three districts. Non-partisan elections are staggered so that not all positions are up for election at once. Supreme Court justices serve eight-year terms. Each Supreme Court justice participates in deciding appeals from the entire state. Decisions are by a majority vote of the court.

MISSISSIPPI COURT OF APPEALS. The Mississippi Legislature created the Court of Appeals to speed appeals and relieve a backlog of cases before the Supreme Court. The Court of Appeals began hearing cases in 1995. The Court of Appeals hears cases assigned by the Supreme Court. The Court of Appeals is an error correction court. It hears and decides appeals on issues in which the law is already settled, but the facts are in dispute. The Supreme Court may review Court of Appeals decisions. If the Supreme Court declines review, the decision of the Court of Appeals stands.

Ten Court of Appeals judges are elected from five districts. Non-partisan elections are staggered so that not all positions are up for election at one time. Court of Appeals judges serve eight-year terms. Court of Appeals judges hear cases from all over the state.

MISSISSIPPI CIRCUIT COURTS. Circuit judges are elected by the people every four years. The court sits at various county seats. The circuit judge has jurisdiction to hear, determine, make and enter judgments, orders and decrees in all cases, civil or criminal, which are not the exclusive domain of another court. It also has such appellate jurisdiction of all cases transferred to it by the chancery court or remanded to it by the Supreme Court.

MISSISSIPPI CHANCERY COURTS. The Chancery Court has always been the separate court of equity (as distinguished from the law court circuit) in Mississippi, and the Chancellor generally hears cases without a jury. Juries are permitted only in paternity cases and will contests. An advisory jury is permitted in any case, but as the jury's decision is advisory only and not binding on the Chancellor, this use of a jury seems of little or no use. Advisory juries are rarely utilized but all litigants have the right to request the same.

The Chancery Court handles equity cases involving domestic and family matters, such as divorce, child custody and support, property division, adoptions, and all related issues. Additionally, the Chancery Court handles and processes the estates of decedents (with or without a Last Will and Testament) and all issues involving minors. This court handles a wide variety of other matters, including issues concerning title to land, contracts, injunctive matters, and commitments of persons impaired through mental disability and/or chemical-substance-alcohol abuse. In the 63 counties having no Family or County Court, the Chancery Court either hears all youth court proceedings or appoints a Youth Court Referee (Judge) to do so. The Chancery Court is a court of record and its appeals are to the Mississippi Supreme Court.

MISSISSIPPI COUNTY COURTS have exclusive jurisdiction over eminent domain proceedings and juvenile matters, among other things. In counties that have a County Court, a County Court judge also serves as the Youth Court judge. County Courts share jurisdiction with Circuit and Chancery Courts in some civil matters. The jurisdictional limit of County Courts is up to \$200,000. County Courts may handle non-capital felony cases transferred from Circuit Court. County Court judges may issue search warrants, set bond and preside over preliminary hearings. County Courts have concurrent jurisdiction with Justice Courts in all matters, civil and criminal.

MISSISSIPPI JUSTICE COURT. Justice Courts have jurisdiction over small claims civil cases involving amounts of \$2,500 or less, misdemeanor criminal cases and any traffic offense that occurs outside a municipality. Justice Court judges may conduct bond hearings and preliminary hearings in felony criminal cases and may issue search warrants.

There are 82 Justice Courts with 197 judges. Justice Court judges are the only Mississippi judges elected in partisan races. They serve four-year terms.

MISSISSIPPI DRUG COURT. A drug court is a special court given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives.

Drug court participants undergo long-term treatment and counseling, sanctions, incentives, and frequent court appearances. Successful completion of the treatment program results in dismissal of the charges, reduced or set aside sentences, lesser penalties, or a combination of these. Most importantly, graduating participants gain the necessary tools to rebuild their lives. Because the problem of drugs and crime is much too broad for any single agency to tackle alone, drug courts rely upon the daily communication and cooperation of judges, court personnel, probation, and treatment providers.

