

JUDICIAL CLERKSHIP HANDBOOK

FOR AMERICAN INDIANS AND ALASKA NATIVES



About the AILC

Established in 1967, the American Indian Law Center, Inc. (“AILC”) is the oldest existing Indian-managed and Indian-operated legal and public policy organization in the country serving to strengthen, promote, and honor self-sustaining American Indian and Alaska Native communities through education, training, and leadership.

AILC’s mission is to provide training and technical assistance to tribes, tribal organizations, and tribal courts; legal and policy analysis on various issues important to tribal governments; and preparatory legal education to individuals. AILC accomplishes its mission by focusing on three main areas:

- Pre-Law Summer Institute (“PLSI”);
- Policy and Legal Analysis; and
- Southwest Intertribal Court of Appeals (“SWITCA”)

Over the years, the AILC has worked with officials from more than 20 states, hundreds of tribes and Native American organizations, and has trained thousands of professionals and paraprofessionals. As a result, AILC has a unique, in-depth knowledge about tribal institutions, including tribal courts and their place in tribal government, and about tribal, state, and federal relations.

AILC is a non-profit 501(c)3 corporation.

We would like to thank the following partners for their contributions to the
Judicial Clerkship Handbook



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I. PREAMBLE

Welcome! We created this Judicial Clerkship Handbook (“Handbook”) to encourage and assist Native American law students in applying for and obtaining judicial clerkships across all levels of courts and tribunals. As members of the PLSI Judicial Clerkship Committee, we hope this Handbook will be of assistance to you as you consider and apply for judicial clerkships. This Handbook provides unique perspectives from Native American former and current judicial clerks who have collectively clerked for a wide variety of courts. Clerkships provide benefits to individual attorneys as well as to Indian country as a whole. For attorneys, clerkships provide insight into how judges approach and decide cases and an opportunity to hone research, writing, and analytical skills. Such insight and skills are invaluable no matter in what area of the law one ultimately decides to practice. Because judicial clerks play a central role in researching and drafting court decisions, Native American judicial clerks can help foster judicial understanding about tribes as sovereign governments and develop case law that respects tribal sovereignty and rights. As a further benefit to both individual attorneys and Indian country, clerkships often position attorneys for future careers in the judiciary, and an increase in Native American judicial clerks may increase the number of Native American judges serving across all levels of courts. We hope this Handbook will serve as a useful guide in your journey toward becoming a judicial clerk!

The PLSI Judicial Clerkship Committee,

Racheal M. White Hawk, Chair
(Rosebud Sioux Tribe)
Former Judicial Clerk,
U.S. Court of Appeals for the Ninth
Circuit and Arizona Supreme Court

Christine Jordan, Member
(Blackfeet)
Former Judicial Clerk,
New Mexico Court of Appeals

Lydia Locklear, Member
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Current Judicial Clerk,
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Program

Roshanna K. Toya, Secretary
(Pueblo of Isleta)
Current Judicial Clerk,
New Mexico Court of Appeals

II. WHAT IS A JUDICIAL CLERKSHIP AND WHY IS IT IMPORTANT?

You may have heard of clerkships in passing, or perhaps you have attended a panel discussion on clerkships. If you have not heard of a clerkship before or have not yet decided whether to apply for a clerkship, consider the following discussion regarding the role of a judicial clerk and the short- and long-term benefits of clerking after law school.

(a) The Role of a Judicial Clerk

Judicial clerks are usually recent law school graduates or newly-licensed attorneys. Although the tasks of a judicial clerk vary depending on each judge's chambers and the court, most judicial clerks assist their judge by conducting legal research, writing memos, drafting opinions and/or orders, and performing other tasks the judge assigns. Clerks also typically attend hearings, trials, and/or oral arguments in the courtroom, depending on the court. Sometimes clerks are permitted to attend the conferences held among judges after oral arguments and participate in the decision-making process.

Judicial clerkships usually last between one and two years; however, some judges employ "career" or "permanent" clerks who work for the judge indefinitely. Although most clerks are hired to assist a specific judge, some clerks assist multiple judges and are typically referred to as "floating clerks."

(b) The Benefits of Clerking

Clerking has both short- and long-term career benefits. Whether at the tribal, state, or federal level, clerkships provide research and writing experience as well as insight into the judicial decision-making process that is tremendously valuable to employers. Clerkships may lead to future employment opportunities through the judge, from learning about or interacting with lawyers appearing before the court, through certain law firms that recruit at certain courts, from connections among fellow judicial clerks, and so forth. Clerks experience judicial decision-making, helping them develop into effective attorneys who understand persuasive oral and written advocacy. The clerkship experience is usually transferable from region to region and is useful no matter where you eventually choose to practice.

Depending on the law firm's policy and the clerkship, a clerk might receive a substantial hiring bonus. If you already have an offer at a law firm, or are interviewing at a law firm after having accepted a clerkship position, law firms commonly defer your employment until after you complete your clerkship. Additionally, some firms will credit the time an associate spends clerking toward the associate's partnership track.

**KEVIN
WASHBURN**
*Dean of the University
of Iowa Law School,
PLSI 1990*



"My judicial clerkship with Judge Bill Canby of the U.S. Court of Appeals for the Ninth Circuit gave me a wonderful year of post-law school legal experience to prepare me for practice. But that was only the beginning. Judge Canby has continued to be a mentor and friend throughout my career.

For someone like me, the first lawyer in my family, this support was immensely valuable, and not only in my early career. When the Obama White House asked me to serve as Assistant Secretary for Indian Affairs, I called Judge Canby for advice. It was an agonizing decision because it would require me to leave the deanship of the UNM School of Law. Judge Canby's words were helpful then and I am still in touch with Judge Canby today. My work for Judge Canby ended nearly thirty years ago, but his mentorship has continued ever since."

