

CDO Guide to Judicial Clerkships

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QUESTIONS and ANSWERS

What is a judicial clerkship?

A judicial clerkship is a one or two-year position where you perform legal research, writing, and other duties for a judge (or, in some cases, a group of judges). These positions are primarily in state or federal trial and appellate courts, although there are also opportunities to clerk for federal administrative law judges (ALJs), Tribal Courts, and Water Courts. In addition to these specialty courts, clerking for a federal magistrate judge offers a great opportunity to work in a faster paced environment, interacting with a wide variety of cases and litigants. Judicial law clerks have numerous responsibilities, including reviewing motions and briefs, researching the law, drafting opinions, and assisting with court administration.

At the appellate level, a law clerk's duties involve a great deal of research and writing. Appellate law clerks commonly draft memoranda analyzing the issues in cases before the court and making recommendations on how the court should rule. Clerks also attend (and sometime bailiff) oral arguments in cases with which they are assisting their judges.

Judicial law clerks working at the trial court level manage cases, draft opinions, and perform extensive legal research to resolve written motions (e.g., motions to dismiss, summary judgment). These positions involve considerable exposure to pre-trial and trial practice and to members of the bar. At the state level, law clerks for trial judges also sometimes act as deputy clerks or bailiffs, assisting in scheduling hearings and trials as well as managing jury panels.

Other types of clerking experiences are Staff Attorneys, Pro Se Law Clerks and clerkships in administrative courts. Various courts at both the federal and state levels hire staff attorneys who serve as law clerks for the entire court. Pro se law clerks are common in the federal courts. Generally, they handle matters filed by unrepresented individuals such as prisoner habeas corpus petitions, civil rights complaints, employment discrimination complaints, and social security disability appeals. Administrative law clerks perform clerkship duties for ALJs.

Why should I clerk?

Enhance Job Prospects

- Clerking at a state or federal court is universally viewed as a valuable and prestigious position, and many law clerks meet prospective employers during their clerkship—especially when clerking at the trial court level. Clerkships can enhance just about any career, including transactional or in-house careers. Moreover, clerking can lead to career opportunities that are not available to recent law school graduates.

Perspective

- You will have the opportunity to observe court room proceedings regularly and view the justice system from the other side of the bench. Further, you will learn how judges think, which will make you a more effective advocate and writer.

Intellectually Stimulating

- Most clerkships expose you to a wide variety of and practice areas and legal issues, including some that are novel or newsworthy.

Experience & Skill Development

- Clerking is an intensive period of post-graduate learning during which you will develop your research and writing skills and observe considerable oral advocacy. Legal employers know this and often seek out judicial clerks specifically for their exceptional research and writing skills.

Reference and Contacts

- You will gain an extremely useful recommendation and contact. Judges often have numerous connections in the legal community—including their former law clerks.

Mentorship

- Judges often become life-long mentors to their law clerks. This kind of relationship can be very valuable, both personally and professionally.

Self-Assessment

- A clerkship gives you additional time to decide what career path to pursue. As mentioned, judicial clerks encounter a wide variety of practice areas, and this variety may help you decide what practice areas do (or don't) appeal to you.

Job Satisfaction

- In a survey of law clerks conducted by the National Association for Law Placement (NALP), 97% stated they would gladly clerk again.

I want to practice in Colorado. Should I only look for a clerkship in this state?

- Geography is an important consideration. Generally, a clerkship in the state where you plan to practice is advantageous because of the contacts you can make while clerking. But you should not limit your search based on this factor alone. Clerking is prestigious regardless of where you do it—especially clerking for a federal court. After clerking for a federal judge anywhere in the country, you will have a competitive edge for positions in Colorado.

Do I have to be in the top 10% of my class and on law review?

No. Although the clerkship market is highly competitive—especially at the federal level, where most clerks are in at least the top third of their class or on law review—not every judge has a stated preference for applicants with those credentials. Thus, if you are not in the top 10% or not on the law review, finding a clerkship is still very possible—you just need to highlight your other accomplishments and experiences:

- Let your personality shine through in your cover letter. Sometimes a judge will consider you because you share something in common or you have a unique background.
- Consult with the faculty or the CDO Office for help with creating a great cover letter for your judicial clerkship applications.
- Make sure to include a “Skills & Interests” section on your resume. Include things like overseas travel, language skills, volunteer commitments, raft guide experience, hobbies, etc. You would be surprised how often hobbies and interests are discussed in interviews!
- Submit a great writing sample. For more information about writing samples, please review the **CDO's Guide to Application Materials**. Take upper-level courses where you do a lot of writing, and edit your sample until it is perfect.
- For additional feedback on your writing sample, reach out to Professor Kate Stoker, Legal Writing Specialist for the Academic Achievement Program (kstoker@law.du.edu).
- Other ways to stand out in the crowd:
 - Intern for judges
 - Work for a law professor as a research assistant
 - Compete in writing competitions and moot court competitions
 - Take advantage of every opportunity to meet judges (e.g., join an **Inn of Court**, attend the CDO's judicial clerkship events, join the Colorado Bar Association and the Judiciary Committee, and let us connect you with current and past clerks).