Drug courts vary somewhat from one jurisdiction to another in terms of structure, scope, and target populations, but they all share three primary goals: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants. Achieving these goals requires a special organizational structure. Specifically, the drug court model includes the following key components:

- Incorporating drug testing into case processing.
- Creating a non-adversarial relationship between the defendant and the court.
- Identifying defendants in need of treatment and referring them to treatment as soon as possible after arrest.
- Providing access to a continuum of treatment and rehabilitation services.
- Monitoring abstinence through frequent, mandatory drug testing.
- Establishing a coordinated strategy to govern drug court responses to participants' compliance.
- Maintaining judicial interaction with each drug court participant.
- Monitoring and evaluating program goals and gauging their effectiveness.
- Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations.
- Forging partnerships among drug courts, public agencies, and community-based organizations to generate local support and enhance drug court effectiveness

MISSISSIPPI MUNICIPAL COURT. Municipal courts have jurisdiction over misdemeanor crimes, municipal ordinances and city traffic violations. Municipal judges may conduct initial appearances in which defendants are advised of the charges being filed, as well as bond hearings and preliminary hearings. There are 223 Municipal Courts. Most municipalities have one municipal judge, although a few jurisdictions have several. Most municipal judges are appointed by governing bodies of municipalities. Terms of office vary.

MISSISSIPPI YOUTH COURT. The Youth Courts deal with matters involving abuse and neglect of juveniles, as well as offenses committed by juveniles. Young people who have not reached the age of 18 may be subject to the Youth Court, although there are some exceptions. Some offenses which would be treated as crimes if committed by adults are known as delinquent acts when they involve juveniles. In the 20 counties which have a County Court, those judges also serve as Youth Court judges. In counties which do not have a County Court, the Chancery Judge may hear Youth Court matters, or the Chancery Judge may appoint a lawyer to act in a judicial capacity as Youth Court Referee. The city of Pearl also has its own municipal Youth Court.

MISSISSIPPI TRIBAL COURT. Tribal courts consist of a Supreme Court, Criminal Court, Civil Court, Youth Court and Peacemaker Court with a designated judge over each court and associate judges to assist. Any matter involving offenses by non-members of the Mississippi Band of Choctaw Indians may be handled under the jurisdiction of the U.S. Magistrate. Certain felony offenses may be handled under the jurisdiction of the Federal courts. State and tribal law enforcement agencies and their respective judicial systems must sort out jurisdictional issues regarding criminal allegations involving tribal members off reservation land. The tribal court conducts an extradition hearing for a Choctaw living on reservation land and facing criminal charges off the reservation. State and local law enforcement agencies and tribal police have strict pursuit policies when a chase crosses jurisdictional lines.

Some elements of the Choctaw tribal court system have no equivalent in the state court system. The Peacemaker Court attempts to resolve disputes by getting people to talk and work out their differences. There are no lawyers in Peacemaker Court.

Applying to Mississippi Courts.

The application for the Mississippi Supreme Court and Court of Appeals is available at <http://www.mssc.state.ms.us/employment/lawclerkapp.htm>.

Mississippi trial courts include two general jurisdiction courts and three limited jurisdiction courts. The general jurisdiction courts include the Chancery Courts and the Circuit Courts. Courts of limited jurisdiction include the County Courts, the Justice Courts and the Municipal Courts. Job descriptions for the trial court clerkships may be found at http://www.mssc.state.ms.us/trialcourts/aoc_jobdescriptions.pdf

How Do I Apply For a Clerkship?

This section outlines the basic requirements for applying to a federal clerkship. For information on state clerkships, please refer to “The 2009 Guide to State Judicial Clerkship Procedures” published by Vermont Law School. The Guide is available in the Career Services Office.

To apply for a clerkship, you must:

- a. Put together your clerkship application package, which usually consists of a resume, law school transcript, writing sample, and cover letter;
- b. Solicit letters of recommendation; and
- c. Send your application materials (and arrange for the sending of your recommendation letters) to the judges you have selected.

Note: Not all judges accept paper applications. There are a number of federal judges who only accept applications electronically through the Online System for Clerkship Application Review (OSCAR). The contents of a paper and electronic application are the same, but the process for applying is different.

Applying for a Clerkship Using OSCAR

The Online System for Clerkship Application and Review (OSCAR) is a single, centralized resource for notice of available clerkships, clerkship application information, and law clerk employment information. OSCAR accommodates judges who choose to accept clerkship applications electronically, judges who want to receive only paper applications, and judges who wish to advise applicants that they do not have a clerkship vacancy.