III. WHAT EXPERIENCES OR CREDENTIALS ARE BENEFICIAL FOR OBTAINING A JUDICIAL CLERKSHIP?

In general, research, writing, and analytical skills are valuable in obtaining a judicial clerkship. Activities that typically provide experience to develop such skills include participating in a law journal or a moot court. A law journal in particular allows students to become proficient in cite-checking, a skill important for any judicial clerk to have, although a law journal is not the only way to hone your cite-checking ability. Interning or externing with a judge during law school also provides relevant research, writing, analytical, and cite-checking experience. Other ways to learn such skills include drafting legal memoranda, motions, and/or briefs in a legal clinic or other setting. Finally, law school courses that emphasize advanced legal research and writing provide such skills as well.

We would like to stress that grades are not a barrier to obtaining a judicial clerkship. Often times students are told or believe that they must rank within the top 10% of their class to obtain a clerkship. We are familiar with several examples of individuals who have clerked who were not ranked in the top 10% of their class. If you are interested in clerking, we strongly encourage you to apply regardless of your class ranking.

IV. CHOOSING A COURT

(a) Choosing Between Appellate and Trial Courts

In choosing a clerkship, consider what type of work you are interested in pursuing during and after your clerkship. Appellate courts create precedent that shapes the law in their jurisdictions for years to come. Clerks in appellate courts usually spend most of their time researching and writing. These clerks research, among other things, statutes, case law, and secondary sources, and examine briefs and other materials the parties submit. They also assist judges in preparing for oral arguments, usually by drafting bench memos summarizing the main issues in the case and proposing an outcome. Appellate court clerkships are particularly beneficial to those who wish to pursue appellate work and to those interested in litigation.

In contrast, trial courts focus on fact-finding. Trial court judicial clerks view and participate in the judicial decision-making from the beginning of the trial process, such as the filing of the complaint, pre-trial motions, and discovery, to the end of the trial process, such as the filing of judgments and imposition of sentences. Depending on the court, trial court judicial clerks generally spend less time researching and writing than appellate court judicial clerks and more time in the courtroom observing attorneys, although trial court judicial clerks still often spend a significant amount of time researching and writing while drafting orders for substantive motions and opinions. Trial court clerkships are particularly beneficial to those seeking a career in litigation and to those interested in networking with a broad range of attorneys.

Although clerkships are most beneficial to careers in litigation, the research, writing, and analytical skills obtained from clerkships are useful for many other types of careers in law as well, including transactional work and academia. Additionally, both appellate and trial court judicial clerkships help clerks gain experience in judicial decision-making, albeit at different levels in the process.

(b) Tribal Courts

Tribes have several types of court systems, including, but not limited to, trial courts, courts of appeals, intertribal courts, tribal courts of limited jurisdiction, healing to wellness courts, elder courts, and peacemaking courts. Some tribal courts are modeled directly after the Anglo-American court system, others are modeled after tribal traditions, and others are a combination of the two. One type of tribal court is a hybrid tribal/federal court called a “CFR” court, or Court of Indian Offenses, which serves as a trial court until the tribe establishes its own trial court. The Court of Indian Appeals hears appeals from a CFR Court. Unlike the Anglo-American court system, which tends to focus on retribution, some tribal courts take a restorative justice approach to the law. Examples of restorative tribal courts include healing to wellness courts (which focus on drug and alcohol abuse), elder courts, and peacemaking courts (which are similar to mediation, but which focus on tribal values, traditions, and customs).



**LYDIA
LOCKLEAR**
*Tribal Justice
Clerk at Catawba
Indian Nation,
PLSI 2014*

“I’m so grateful and humbled I had the opportunity to clerk for Justice Anita Earls of the Supreme Court of North Carolina. Not only did I receive guidance and encouragement during my clerkship, but I improved my research, analytical, and writing skills. I now use these skills in my work for the Catawba Indian Nation by researching and analyzing data to develop the Tribe’s justice system. I also use these skills to address legal issues that arise. I will forever be grateful for the experience I had as a judicial clerk.”

(i) Tribal Trial Courts

Tribal trial courts are typically courts of general jurisdiction that hear both criminal and civil matters. Under the Indian Civil Rights Act, 25 U.S.C. § 1302, tribal courts generally are limited to imposing penalties of imprisonment for up to one year per offense, a fine of up to \$5,000 per offense, or both, unless the tribe has implemented the requirements of the Tribal Law and Order Act of 2010, which permits tribal courts to impose sentences of up to three years per offense (with a maximum of nine years for multiple offenses) and a fine of up to \$15,000 per offense, or both. Major crimes, such as murder, rape and other crimes enumerated in the Major Crimes Act that are committed on a reservation are more likely to end up in federal than tribal courts. Civil matters in tribal courts include, among other things, personal injury claims, family law claims, child custody cases, employment law claims, contract claims, and environmental law violations. Because trial courts are usually located within tribal communities, you might observe trials conducted entirely in the language of the particular tribe.

Depending on the size of the tribal court system, more than one judge might hear trial court cases. If there are multiple judges, they might split the cases and/or one judge might take the role of chief judge. Judges might also split the workload based on the type of case. For example, one judge might take all of the criminal cases while the other judge might take all of the civil cases. Some tribal courts, however, might only have one judge who hears all cases.

Similar to state and federal trial court judicial clerkships, you would likely be involved at every step of the trial process in tribal court. If need be, you might also be called upon to fill in for other staff members at the tribal court. For example, you might be asked to act as a bailiff or prepare files for the judge before hearings.

