

WOW! What a Clerkship!

How to Maximize Law Students' Judicial Externships by
Jumpstarting the Classroom Experience

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Externships 7

JUDICIAL EXTERNSHIP CLASS TOPICS

- I. Overview of Clerking and Materials**
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 - B. Ogilvy, et al, Learning From Practice: A Professional Development Text for Legal Interns (textbook), Chapter 13
- II. Judicial Ethics**
 - A. Jones, *Some Ethical Considerations for Judicial Law Clerks*, Geo. J. Legal Ethics 771 (1999) (on-line).
 - B. The code of Conduct for Judicial Employees.
(<http://www.uscourts.gov/rulesandpolicies/codesofconduct/codeconductjudicialemmployees.aspx>)
 - C. Code of Conduct for US Judges
 - D. Cheney v US, 541 U.S. 913 (2004); Perry v. Schwarzenegger, 630 F. 3d 909 (2011) (recusal)
 - E. Cynthia Gray, Frances Kahn Zemans, *Instructing Judges: Ethical Experience and Educational Technique*, Law and Contemporary Problems, Vol. 58 (1995).
 - F. Potter, Parker, *Law Clerks Gone Wild*. 34 Seattle U. L. Rev. 173 (2010)
- III. Research and Writing**
 - A. Cochran, Chapter 3, Judicial Opinions: Decision-making and Opinion Drafting, pp. 93-139.
 - B. Stacy Caplow, *From Courtroom to Classroom: Creating an academic Component To Enhance The Skills And Values Learned In a Student Judicial Clerkship Clinic*, 75 Neb. L. Rev. 872, 880 (1996).
 - C. Jennifer L. Sheppard, *In Chambers: A guide for Judicial Clerks and Externs*, Wolters Kluwer Law & Business in New York, 1st Ed. 2012.
 - D. Sheppard, Jennifer L., *The 'Write' Way: A Judicial Clerk's Guide to Writing for the Court* (October 30, 2008). University of Baltimore Law Review, Vol. 38, 2008. Available at SSRN: <http://ssrn.com/abstract=1830519>
 - E. Joyce J. George, *Judicial Opinion Writing Handbook* (5th edition, 2007)
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- G. Garner, Brian, *The Redbook: A Manual on Legal Style*, West: 2nd Sprl edition (July 18, 2006)
- IV. Judicial Decision-making**
- A. Lon L. Fuller, *The Case of the Speluncean Explorers*, 62 Harv. L. Rev. 616 (1949).
- B. Linda L. Berger, *A Revised View of the Judicial Hunch*, Legal Communication & Rhetoric: JALWD, Vol. 10 (2013)
- C. Giles, Blackstone, and Vining, *The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision-making*.
- D. Dan Simon, Nicholas Scurich, *Lay Judgments of Judicial Decision-Making*, Journal of Empirical Legal Studies, Forthcoming USC Legal Studies Research Paper No. 11-17 (2011)
- E. Douglas E Abrams, *But 'Will it Write'? How Writing Sharpens Decision Making*. Precedent, Vol. 3, No. 2, pp. 61-63, Spring 2009; University of Missouri School of Law Legal Studies Research Paper No. 2009-07.
- F. Sandra Day O'Connor, *Thurgood Marshall: The Influence of a Raconteur*, 44 Stan. L. Rev. 1217 (1991-1992). Available at SSRN: <http://ssrn.com/abstract=1420165>
- G. David E. Klein, Gregory Mitchell, *The Psychology of Judicial Decision Making*, Oxford University Press, 2010.
- V. Court Organization**
- A. Owen M. Fiss, *The Bureaucratization of the Judiciary*, 92 Yale. L.J. 1442 (1983)
- B. J. Daniel Mahoney, *Law Clerks: For Better or for Worse?* 54 Brook. L. Rev. 321 (1988)
- C. Federal Judicial Ctr., *Relations with other Court and Justice System Personnel* in Chambers Handbook for Judges = Law Clerks and Secretaries, p. 121-138 (1994)
- VI. Roles, Responsibilities, and Duties of a Judicial Extern**
- A. Rebecca Cochran, *Judicial Externships: The Clinic Inside the Courthouse*, Chapter One, *The Role of the Judicial Clerk or Extern*, pp. 1-42.
- B. Ogilvy, et al, *Learning From Practice: A Professional Development Text for Legal Interns* (textbook), pp. 1-9, 97-111; Chapter 7, *Learning From Observation*, pp. 113-34.
- C. Federal Judicial Ctr., *Conduct, Ethics and Protocol* in Chambers Handbook for Judges, Law Clerks and Secretaries, p. 9-22 (1994)
- VII. Clerkship Ready**
- A. Donald L. Burnett, Jr., *Law Clerking: "My Favorite Year"*, 53 Advoc. 26 (Apr. 2010).
- B. Mary L. Dunnewold, Beth A. Honetschlager, & Brenda L Tofte, *Judicial Clerkships: A Practical Guide* (Carolina Acad. Press 2010).
- VIII. Changing Market for Clerks**
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- B. Avery, Christopher, *The New Market for Federal Judicial Law Clerks*, 74 U. Chi. L. Rev. 447 (2007)
- IX. How To Get a Clerkship**
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- B. Susan Harp, *Clerking-Something Every First Year Law Student Should Know*, 29 Stetson L. Rev. 1294 (2000).
- X. Non-Judicial Perspectives on Courtroom Experience: Lawyers, Juries, and Parties.**
- A. Mark C. Miller, ed., *Exploring Judicial Politics* (Oxford Univ. Press 2009). (p. 48-54, 72-76, 215-219)
- XI. Judicial Selection Methods – Appointment Versus Election – and Impacts on the Courtroom Experience.**
- A. Mark C. Miller, ed., *Exploring Judicial Politics* (Oxford Univ. Press 2009). (p. 10-29, 32-46)
- XII. Judicial Demographics: Who are the Judges and On What Types of Tribunals Do They Serve?**
- A. Demographic Snapshot of State Trial Court Judges: 1979 and 2004, Erin J. Williamson, American University (http://www.naspaa.org/initiatives/paa/pdf/Erin_Williamson.pdf)
- B. Racial and Gender Disparities in Prison Sentences: The Effect of District-Level Judicial Demographics, Max M. Schanzenbach, Northwestern University – School of Law Journal of Legal Studies, Vol. 34, No. 1, pp. 57-92, January 2005.
- XIII. Settlement Negotiations and the Roles of Lawyers and Judges**
- XIV. Diversity in Profession – Diversity On the Bench**
- XV. Alternative/Specialized/Community Courts and Effectiveness**
- A. Drug Courts
- B. DUI Courts
- C. Juvenile Courts
- D. Mental Health Courts
- E. Family Courts
- XVI. Restorative Justice**
- XVII. Role of ADR in Courts**
- XVIII. Sentencing**