For the judges who choose to receive applications electronically, OSCAR streamlines the application process, enabling judges and chambers staff to receive, sort, and screen applications electronically, to print selected application materials, and to communicate with applicants via email. Judges who choose to receive paper applications may also use OSCAR to post their clerkship vacancy. For judges who have no vacancies, OSCAR is an effective resource to advise applicants that they do not have a clerkship vacancy.

OSCAR enables clerkship applicants to search for clerkship positions, select the federal judges to whom they wish to apply, and build and submit their applications online for judges who are accepting electronic applications. Applicants upload cover letters, resumes, grade sheets, and writing samples and submit electronic requests for recommendation letters to their recommenders. OSCAR electronically invites the recommenders to log onto the system and create and upload letters of recommendation on behalf of the applicants. When the applications are complete, judges log in and begin the hiring process.

Students who wish to utilize the OSCAR system should access <https://oscar.uscourts.gov> and register. You will be able to view the current Federal Law Clerk Hiring Plan at this site, as well. Completed student applications are usually due the first week in September.

When using OSCAR it is important to remember that there is a database portion to the website and an application portion. Specifically, the database portion lists almost every federal judge and is the central source for information regarding which federal judges are hiring and the application requirements for each judge. However, as mentioned above, not every federal judge accepts electronic applications via OSCAR. The goal is to have all of the federal judges accepting electronic applications via OSCAR for the 2011 clerkship season. In the meantime, however, please remember that if a judge is asking for OSCAR applications, he or she will not want to receive a duplicate application in hard copy.

STATE COURT CLERKSHIPS. There is no centralized source of information on applications to state courts, and the timing may change from year to year. If you know you are interested in a state court clerkship, err on the side of caution and contact the clerk of the court in which you have an interest. In addition, check the *University of Vermont Guide to State Court Clerkships* for updated information on types of state clerkships, contact information and application requirements. This publication is updated each fall and is available in the Career Services Office.

How Do I Decide Where to Apply?

While there are gradations in prestige among various courts, it is equally true that the vast majority of lawyers never clerked, and finding a clerkship of any type is pretty impressive. Lawyers recognize and value the inside perspective that clerks gain whether it is in a federal or a state court. The satisfaction of a clerkship tends to more closely correlated with one's affinity with the judge, a matter that is unrelated to a judge's prestige or biographical data. With that in mind, consider the following:

LOCALE. In general, the most competitive cities for judicial clerkships are Los Angeles, San Francisco, New York, Boston, Chicago and Washington, DC – major urban areas with top law schools in the vicinity. That means that judges in those cities attract the largest number of extremely well-qualified applicants and even with the best credentials, your application cannot be guaranteed to stand out. To the contrary, judges in other cities, or judges in the same jurisdictions but whose chambers are outside the cities, attract fewer applications and may, therefore, be happy to consider candidates with academic records that are not as strong. Once you decide to apply to a particular geographic area, don't apply to just a few judges; instead, apply to everyone in the vicinity. Then, when you get called for an interview, you can possibly leverage it into more interviews by calling other judges in the same courthouse.

TERM LENGTH. In general, students seem to prefer one-year clerkships; therefore, there is less competition for clerkships with a two-year or longer term requirement. In fact, judges with two year clerkships sometimes get about half the number of applications as judges with a one-year term.

SENIOR JUDGES. Once they reach 65 years of age, federal judges can elect to take "senior status" if their years of service plus their years of age total 80 ("the Rule of 80"). The caseloads of senior judges can vary considerably – some may carry a regular caseload; others will carry a drastically reduced caseload; and still others will use their senior status to enjoy sitting by designation in trial or appellate courts of other federal jurisdictions. Some senior judges have only one clerk, which means that a drastically reduced caseload will nonetheless be the same or more work for that one clerk as a clerkship with an active judge. Often senior judges will receive fewer applications than active judges, making these clerkships somewhat less competitive.

CHIEF JUDGES. Chief Judges in the federal court system (for state judges, the rules vary) are not nominated or appointed (except for the Chief Justice of the United States); they assume the position for a fixed

number of years based on seniority. The same criterion exists for circuit and district chiefs. The chief judge is the judge in regular active service who is senior in commission of those judges who (1) are 64 years of age or under; (2) have served for one year or more as a judge; and (3) has not previously served as chief judge. Chief judges have more clerks but have a lighter caseload than regular active judges and more administrative duties.