An important difference between state and federal trial court judicial clerkships and tribal court judicial clerkships is that in tribal court parties tend to represent themselves as pro se litigants more often. As such, interaction with attorneys may be more limited if you choose to clerk in a tribal trial court. Furthermore, the

judge may take on a more active role in explaining the judicial process to the parties, and you may be asked to assist in this task.

Tribal trial courts may or may not issue written decisions. When a tribal trial judge issues a written opinion, you will likely be called upon to help draft the opinion, thereby utilizing and developing your research and writing skills. Sometimes oral or written decisions will incorporate the customs and traditions of the tribe into the legal decision-making process. Remember to be respectful of those customs and traditions and, if the tribe or tribal court requests, keep certain details about tribal customs private once your judicial clerkship is over.

(ii) Tribal Appellate Courts

Some tribal court systems have appellate courts, but not every tribal court system is equipped with an appellate court. Some appellate courts operate as intertribal courts for member tribes; such courts are discussed in the following section.

Tribal appellate courts might have several judges who serve on a panel or there may be just one appellate judge. The jurisdiction of tribal appellate courts depends on the tribe's constitution, if one exists, or on an ordinance, resolution, or declaration by the tribe or other tribal law. Because tribal appellate courts create rules that set precedent, the responsibilities of a tribal appellate judicial clerk are usually mostly to conduct research and writing, similar to a judicial clerk's responsibilities in state or federal court. As a tribal appellate judicial clerk, you might not interact with the public as often as you would at the trial court level. Whether or not you observe lawyers or oral arguments will depend on the specific tribal appellate court. Appellate panels offer the unique opportunity for judicial clerks to witness the collective decision-making process among judges, if there is more than one judge, and the opportunity to participate in writing a final opinion. Appellate courts offer judicial clerks a chance to shape the law of the tribe, impacting the future of the tribe in significant ways by resolving novel issues.

(iii) Intertribal Courts

Intertribal courts serve member tribes usually by region. Some intertribal courts operate as trial courts while others operate as courts of appeals. Tribes that participate in intertribal courts may lack the resources to develop their own courts or might find it unnecessary to establish their own courts due to the low number of cases heard per year. Some tribes with their own courts might connect with intertribal courts for pro tem judges as needed.

Examples of intertribal judicial systems include the Southwest Intertribal Court of Appeals ("SWITCA"), the Northwest Intertribal Court System, and the Intertribal Court of Southern California. The administrative offices of intertribal courts are typically centrally located and provide budget and payroll services for the court's employees. For example, SWITCA's administrative office is located in Albuquerque, New Mexico, and provides appellate court services for tribes in New Mexico, Arizona, Colorado, and Texas. SWITCA also offers trainings to tribal court judges and court staff, technical assistance, legal research, and other support services.

Intertribal courts often face funding challenges. Funding for intertribal courts generally comes from sources that fund either an intertribal court or the member tribes. As such, if a tribe decides to become a member of an intertribal court, the tribe typically cannot obtain its own funds to establish a court while it is a member tribe of the intertribal court.

Some advantages of working with an intertribal court may include the opportunity to travel to different reservations and be exposed to different tribal cultures and laws. For example, you might work with several different tribes on various issues, apply each individual tribe's laws, and see the natural beauty of various reservations when traveling to hearings. You might also work for many judges and learn the styles and preferences of each judge and/or work on a part-time basis.

When working in an intertribal court, judicial clerks must pay particular attention to each member tribe's laws so as to not accidentally blend concepts from one tribe's jurisdiction into another tribe's body of law. Judicial clerks must be mindful that each tribe within an intertribal court abides by its own unique customs, traditions, and laws.

The work in an intertribal court is varied and broad. Intertribal courts hear cases involving civil and criminal matters, including environmental, family, and gaming law issues, and so forth, across many different jurisdictions and cultures. Before working at an intertribal court, students should consider that judges might work remotely from the intertribal court, different jurisdictions might be located hundreds of miles away from each other, and some locations may be far away from any major city or airport and require additional driving time. Being able to experience such a wide variety of legal issues would provide a fulfilling start to any judicial clerk's legal career.

(iv) Tribal Courts of Limited Jurisdiction

Similar to state and federal courts of limited jurisdiction, tribal courts of limited jurisdiction only have jurisdiction over a few narrow topics of law. If you know what type of law you would like to practice, these courts provide excellent opportunities to develop your skills in that area of law. For example, if you are interested in mediation, you might want to clerk for a peacemaking court. Limited jurisdiction courts cover all practice areas, including healing to wellness courts, peacemaking courts, gaming dispute courts, family courts, elder courts, and traditional courts.

Whether a tribe has a limited jurisdiction court depends on the particular tribe. Contact the tribe you are interested in working for and/or review the tribe's website to learn more about the judicial system of that particular tribe.

Clerking for a court of limited jurisdiction offers the opportunity to dive into a specific type of law. Depending on the court, you might also gain more interaction with the public and community. Clerking in these types of courts can be particularly beneficial if you wish to work in a specific field of law or in a specific community.

(1) Healing to Wellness Courts

Healing to wellness courts function much like state drug courts. Instead of the retributive style of justice in which an individual is punished for drug use or possession by receiving a jail sentence, healing to wellness courts focus on treatment and rehabilitation. Oftentimes healing to wellness courts will incorporate the tribe's traditions or religion in their programs, with the goal of bringing the individual suffering from substance abuse back into the tribal community. Sometimes this involves inpatient and outpatient treatment plans, family meetings, group and individual therapy, and celebrating the progress of the individual. The judge may take a more personal approach with the individuals appearing before a healing to wellness court. In addition, these courts might work with organizations outside of the court to provide services to their participants. Working in a healing to wellness court requires working closely with community members and requires a respectful attitude. Healing to wellness courts are relatively new and not all tribes have them. You might even be hired as a judicial clerk to help establish a healing to wellness court with a tribe.