Must I clerk right after law school?

No—in fact, many judges prefer clerks who have at least a year or two of post-graduate legal experience. This is especially true of some federal judges in Colorado. Thus, if you do not get a clerkship as your first post-graduate job, there will be opportunities to clerk later in your career.

To what kind of courts should I apply?

Any kind of clerkship is generally a great experience, but you may want to give some thought to whether you would prefer working for a trial, appellate, or specialty court. There are significant differences between them:

- Trial court clerkships expose you to “everyday litigation” at the pretrial and trial phase. You will likely have regular contact with litigants.
- Appellate clerkships primarily involve research and writing to support your judge in making decisions on appeal. You will have little to no contact with litigants.
- Specialty courts (such as bankruptcy, water, etc.) expose you to a specific area of law and are excellent preparation for a career in that field.

Next, consider the level of the court. If you are interested in an area of law that is practiced exclusively in the federal courts, you should actively pursue clerkships in the federal court system. If you are interested in the federal court system, do not overlook federal magistrate judges, as they often handle cases from start to finish, and provide invaluable experience and insight into the federal bench. Similarly, if you are planning to practice in a state-specific field, such as family law, a federal clerkship might not be as useful as a clerkship with a state court judge.

You should also take into consideration the level of competition involved. All clerkships are highly competitive, but federal clerkships and state Supreme Court clerkships are the most competitive.

How do I choose a judge?

Although it can be helpful to cast a wide net when applying for clerkships, you should select the judges to whom you apply carefully. The CDO recommends applying to judges you have researched in advance, and we can suggest a variety of resources for your investigation—including, in some cases, connecting you with a judge’s former or current clerks. Indeed, speaking with a clerk is one of the best ways to obtain information about a judge and determine if you want to work for that judge. **The CDO recommends only applying to judges from whom you would accept a job offer because, as discussed more fully below, some judges look unfavorably on those who turn them down.**

Learning more about a judge before you apply will also give you an advantage over other applicants because you can (1) craft a more specific cover letter; (2) tailor your resume; and (3) select a writing sample with more appeal to a particular judge. Moreover, having detailed knowledge about a judge can be very helpful in an interview and will demonstrate enthusiasm for the position.

What are the procedures for applying for a judicial law clerk position?

Neither state nor federal courts have uniform law clerk hiring procedures. But in most cases, your application should include (1) a cover letter; (2) a resume; (3) a writing sample; (4) a copy of your transcript (unofficial is usually fine); and (5) three letters of recommendation. *Please note that some judges have different requirements.* The resources below provide specific judicial clerkship application requirements and timing guidelines for a wide range of jurisdictions.

- **Federal Courts Nationwide: Online System for Clerkship Application and Review (“OS-CAR”).** Most federal judges post clerkship openings and accept applications through this online system. Law students gain access to OSCAR beginning in January of their 2L year.
 - **Note:** Some federal judges adhere to the **Federal Law Clerk Hiring Plan**, in which judges will not accept (or seek) formal or informal clerkship applications until an applicant has at least two full years of grades (usually sometime in June after 2L year).

- **Federal Courts within the Tenth Circuit:** The CDO regularly contacts judge’s and federal magistrate judge’s chambers within the Tenth Circuit to determine which judges will be hiring and what procedures candidates should follow. Please reach out to a CDO member for the latest information. The Tenth Circuit also has a **law clerk information page** that may be helpful as well, though the information posted may not be followed in all cases.
- **Federal Administrative Law Judges:** For more information about federal agencies that hire post-graduate clerks, please review NALP’s **federal ALJ post-graduate clerkship hiring document**.
- **Colorado Supreme Court:** Each justice publishes judicial clerkship hiring procedures on the **Colorado State Judicial Branch Website**. Please note that actual procedures may vary so it may be helpful to apply earlier than a justice’s posted time frame.
- **Colorado Court of Appeals:** Each judge publishes judicial clerkship hiring procedures on the **Colorado State Judicial Branch Website**. Please note that actual procedures may vary, so we advise applying earlier than a judge’s posted time frame.
- **Colorado District Courts:** These positions are posted under the **Careers tab** on the Colorado State Judicial Branch Website.
- **State Courts Outside Colorado:** The CDO subscribes to the *Vermont Law School Guide to State Court Judicial Clerkships*, which provides information on applying to state court clerkships in all 50 states and some U.S. territories. Please contact us for login information.