IDEOLOGY. Some students will reflexively apply only to judges appointed by Republican or Democratic presidents, depending on the students' own politics. On the one hand, it is true that if a clerk holds deeply felt ideological beliefs that he/she will not compromise – to the extent of being unable to take direction from a judge who differs – the clerkship will not be a pleasant one. However, the vast majority of cases being decided do not involve political hot buttons. In addition, a judge's political affiliation can be an extremely inaccurate gauge of the way he/she decides cases. Finally, many judges enjoy the experience of having their ideologies challenged and tested, and welcome the presence in their chambers of thoughtful clerks who can express differing views well. Thus, in all but the most extreme cases, the best advice is to apply broadly, without particular regard to a judge's politics and let your own politics be reflected in your resume. A judge who is unable to enjoy alternative views will do the sorting out for you.

PERSONALITY. Different judges have different styles. Personality and work habits of the judge can make a great difference in the quality of the clerkship experience. Certain judges can be delightful to work for; others can be aloof; and, in a few rare instances, some judges are extremely difficult. It can be very difficult to predict whether a judge is someone with whom you would or would not get along. Your best resources are lawyers in the area (people with whom you have worked or alumni), former clerks, other students, and faculty.

KEEP APPLYING! The clerkship process is notoriously quirky. If you don't get a clerkship right away, continue to look for new openings on Symplicity and on OSCAR. Scan newspapers and the web for newly nominated judges and apply when they are confirmed. Many clerkships are not advertised and thus can remain open until shortly before their start dates.

The Application Process.

The judicial clerkship selection process is unpredictable. No particular set of credentials guarantees that you will or will not get a clerkship. While grades are important, there is no GPA cut off nor is there any activity or credential that is essential to a successful application. Because of the close working relationship that develops inside the chambers, judges tend to give special weight to subjective factors, such as personality or "chemistry." Sometimes judges choose someone from their home town, their law school or the first/last person they interview. In sum, judges will consider how an applicant is likely to fit in with his or her co-clerks and with the judge's secretary, and whether his or her work style is compatible with the judge's own.

Also, although OSCAR provides information on which clerkships are still available, please keep in mind that the information is only as accurate as the judges (or their clerks or secretaries) make it, as they are the ones responsible for updating the information.

Timing

FEDERAL COURT/FEDERAL CLERKSHIP HIRING PLAN. The Federal Judges Law Clerk Hiring Plan (www.cadc.uscourts.gov/lawclerk) was developed in attempt to stem the increasingly early and chaotic timing of clerkship applications, which often required students to apply to federal clerkships at the beginning of their second year – more than two years before the time they would actually begin their clerkship. This meant that clerkship hiring decisions were based on a student's first year grades and was a disservice to all parties to the process. The Hiring Plan is a positive step to standardizing the application process, and stipulates:

- The hiring of law clerks will be done no sooner than the Fall of the third year of law school.

- Law schools and law faculty members will discourage potential applicants from submitting applications that will be received before the second day after Labor Day of their third year of law school. The law schools will do nothing to facilitate the release of official transcripts and will discourage faculty members from sending letters of reference that will be received before the second day after Labor Day of the third year of law school, and they will discourage faculty from making calls on behalf of the law clerk applicants before that date.
- Law schools are strongly encouraged to continue bundling applications (including cover letters, resumes, recommendations, transcripts, and writing samples), so that each applicant’s materials arrive together and all applications from a particular school arrive at the same time.
- Law schools and applicants are strongly encouraged to ensure that the applications and all related materials arrive on the second day after Labor Day.

To date, most federal appellate courts, federal district courts (including magistrate, bankruptcy and specialty courts) and some state supreme courts have agreed to follow the plan and begin to hire only in the fall of the school year, in a student’s third year.

When Should I Apply?

The critical dates under the Law Clerk Hiring Plan for 2009 are as follows:

Event	Fall 2009
First date when applications may be received:	Tuesday, September 8, 2009 (OSCAR release: 10:00 a.m. (EDT))
First date and time when judges may contact applicants to schedule interviews:	10:00 a.m. (EDT), Friday, September 11, 2009
First date and time when interviews may be held and offers made:	8:00 a.m. (EDT) Thursday, September 17, 2009

For judges who want electronic applications via OSCAR, applicants can create their accounts and upload materials to OSCAR during the summer. However, federal judges will not have access to student applications until September 11, 2009.