(2) Peacemaking Courts

Peacemaking courts attempt to resolve conflicts between tribal members by using the tribe's values, traditions, and customs. Peacemaking might include family and community members other than the parties directly involved. Some courts will follow tribal customs very closely while others might rely more upon Anglo-American-style mediations. The peacemaker might be the tribal judge or another respected member of the community. Participants in the peacemaking process might learn about tribal history and culture. Because of the sensitive nature of some tribal customs and practices, non-members might not be able to fully participate in the peacemaking process. Attorneys might also be prohibited from participating in peacemaking. Each tribe has different rules about who may participate in peacemaking or other traditional activities.

(c) State Courts

Opportunities for clerkships vary from state to state. Generally, judicial clerkship opportunities at state trial courts are limited. Furthermore, some states have intermediate appellate courts while others do not. The highest courts of each state generally offer clerkship opportunities. Unlike federal judges who advertise open positions on the Online System for Application and Review ("OSCAR"), state judges may have their own hiring process. The best way to obtain information regarding state court judicial clerkships is to check the state court websites for information, especially after a judicial or gubernatorial election. Sometimes you must call the court clerk and ask which judges are accepting applications and when they are due. The career services department at your law school might also have information regarding the judges hiring in your state. Additionally, resources are available online that may help in your search, such as the National Center for State Courts website at www.ncsc.org/Information-and-Resources/Browse-by-State/State-Court-Websites.aspx or the National Association of Legal Professionals Judicial Clerkship Page at www.nalp.org/judicialclerkships. When applying to state courts outside of your home state or the state in which you attend law school, consider which state you would be comfortable relocating to. Feeling comfortable in your new environment is crucial to success in your clerkship.

**RAQUEL
MONTAYA-
LEWIS**
*Justice of the
Washington
Supreme Court
PLSI 1992*



"Being a clerk gave me an early insight into how difficult it is to make the most consequential decisions, for the state and for the people. I worked with talented people, from staff, to law clerks, to justices, and I learned from each. I learned that I have a view others often did not, that my view was valued, and that I was valued. I have spent much of my career looking within myself to find the power and strength to make decisions that impact others' lives; clerking helped me to know that an ordinary person can have extraordinary power to make wise decisions."

(d) Federal Courts

Many different federal courts offer clerkship opportunities. Obtaining a federal clerkship tends to be highly competitive, especially at a U.S. Court of Appeals and the Supreme Court of the U.S.

(i) The Supreme Court

The Supreme Court of the U.S. (“Supreme Court”) has two types of jurisdiction—original jurisdiction, which covers issues enumerated in the U.S. Constitution, and appellate jurisdiction, which is discretionary and permits the Supreme Court to review cases from all federal courts and state courts regarding issues of federal law. Usually clerks for the Supreme Court have already completed a U.S. Court of Appeals clerkship first. It is very uncommon to be hired to clerk for the Supreme Court immediately after law school. Certain U.S. Courts of Appeals judicial clerkships are considered more likely to lead to a Supreme Court Clerkship, notably the Court of Appeals for the D.C. Circuit.

(ii) U.S. Courts of Appeals

The federal court system has thirteen U.S. Courts of Appeals, which sit below the Supreme Court—twelve circuit courts, each serving a different region of the U.S., and the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”), which has national jurisdiction to hear specialized cases, such as trade claims and patent and trademark cases (collectively, the “Circuit Courts”). Circuit Courts have jurisdiction over appeals from U.S. District Courts and administrative agencies. Because the Supreme Court’s jurisdiction over appeals from Circuit Courts is discretionary, Circuit Court decisions are usually conclusive within their defined region. Circuit Courts are headquartered in one city but house chambers throughout the circuit region. All Circuit Court judicial clerkships are difficult to obtain, especially in the Second, Ninth, and D.C. Circuits.

**RODINA CAVE
PARNALL**
PLSI Director,
PLSI 1998



“My clerkship still ranks as one of my best jobs ever. Not only did I hone my research and writing skills, but I also developed the beginnings of a lifelong mentoring relationship with my judge. We stay in a touch and I have never accepted a professional position without consulting him first.”

(iii) U.S. District Courts

U.S. District Courts (“District Courts”) are the trial courts of the federal system. These courts hear both civil and criminal cases. The federal system contains ninety-four District Courts, and each District Court has multiple judges.

(iv) U.S. Magistrate Judges

Magistrates are appointed by District Court judges for four- or eight-year terms. Magistrates handle pretrial matters, settlements, and some trials. Magistrates usually hire career judicial clerks, but some hire term judicial clerks as well.

(v) Federal Specialty Courts

Just like tribal courts of limited jurisdiction, federal specialty courts have jurisdiction over a narrow field of law. If you know what type of law you would like to practice, a federal specialty court would

ALEXANDER MALLORY
Clerk for the U.S.
Immigration Court through
the U.S. Department of
Justice Honors Program,
Assistant Chief Immigration
Judge Hugo R. Martinez,
PLSI 2016



“The story of America was, is, and always will be about forming a more perfect union. As clerks, we preserve and protect the Constitution. But we also help expand this promise to the people who appear before us. This is a privileged position so few in the legal world have the opportunity to experience. Ask questions. Listen to feedback. Be open to change.”

help you grow your skills in your preferred field of law.

Federal specialty courts include the U.S. Bankruptcy Court, U.S. Court of Appeals for the Armed Forces, Federal Circuit, U.S. Court of Appeals for Veterans Claims, U.S. Court of Federal Claims, U.S. Court of International Trade, U.S. Tax Court, and other administrative law courts.