Responding to Judicial Clerkship Offers

Within the legal community, there are certain expectations about responding to judicial clerkship offers. Although individual situations may be nuanced—and thus warrant further discussion with the CDO or members of the Judicial Clerkship Committee—here are some things to keep in mind:

- It is generally expected that a judicial clerkship candidate will accept the first clerkship offer they receive. In fact, a small number of judges even make “exploding offers,” which expire if they are not accepted on the spot. **Therefore, you should apply only to judges from whom you would accept an offer.**
- On rare occasions, a candidate may receive more than one offer at a time. In that case, immediately contact the CDO if you need advice on how to address the situation.
- If you determine that a clerkship with a particular judge would be a poor fit based on your experience in an interview, contact the chambers afterward and politely withdraw your application.
- When you accept a judicial clerkship offer at any level of court, you are conveying a final decision. Although unexpected or rare life circumstances may arise that force you to renege an accepted clerkship offer, doing so under any other circumstances—such as your desire to accept a more attractive job offer—is widely frowned upon. Not only does revoking an acceptance place the judge in a bind, it can also have a detrimental effect on the law school, future Denver Law applicants, and your own professional reputation. What is more, if your new employer discovers that you reneged on a judicial clerkship to accept the position, the employer might terminate your position to protect its own reputation.
- After accepting an offer, you should withdraw your application for any other clerkships.
- Finally, we ask that you notify the CDO and any professor you have been working with as soon as you accept any judicial clerkship. And if you are so inclined, we would appreciate it if you would complete a Judicial Interview Questionnaire to assist future clerkship applicants.

Preparing for a Judicial Clerkship Interview

If you are selected for an interview, we recommend immediately notifying the CDO and any faculty advising you in the process so we can help you prepare.

When preparing for a clerkship interview, keep in mind that judges are people. Although legal skills are important, judges want to hire a law clerk with whom they will enjoy working. Thus, interpersonal skills are essential to succeeding on the job and in the interview. In addition to reviewing the **CDO's Guide to Interviewing** and scheduling an appointment with one of our Career Consultants, consider the following when preparing for an interview with a judge:

- Your audition for the job effectively begins when the judge's assistant or current clerk contacts you to schedule the interview. Everyone you encounter—such as judicial assistants, current clerks, court bailiffs, and court reporters—could form an opinion about you. **Treat these people with respect.** Anyone who thinks poorly of you could communicate that opinion to the judge.
- Be prepared to speak *in detail* about your classes, the substance of your past work experiences, your writing sample, and your post-clerkship plans.
- Research the judge. There are a variety of resources for finding out additional information about judges available online, including through legal research databases such as Lexis, Westlaw, and Bloomberg Law.
 - Read a representative sampling of the judge's opinions, including dissents and concurrences. Doing so will give you a better understanding of the judge's writing style and issues that the judge cares about.
 - The CDO or Denver Law professors may also be able to connect you with alumni who have clerked for the judge with whom you are interviewing.
 - The CDO collects interview feedback forms from successful clerkship candidates and may have one for your judge.
- As part of an interview, judges often have candidates speak to their current clerks. Take their questions seriously. A judge's current clerks often have a large impact on the judge's hiring decisions.
- As you would for any other type of interview, be sure to prepare questions for the judge and send a personalized thank note or email to everyone who participated in your interview.

IDEAL TIMELINES

As noted, application deadlines differ for every judge. However, there are “ideal” time frames in which to apply for judicial clerkships at different levels of court and in different geographic areas. The websites listed in the previous chapter provide much of this information. More broadly, following the suggested timeline below will help you optimize your clerkship search:

Throughout 1L and 2L Year

- Meet as many judges as possible by participating in events or activities:
 - Attend judicial panels and other judicial events at Denver Law.
 - Intern with a judge (ideally in summer after 1L year or in the fall of 2L year).
 - Consider taking an elective course taught by a judge during your 2L year.
 - Network your way to personal introductions to judges and clerks (the CDO can help you get started).
 - Join an Inn of Court (contact the CDO for more information).
- Build relationships with your professors so they will be able to write detailed letters of recommendation.

Special Note regarding Federal Clerkships:

- Recently, there has been a trend in the federal courts toward early hiring. Therefore, if you are considering applying for federal clerkships, we recommend that you meet with the CDO in the spring semester of 1L year or in the summer after 1L year at the very latest.
- For example, judges on the Tenth Circuit Court of Appeals may hire as early as the summer after 1L year, and judges on the United States District Court for the District of Colorado may hire as early as the fall semester of 2L year, though most are more likely to hire in the spring semester of 2L year or the summer after 2L year.
- Other jurisdictions may vary, so we encourage you to meet with us as soon as possible to identify optimal timelines for your applications.