As of this writing, there are some judges who may not follow this plan. Openings for these judges may still be found on OSCAR; however, they will require applications be submitted via regular mail instead of electronically.

Application Materials. Most federal judges indicate on OSCAR information about what materials they require as part of an application. Once you have selected the judges to whom you wish to apply, check their profiles on OSCAR and tailor your application accordingly. State court judges vary in their requirements, but most ask for the same materials as federal judges. The basic application materials include the following:

COVER LETTER. The cover letter should be addressed to the specific judge to whom you are applying. It should be brief and to the point, stating that you are a student at the University of Mississippi School of Law and

they you wish to apply for a clerkship for a specified year. It is helpful to name in the cover letter the professors who will be submitting recommendation letters on your behalf and to provide their phone numbers. Consider including information about your ties to or interest in the geographic area if that is not otherwise obvious from your application materials. Sometimes it is worth **briefly** mentioning something particular about the judge or the court that makes you want to work there. In general, however, it is not necessary to convince a judge of your sincerity; they assume that to be the case. For a sample cover letter, see Appendix B.

RESUME. The resume should be a standard legal resume, i.e., academic background, GPA or class standing, honors, activities, employment experience (remember to include your duties – do not just list employers and job titles), publications, and any other information that might help a judge make his or her decision.

TRANSCRIPTS. If you are mailing your materials, an unofficial copy of your law school transcript should be included with your application materials (unless a judge specifically requires an official one). For OSCAR, you must input your transcript data into an online form. You will select one of the grade sheets from the "Document Type" dropdown menu, and the page will refresh with the grade sheet form. The data will be formatted in a table, which you will be able to preview. The OSCAR site contains specific tips on creating grade sheets. Many judges also like to see undergraduate transcripts, so if you do not have a copy you may want to request an official copy or two to have on hand.

WRITING SAMPLE. Most judges require legal writing samples and some require that the sample be your own work, i.e. not edited by anyone else. If you are using a writing sample from experience in law practice or as a judicial intern, you must obtain the firm's or judge's permission, and you must redact client names or other identifying information. It is helpful to include a cover sheet indicating when and for whom the sample was written; and that the work is presented with permission. If your writing sample is an opinion or draft decision for a judge, you must indicate that you have the judge's permission to utilize the work and clearly state that your sample is a draft of what you worked on for the judge. Judges are always the sole author of their opinion.

If you are using a journal note, make certain it is the version you submitted prior to staff edits. Your own subsequent edits are fine to include. It is also fine to use writing samples from work you did in school; however, be aware that a judge may want something more recent than work done in your first year.

The sample should be between 5 and 25 pages (optimally 10-15). If you are using an excerpt from a longer piece, include the context and important facts on your cover sheet. If you find that excerpting or editing for length sacrifices content, then provide a longer sample. Lastly, consider the courts to which you are applying. An appellate court may be drawn to a more scholarly piece; a trial court may value a more concrete brief or memo.

RECOMMENDATIONS: Judges generally require three to four letters of recommendation. Letters should be from law school faculty and legal employers who can thoughtfully comment on your research and writing ability, intellectual abilities and potential as a lawyer. Applicants should select individuals who can speak specifically to their abilities. A letter from a well-known figure may carry a great deal of weight, but not if that person does not know the applicant and cannot truly comment on his or her abilities.

Avoid letters of recommendation written "To Whom it May Concern". When sending out a number of applications, consider preparing a mail merge document with names, addresses and salutations to provide to your references.

When requesting letters of recommendation, be sure to allow sufficient time for references to prepare a letter. It is a good idea to provide each reference with a current resume and a brief note explaining your clerkship preferences and plans. Be clear about expectations of when the letter should be ready. It is the applicant's responsibility to pay for postage and to ensure that letters are sent. There are two ways to handle this: either provide addressed, stamped envelopes to references and simply check back to be sure the letters were mailed, or

include all letters of recommendation in the application packet. If including all letters in the application packet, provide an envelope to each reference and ask that he or she seal the letter of recommendation inside the envelope and sign the seal.

WHAT IF THEY SAY NO? Some professors may refuse to send letters of recommendation to more than a specific number of judges or may be willing to recommend only a small number of students to each judge. Don't take it personally. Those professors who limit the number of letters they will send usually do so because they can write more effectively if their letters are directed personally to the judges involved and they cannot give sufficiently strong recommendations for a large number of student applying to the same judge.