V. CHOOSING A JUDGE

There are many factors to consider when choosing a clerkship. Research judges carefully before applying to a clerkship. Do not apply for a judicial clerkship unless you would be willing to accept the position if it was offered to you. Rejecting an offer can reflect poorly on you and your school. Sometimes judges will avoid extending offers to students who have a reputation for rejecting clerkship offers. However, you may reject a clerkship offer if you have already received an offer from another judge. One way to avoid this situation though is to withdraw outstanding judicial clerkship applications once you accept an offer.

Clerkships are available for every type of budding lawyer and are located across the U.S. To narrow your choices, consider meeting with your law school's career services department, a law professor, or a trusted mentor.

The following is a list of questions to consider when determining which clerkships to apply for:

1. What kind of court is most interesting to me: tribal, state, federal, or specialty courts?
2. In which location would I like to clerk?
3. What are my strengths?
4. In which areas can I improve and which judicial clerkships would help me improve in those areas?

It is best to target your applications to courts for which you are most qualified and that match your interests. If you have a strong interest in Indian law, for instance, a federal court in an area with a large Native American population or a tribal court might be best. If you are interested in litigation, you might consider a U.S. District Court. If you are interested in appellate work, consider an appellate court, such as a court of appeals or a supreme court.

(a) Assessing Your Strengths and Qualifications

Targeting applications to courts with requirements that match your own qualifications will help streamline the application process. Nonetheless, consider applying to a “dream court” or “reach court” with higher qualification requirements, especially if you are interested in working with a particular judge.

You should apply for clerkships even if you are not at the top of your class. Although a high GPA and class rank can certainly increase the chances of obtaining certain judicial clerkships, judges look for other qualifications as well. For example, judges might consider your participation or leadership position in a journal or law review, a moot court competition, or a law school organization, your work as an extern or intern with

**RACHEAL
WHITE HAWK**
*Associate Attorney
at Procopio, PLSI
2013*



“My clerkships provided me with an inside look at the judicial system, which is something not many people get to see. I made lifelong friends in the process with my judges, court staff, and fellow judicial clerks. I also learned directly from my judges, respected jurists who have both had stellar legal careers, about how to be a better legal writer, how to think more critically and analytically, what arguments are the most persuasive, and how to be an all-around better attorney. My clerkships are experiences I know I’ll cherish for years to come.”

other judges, your other legal work history, or your previous professional background. Positive personality traits such as maturity, curiosity, and a sense of community as well as having teamwork skills are also important attributes for a judicial clerk to possess.

(b) Factors to Consider When Choosing a Judge

When applying to clerkships, it can feel as though the judge is the only one doing the selecting. However, it is just as important for you to consider which judge you would like to work for. Factors to consider include the judge's writing style, personality, reputation, political affiliation, treatment of past clerks, and notable decisions.

(c) Ideology

Applying to judges with similar ideological leanings may increase your chances of obtaining a clerkship with certain judges and might also provide for a better, easier working environment for both judges and clerks. However, some judges prefer to hire clerks with diverse ideological leanings, which can promote an atmosphere of robust ideological and scholarly debate in chambers. Clerks might also find such an atmosphere to be rewarding in strengthening the clerks' critical thinking and analytical skills. Ultimately, each clerk should determine whether to apply to judges with different ideological leanings based on the clerk's level of comfort with being in such an environment, considering the clerk could be involved in judicial decisions with which the clerk may not agree.

(d) Judicial Style, Personality, and Atmosphere in Chambers

In choosing whether to apply to or work for a particular judge, we recommend learning about the atmosphere of the judge's chambers. Consider contacting past judicial clerks of that particular judge or past judicial clerks of that court and asking the following questions:

- (i) What is daily life like in chambers?
- (ii) What are the hours like for the judge and for judicial clerks?
- (iii) How often do you meet with the judge and others in chambers regarding work and what are those meetings like?
- (iv) Does the judge have other staff members in chambers, such as a judicial assistant or permanent clerk, and what is it like working with such individuals?
- (v) Is the judge's approach to the judicial clerk's work more hands-off or hands-on and how so?
- (vi) Does the judge ever arrange non-work related activities, and if so what are those like?

Dress code may be an indication of atmosphere as well, such as whether judicial clerks must wear suits every day, even if not in court. A more casual dress code might suggest a more casual work environment, but that might not always be the case.

(e) Reputation of the Judge and Prestige

The reputation of your judge or prestige of your judicial clerkship may affect your career path. For

example, some firms offer large bonuses if a new hire clerked at a Circuit Court. If you have a particular law firm in mind, consider reviewing the law firm's judicial clerkship policy when applying to judges. For instance, consider learning whether the firm offers clerkship bonuses and whether the firm provides credit toward partnership for your year(s) spent clerking.

VI. RESEARCHING CLERKSHIP OPPORTUNITIES AND JUDGES

The first step in the process of obtaining a clerkship is to conduct research, such as researching what opportunities align with your qualifications and the judges you would like to work for. Many law school career services departments will have resources to guide you through the clerkship process.

(a) Resources Specific to Each Career Services Department

Some law schools provide their students with a book of information on federal and state judges in the state where the school is located. The information for each judge might include surveys from former judicial clerks, articles, and interview tips. Ask your career services department if it has a similar book or other resources to help you decide which clerkships to apply for.

(b) Shared or Online Resources

A simple Google search for “judicial clerkship information” will yield countless law school guidebooks, law review articles, and information on clerkships from the American Bar Association and other resources. These resources can be helpful in navigating the application process and provide an overview of what to expect from judicial clerkships in general.

(c) List of State Courts

The National Center for State Courts hosts a webpage listing all of the court websites for each state here: www.ncsc.org/information-and-resources/state-court-websites. State court websites usually include the biographies of each judge and may include information about whether the judges are currently hiring.