Early Fall Semester of 2L Year

- Meet with a member of the CDO to plan your clerkship search. Use this meeting to identify which courts you plan to apply to, determine your timeline, discuss application materials, and get referrals to current and former judicial clerks.
- As noted above, meeting with the CDO in the fall of 2L year is appropriate for most clerkships, but if you are interested in federal clerkships, consider meeting with us in the late spring/early summer of 1L year. Further, this timeline focuses on judicial clerkships in Colorado. Out-of-state procedures vary, so please contact the CDO for more information about out-of-state application processes.

Fall Semester of 2L Year

- Begin to compile letters of recommendation, writing samples, and transcripts (see next chapter for more details).

December through January of 2L Year

- Assemble all application materials and begin applying to federal judges (if you haven't already) and Colorado Supreme Court Justices.

Spring Break through June of 2L Year

- Start applying to the Colorado Court of Appeals Judges

June through July after 2L Year

- Supplement pending applications with an updated transcript, ranking information, and updated GPA.

November through January of 3L Year

- Begin looking for Colorado state district court openings.
- Boulder District Court is the only state trial court in Colorado that hires on a cycle—usually posting in December. Other courts hire as needed, and those positions often arise after graduation. All positions will be posted on the Judicial Home Page “Career” site.
- The Denver Law Judicial Fellows Program is a great springboard into these jobs. For more information on the program, [click here](#) or contact the CDO.
- **Note:** You should submit all of the above application materials for State District Court applications, even though the website only asks you to fill out a State of Colorado application.

APPLICATION MATERIALS

Resumes & Cover Letters

For assistance with preparing your resume or cover letters, please review the **CDO's Guide to Application Materials** and schedule an appointment with a career consultant.

Letters of Recommendation

For most judges, you will need to submit at least 3 letters of recommendation from professors or employers. Ideally, you should ask your potential recommenders by November of your 2L year. To request letters from Denver Law Faculty, please contact **Faculty Support**.

Federal Clerkship on OSCAR

- To submit letters of recommendation to a federal judge through OSCAR, begin by securing permission from your recommenders outside of OSCAR. Next, identify your recommenders through OSCAR and generate a recommendation request. Your recommenders will receive an email containing a secure link allowing them to upload their letters directly into OSCAR. Applicants will not be able to review the letter through OSCAR.
 - Note: OSCAR has an “auto attach” function that allows students to reuse recommendation letters from previous applications without having to repeat the steps just discussed.
- For more information about how to submit letters of recommendation through OSCAR, please visit **OSCAR's YouTube Page**, which contains numerous videos explaining this and other processes.

State Court Clerkships

Many judges now prefer to receive application materials by email. To determine whether a judge has such a preference, consult the instructions provided on the clerkship information page or job posting.

- If a judge would like you to submit your application materials by email, your best option is to provide the appropriate email address to your recommenders and have them submit their letters directly to the chambers. Alternatively, recommenders can electronically submit their letters to you, and you can then email the letters yourself.
- If you are applying for multiple clerkships, we recommend addressing letters of recommendation in one of the following three ways:
 1. Send recommenders a spreadsheet with addresses and titles for a mail merge resulting in letters personally addressed to each judge (if professors need help with mail merging, they can contact faculty support);
 2. Get a Word copy of the letter from recommenders and insert all address and titles yourself; or
 3. Have your recommenders address their letters to “To Whom It May Concern” (last resort).

Mailing Recommendation Letters

In the event a judge prefers paper application materials (or if the judge has no preference but you wish to submit paper materials), your best option is to get letters from your recommenders in sealed envelopes to include in your application packet. Alternatively, recommenders can mail letters directly to the judges. In the latter case, you should offer to provide postage and envelopes.

Writing Samples

The CDO recommends using a five- to seven-page writing sample that utilizes the IRAC or CRAC format from an internship/externship or upper-level writing class. Many judges prefer not to receive law review style journal articles or other forms of academic writing (however, these types of samples can make good *supplemental* writing samples).

Please review the **CDO's Guide to Application Materials** for more information about writing samples. If you would like substantive feedback on your writing sample, please contact Professor Kate Stoker (kstoker@law.du.edu).

Transcripts

For most judges, an unofficial transcript is sufficient, but you may want to request an official transcript ahead of time just in case. For more information on obtaining official transcripts, please see our **Registrar's web page**.

Most judges do not require undergrad transcripts but it is a good idea to request them well in advance, just in case you need them.