A caveat: some professors can be discouraging about your chances of getting a clerkship. Often their advice is off base, because it may be premised on courts to which you are not applying or it is based on limited information. If you have been told you are not clerkship material, please talk to the Career Services Director before giving up.

The Interview. Few judges will make a final choice without an interview. Some may make their selections based on telephone interviews but most require a personal interview, which is at the applicant's expense. An important caveat: Do not take an interview for a clerkship which, if offered, you are not prepared to accept. Also, be prepared for last minute offers of interviews.

In an interview, the judge is primarily interested in determining whether you are the sort of person with whom he or she can work. The judge is choosing a work companion, not just an employee, and the judge does not make his/her decision in isolation. You should assume that anyone you meet in the judge's chambers – not just the law clerk, but the bailiff, secretary and court reporter – will all form an impression of you and those impressions are an important part of the interview process. Do not treat secretaries and other support personnel as subordinates. It is a rare judge who will hire a clerk if his or her secretary is not enthusiastic about the candidate.

Some judges will ask you questions of your substantive knowledge of the law; other judges ask their law clerks to do this. Even if the interview is not centered on testing you legal knowledge, the judge and clerks will almost always seek to engage you on some legal or other intellectual topic of mutual interest. Do not be passive; you are expected to engage in a lively conversation/debate.

Familiarity with the judge's major opinions and with the types of legal issues that most frequently arise in the judge's court is helpful. For example, if you are applying for a clerkship in the Fifth Circuit, you should know about Louisiana's civil law system, and you should be aware of the circuit's significant death penalty and admiralty dockets. You should be aware of the Second Circuit's historical leadership in securities legislation, etc.

THANK YOU LETTERS. It is always good form to send a prompt thank you letter after an interview. As with any employer, a thank you note underscores your interest in the job and serves to remind the judge of your application. It is also polite and in keeping with traditional etiquette.

MINIMIZING EXPENSES/LEVERAGING INTERVIEWS. If you are applying to out-of-state clerkships, there are some things you can do to minimize the expenses and inconvenience of interviewing, as well as to maximize your interview options. If you have plans to be in the judge's city (for personal reasons, for non-clerkship interviews or for a scheduled interview with another judge), you may call the judge's chambers to inform him or her of that fact and to ask whether the judge would be interested in interviewing you at that time. Such a call will probably not generate an interview that you would not otherwise obtain, but the call may have the effect of accelerating the judge's decision as to whether you are a viable candidate.

WITHDRAWAL OF APPLICATION. If, after an interview, you know that you do not want to work with a particular judge, then withdraw yourself from consideration immediately by phone and in writing. Withdrawing before receiving an offer will usually not affect future opportunities. If, however, you are interviewing with other judges in the same jurisdiction, additional interviews and acceptances in that same county need to be handled delicately.

OFFERS. The judicial clerkship hiring and offer process does not leave much room for negotiating or multiple offers. If at any point, you decide that you would not accept an offer from a particular judge, you will want to withdraw from consideration promptly...before an offer is given.

Most judges expect an immediate response to an offer, and once a judge makes you an offer, there is one possible response: to accept. Although it is not technically improper to ask for additional time, the judge may decide to not give you more time. If he or she does, it may be 24 hours or less. And be aware that if you do not accept, the judge may opt to rescind the offer.

APPENDIX A

Internet Resources

What Resources are Available on the Internet?

www.cadc.uscourts.gov/lawclerk/ (information about federal hiring guidelines)

www.judicialclerkships.com (general judicial clerkship information)

<https://oscar.uscourts.gov> (federal clerk job listings on OSCAR)

<http://www.ncsconline.org> / (links to state court websites from all 50 states)

www.uscourts.gov/links.html (links to federal court websites for all circuits and districts)

<http://www.fjc.gov/public/home.nsf/hisj> (biographies of judges in federal courts)

<http://jurist.law.pitt.edu> (general judicial clerkship information)

lawschool.lexis.com (information on available judicial clerkships)

www.fedlawclerks.com (find former federal law clerks)

APPENDIX B

HOW TO ADDRESS JUDGES

STATE COURTS

Chief Justice/Judge, State Supreme Court

Salutation: Dear Chief [Justice/[Judge] [Last Name]:

Address: The Honorable [Full Name]