VII. THE APPLICATION PROCESS

(a) Timing

You should start thinking about judicial clerkships and gathering application materials during your first year of law school, even though you typically cannot apply for clerkships until your second or third year. Thinking about judicial clerkships even before you are eligible to apply helps you obtain relevant experience during law school and enables you to apply as quickly as possible once judicial clerkship opportunities become available. Generally, it is best to apply as soon as possible after the judge begins accepting applications. If you are applying for a tribal court judicial clerkship, you should apply even earlier as you may need to be hired through the tribal government's human resources office. We strongly discourage waiting until

CHRISTINE JORDAN
*Solo Practitioner and
Adjunct Professor at
Mitchell Hamline School
of Law, PLSI 2013*



“Native American practitioners must attempt to occupy all spaces where the law is at issue. It is imperative that Native practitioners learn the inner workings of the courts that interpret the laws governing our peoples’ freedoms and rights. Judicial law clerks are given unique opportunities to be immersed in the judicial process while learning from distinguished judges and justices, witnessing the work of seasoned attorneys both orally and in writing, and forging life-long relationships with their fellow clerks. The process to obtain a clerkship is not without its challenges, but there are people in our communities who offer endless support and resources to aid future clerks on this journey. The only question that remains for anyone pursuing a clerkship is, ‘Why not me?’”

the application deadline to submit your materials. Please refer to Appendix E for a suggested Application Timeline.

(b) Federal Judicial Clerk Hiring Plan Timing

Some judges ascribe to the federal judicial clerk hiring plan. The plan can be found on the OSCAR website at https://oscar.uscourts.gov/federal_law_clerk_hiring_pilot. The hiring plan was created to encourage uniformity in the judicial clerkship hiring process. Not all federal judges abide by the plan, however, and those who do not abide by the plan accept applications on their own schedule. According to the hiring plan, the application process for federal clerkships does not begin until after your second year of law school. Judges who do not follow the plan might accept applications during the summer of your first year in law school or during your second year.

(c) Cover Letter

A clerkship application cover letter should typically be one page in length with one-inch margins. The cover letter usually begins with a brief paragraph introducing yourself to the judge, including your law school and year in school, and indicating that you are writing to apply for the judicial clerkship position in the judge's chambers. The second paragraph usually describes your research, writing, and analytical experience as it relates to the judicial clerkship and the reason for your desire to clerk. Finally, the closing paragraph reiterates your interest in clerking and explains how you may be reached. Please refer to Appendix B for a Sample Cover Letter.

(d) Resume

A good resume demonstrates how your work experience and other skills make you the ideal fit for the judicial clerk position for which you are applying. Please refer to Appendix A for a Sample Resume. Your resume should be between one and two pages in length and should emphasize what is most applicable to the clerkship. Judicial clerkship resumes should typically include the following:

- (i) An emphasis on research and writing experience, which may include but not be limited to, law review or journal membership, moot court participation (when research and writing are involved), or work as a teaching or research assistant.
- (ii) Judicial externship or internship experience.
- (iii) GPA or class rank (but only if beneficial).
- (iv) Your legal writing grade of A- or higher.
- (v) Descriptions of previous legal and non-legal work experience that highlight skills valuable to the judicial clerkship position.
- (vi) An interests section, which permits judges to see your hobbies and which should serve as non-polarizing conversation starters, such as activities that you are passionate or knowledgeable about.
- (vii) Your tribal affiliation if you feel comfortable sharing such information, which may have its own small section or may be included near your name and contact information.

(e) Letters of Recommendation

(i) Who You Should Ask to Be a Recommender

You should typically gather recommendation letters during your second year of law school. When asking for a recommendation letter from anyone, consider asking if the recommender can write you a strong letter. If your recommender cannot write you a strong letter, consider asking someone else. Whoever you choose as your recommender, the person should know you and your work product well. A good recommender can highlight your strengths as a candidate and might also help lessen the impact of a lower GPA or class rank.

Have at least two faculty recommenders, including your legal writing or legal research professor if possible. An advisor for a law review or journal article is also usually very familiar with you and your legal writing and could serve as a good recommender. You should build relationships with your professors so that they may serve as good recommenders and ways to do so include going to their office hours or law school extracurricular activities or events, taking seminar classes, taking clinic courses, or working with professors as teaching or research assistants.

If you extern or intern for a judge, consider asking the judge for a recommendation letter for your judicial clerkship application. Judges' letters may carry more weight because such letters typically discuss your work in a similar position to the judicial clerkship for which you are applying. However, some judges as a matter of policy do not write recommendation letters regardless of how well the intern or extern performed. If that happens, consider asking if you can list the judge as a reference in a reference list.

(ii) What Materials to Provide Your Recommenders and How Much Time to Provide Your Recommenders

Ask your recommenders what materials will help them write a strong recommendation letter. Most recommenders will ask for your resume to reference your background and experience. Some recommenders may ask for a transcript as well. Make sure to give your recommender enough time to write the letter, which is usually at least two weeks before you need the letter. If you know your recommender has a busy schedule, ask them well in advance of the application deadline. On occasion, particularly busy recommenders may ask you to prepare a draft letter of recommendation, which the recommender will then edit.

(iii) Refusals

Refusals to write letters of recommendation sometimes happen. Take a deep breath and consider other options. You may want to ask why the individual refused depending on the circumstances. Sometimes a refusal is due to timing or the individual's policy against writing such letters. However, your recommender might have concerns about your writing, punctuality, study habits, or other issues. Knowing where you can improve might help you grow.

(f) Transcripts

Clerkship applications usually require law school transcripts, and some require undergraduate transcripts as well. Check whether the judge requires official or unofficial transcripts and if the judge has any special requirements, such as sending transcripts in a signed and sealed envelope. Most schools will allow

you to view and download an unofficial transcript from your student account. If the judge requires an official transcript, however, be sure to request it early as official transcripts might take several days or weeks to obtain, depending on the school. Official transcripts might be sent electronically, mailed, or picked up in person depending on the school's policy and the judge's preference. Always check the school's policy and the judge's preference to ensure you comply with the judicial clerkship application requirements. Additionally, when deciding how many judges to apply to, keep in mind that some schools may charge a fee for official transcripts.

(i) Uploading grades through OSCAR

OSCAR does not accept scanned transcripts. Rather, you must manually enter grades into a "grade sheet" form which is then converted into a PDF. Grade sheets do not qualify as official transcripts. As such, judges might request official transcripts sent from the law school registrar in addition to the OSCAR grade sheet. If your law school has an alternative grading system outside of the traditional letter based method, be sure to include it in the "grading system description" box. You may also provide information about semester honors, awards, or leaves of absence in the "narrative" box.

(g) Writing Sample

Most judges require a writing sample or two. Writing samples should highlight your analytical skills, your ability to understand and explain legal issues, and your ability to reach and defend a well-reasoned conclusion. Strive to use a writing sample from your legal work experience. Memos or motions written for a summer legal position tend to showcase your analysis of real-life situations. Be sure to ask your employer for permission to use the work product you created while there and be sure to redact confidential and sensitive information. You may use an assignment from a legal writing class if you cannot use a writing sample from your employment. Writing samples should be between five and ten pages unless the judge requires a specific length. It is appropriate to submit a portion of a larger piece of writing, such as by omitting the facts, but you must explain so in your writing sample cover page (discussed in the following section). Your writing sample should reflect your own work. As such, law review or journal articles typically are not the best writing samples because they tend to be heavily revised by others.

(h) Cover Page for Writing Sample

A writing sample should include a cover page. Please refer to Appendix C for an example of a Writing Sample Cover Page. Cover pages generally include the following:

- (i) Your name and contact information in the exact same text format as such information appears on your resume.
- (ii) A brief description of the writing sample, including a very brief summary of the facts.
- (iii) A description of any edits by others or a statement that the writing sample has not been edited by others.
- (iv) A statement that you have obtained your employer's permission to use the writing sample and that you have redacted or changed all confidential and identifying information.

(i) Submitting Applications

Applications may be submitted online, through mail, or both. To apply to federal judges online, you must

use OSCAR. For state court judges, your school might assist in submitting applications to courts in your state or you may need to visit the state court website or call the particular state court to submit your application.

(i) Paper Applications (All Courts)

If a judge requests hard-copy paper applications, mail your application directly to a judge's chambers or to the address listed on the judge's hiring page. Use high-quality paper and read through each page, checking for smudges or errors. Staple each portion of the application separately. Be sure to ask the post office for tracking information to confirm that the materials arrive on time.

(ii) Federal Courts (OSCAR)

Most federal judges use OSCAR to post clerkship vacancies and review applications. OSCAR has information only about federal clerkships for judges who chose to use the OSCAR system; as such, some federal judges might not have clerkships posted on OSCAR; such judges, consider asking your law school's career services department for assistance with applying to such judges.

OSCAR is designed for judges and is not the most user-friendly website. You might experience issues uploading documents and having to reset your password. If so, contact OSCAR support or ask your law school's career services department for help. To apply for an opening, click the judge's last name to access the hiring information page, which will indicate whether the position is "filled", "expired", or "available." Use the "available" option to filter out closed listings.

Applications are released to judges immediately. Many judges review applications on a rolling basis, closing them once filled. You should apply as soon as the clerkship position is posted on OSCAR rather than wait for the posted "deadline" because some judges hold interviews and hire clerks well in advance of the posted application deadline.

(iii) State Courts

Some state courts allow you to submit applications through their websites. Other state courts have a list of judges accepting applications along with addresses for sending hard copy applications on their websites.

(iv) Tribal Courts

Tribal courts occasionally post information about judicial clerkship opportunities on their websites. A tribal court might not have its own website. Clerkships might appear on a general "careers" webpage hosted within the tribal government's website. Keep in mind that not all tribal courts advertise openings for "judicial clerkships." Rather, some tribal courts refer to judicial clerks as "staff attorneys" or some other name entirely. If you are unsure whether the job advertised is a judicial clerkship or you do not see any information about judicial clerkship opportunities posted for a particular court, consider calling the contact listed on the job advertisement or the tribal court, explaining that you are interested in working as a judicial clerk and the role of a judicial clerk, and asking whether the job advertised is similar to a judicial clerkship or if the court has any judicial clerkship positions available.

**DOREEN N.
MCPAUL**
*Navajo Nation
Attorney General,
PLSI 1998*



"My state court and tribal court clerkships were vital to my success and contributed to my career accomplishments. I maintain contact with my judges and still enjoy their professional guidance and friendship."

(1) NNALSA Job & Judicial Clerkship Announcements

The National Native American Law Students Association (“NNALSA”) supports law students who are interested in studying federal Indian law, tribal law, and traditional forms of governance. NNALSA strives to increase the Native American law student population and encourages Native Americans to pursue a legal education and advocate for tribal communities. To further its goals, NNALSA has created a “Job & Judicial Clerkship Announcements” page on its website that contains postings about judicial clerkship opportunities, with a focus on tribal court clerkships. You may access NNALSA’s judicial clerkship page at <https://www.nationalnalsa.org/job-clerkships-announcements>.