Chief [Justice/Judge] Supreme Court for the [State/Commonwealth] of [State Name]

[Address, with zip code]

Justice/Judge, State Supreme Court

Salutation: Dear [Justice/Judge] [Last Name]:

Address: The Honorable [Full Name]

Supreme Court for the [State/Commonwealth] of [State Name]

[Address, with zip code]

Chief Judge, State Court of Appeals

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name]

Chief Judge Court of Appeals for the [State/Commonwealth] of [State Name]

[Address, with zip code]

Judge, State Court of Appeals

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name]

Court of Appeals for the [State/Commonwealth] of [State Name]

[Address, with zip code]

FEDERAL COURTS

Chief Judge, Courts of Appeals

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name] Chief Judge United States Court of Appeals for the [Nth] Circuit

[Address, with zip code]

Judge or Senior Judge, Courts of Appeals

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name]

United States Court of Appeals for the [Nth] Circuit

[Address, with zip code]

Chief Judge, District Courts

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name] Chief Judge United States District Court for the [Southern, etc.] District of [State]

[Address, with zip code]

Judge or Senior Judge, District Courts

Salutation: Dear Judge [Last Name]:

Address: The Honorable

[Full Name] United States District Court for the [Southern, etc.] District of
[State] [Address, with zip code]

Magistrate Judge, District Courts

Salutation: Dear Judge [Last Name]:

Address: The Honorable [Full Name] United States Magistrate Judge
United States District Court for the [Southern, etc.] District of [State]

[Address, with zip code]

Appendix C
SAMPLE COVER LETTERS

1234 Main Street
Oxford, MS 38655
(662) 278-5678
sstudent@olemiss.edu

June 1, 2009

The Honorable Randall T. Shepard
Supreme Court of Mississippi
PO Box 117
Jackson, MS 39205-0117

Dear Justice Shepard:

I will graduate from the University of Mississippi School of Law in May 2010 and would like to be considered for a judicial clerkship position beginning August 2010. I am a life-long resident of Mississippi, and I am looking forward to establishing my professional career here. I have enclosed my resume, law school transcript, writing sample and letters of recommendation written by Professors Hall and Green. My recommendation from Professor Hoffheimer will arrive under separate cover.

My experience as a research assistant to Professor Smith helped me to hone my research skills. I reviewed the recent changes to Title VII and the impact those changes had on the ability of employees to sue their employers for hostile environment sexual harassment. My research revealed that the changes in the law significantly affect the time that employees have to file claims, and I expressed this result in a written memorandum of law. My writing ability has further developed through my participation on the *Mississippi Law Journal*, where my note entitled "Hard Cases Make Bad Law: An Analysis of the Judicial Role" has been selected for publication.

I will be in Jackson during Thanksgiving and Christmas breaks; however, I am available to interview at your convenience. Please let me know if I can provide any additional information. Thank you for your consideration.

Respectfully,

Sarah Student

1234 Main Street
Oxford, MS 38655
(662) 278-5678
ssecondyear@olemiss.edu

June 1, 2009

The Honorable Larry J. McKinney
United States District Court for the Southern District of Indiana
204 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204

Dear Chief Judge McKinney:

I will graduate from the University of Mississippi School of Law in May 2010, and I would like to be considered for a clerkship position beginning in August 2010. Before attending law school, I spent four years as an electrical engineer for Thomson Consumer Electronics in Indianapolis, and I am interested in pursuing a career in intellectual property law. I am particularly interested in serving your court because of the large volume of intellectual property cases you handle. I have enclosed my resume, law school transcript, writing sample and letters of recommendation written by Professors Hall and Green and Hoffheimer.

In addition to the technical knowledge gained from my engineering experience, I have also developed strong research skills as a law clerk with the law firm of Law, Clerk & Work, where I conducted extensive research regarding the admission of expert testimony using the standard set forth in *Daubert v. Merrill Dow Pharmaceuticals*. My research focused on the admissibility of expert testimony regarding causation in a toxic tort case. After completing my research, I assisted in drafting a response to the plaintiff's motion in limine, which led to the denial of the plaintiff's motion and admission of the expert testimony to the benefit of Law, Clerk & Work's client.

I look forward to the opportunity to discuss my qualifications. I am available to interview at your convenience. Please let me know if I can provide any additional information to assist you. Thank you for your consideration.

Respectfully,

Sam Secondyear