(2) Turtle Talk Indian Law Job Announcements

Turtle Talk is a blog about legal issues in Indian country. Each Friday, Turtle Talk usually posts legal job announcements. Turtle Talk’s job postings are not typically judicial-clerkship specific, but the postings might help you learn which tribal courts tend to have vacancies. You can find Turtle Talk Indian law job announcements at <https://turtletalk.blog/indian-law-job-announcements/>. You may also find such job announcements by typing the keyword “job” in the search bar at <https://turtletalk.blog/>. Internships or summer clerkship opportunities at tribal courts might also be found among Turtle Talk’s job postings.

(3) Create Your Own Clerkship

Many, if not most, tribal courts do not have established judicial clerkship programs. Do not let that discourage you. One way to secure a tribal court judicial clerkship if the tribe or tribal court does not have funding for the position is to submit a proposal to the tribal court(s) for which you want to clerk and apply for a fellowship, scholarship, or grant for funding. With your submission to the tribal court, include a description of the work you plan to do, the benefits to the court from your clerkship, and a record of the funding that you plan to apply for, have applied for, or have received. Working with the tribal court while developing your funding application is recommended to ensure the tribal court supports having a judicial clerk, which will also strengthen your application. You might also consider approaching a judge and asking that he or she endorse a funding application for your position. Some organizations that support student-driven fellowships are Equal Justice Works, which offers a Design-Your-Own Fellowship (www.equaljusticeworks.org/become-a-fellow/design-your-own-fellowship/), and the Skadden Fellowship, which funds project-based fellowships for law school graduates, outgoing judicial clerks, and LL.M. candidates who want to work in the public interest (www.skaddenfellowships.org/application). Additionally, some law schools may have funding to pay for students to work at tribal courts. Ask your law school’s career services department or Indian law department if such a program exists.

Another way to secure a tribal court judicial clerkship is to develop a proposal for a judge showing how your work would benefit the court, as the judge may be able to allocate some of the court’s own funding toward a clerkship position. Tribal courts may also be more able to hire summer judicial clerks, interns, or externs, or a judicial clerk on a contract basis. Be sure to ask about all of the possible positions available at a tribal court.

Other organizations, such as the American Indian Law Center, might be able to fund a summer clerkship opportunity for you as a research assistant at a tribal court. However, the funding for summer research assistants varies from year to year. Please contact Rodina Cave Parnall (caveparnell@law.unm.edu) for more information.

VIII. PREPARING FOR THE INTERVIEW AND ETIQUETTE POST-INTERVIEW

(a) Researching the Court and the Judge

Before the interview, take time to research the judge and the court. Focus on the issues recently before the court and the judge's past work. Search for the following:

1. News articles about the judge or interviews with the judge.
2. Recent opinions published by the court and the judge, especially opinions in high-profile cases.
3. Dissenting opinions or law review articles by the judge that highlight his or her philosophy or issues that the judge finds important.
4. Upcoming cases or schedules for oral arguments.

Be prepared for an intellectual discussion with the judge about his or her past work or current relevant issues.

(b) Former Judicial Clerks

Talk to former clerks or externs to understand the work environment, what to expect from the interview, and the selection process in general. Some schools save the contact information of past judicial clerks in a directory. Ask your law school's career services department, judicial clerkship committee, or your professors for more information. Please refer to Appendix F for a list of PLSI former judicial clerks.

ROSHANNA TOYA
*Clerk for the New Mexico
Court of Appeals,
PLSI 2016*



"Having a judicial clerkship has allowed me to gain so much more confidence in my legal research, writing, and analysis skills. It has helped me to understand nuances in the law, in areas I never thought I would have an interest in. I will feel confident moving on to practice law knowing that I have grappled with really tough cases and helped to find resolutions."

(c) Your Law School's Connections

Some judges or courts are known to hire clerks from certain schools or geographical areas. Other judges might refuse to hire students from a specific school. Some judges prefer recommendations from certain schools or certain law school faculty members. Former judicial clerks and your law school's career services department can help you navigate your law school's connections to the judges you are interested in applying to.

(d) Practice Interviews

Interviews are your chance to convince the judge that you are the most qualified applicant for the judicial clerkship position and the best fit for the chambers. Interviews vary from judge to judge. The interview may be one-on-one or could include other staff members, such as current judicial clerks. Because it is customary to accept a clerkship if one is offered, schedule your interviews in order of interest, with your preferred judge first.

Dress formally and conservatively for your interview. A dark colored suit is the best bet. Remember that every person you encounter, from your arrival at the courthouse to your departure, is a part of the interview process. Be courteous and professional at all times.

Highlight your strengths in your answers to the judge's questions. Please refer to Appendix D for a list of commonly asked interview questions. Practicing with your law school's career services department will prepare

you for the judge's questions and help you iron out any wrinkles before the actual interview.

Prepare your own set of questions for the judge. Appendix D contains a list of suggested questions. Judges usually want to hire curious and thoughtful applicants, so drafting questions shows preparation, inquisitiveness, and enthusiasm for the position.

After your interview, it is good form to send a thank-you card or e-mail to the judge and to the other employees who attended the interview. Check with former clerks or your law school's career services department as to the suggested thank-you form for the particular judge. Some judges or courts make their hiring decisions on the same day as the interviews; thus, sending a thank-you email to the judge or clerkship contact would be better than a thank-you card in the mail.

(e) Online Interviews

Online interviews are increasingly common due to COVID-19, but even without COVID-19 you might interview remotely if you apply to judges outside of your home state. Online interviews require some additional considerations. Make yourself familiar with the meeting platform that the court uses. Some common meeting platforms include Zoom, Skype, and Google Meet. Ask someone to engage in a practice interview with you to check out the features of the platform you will be using. Test your internet connection and make sure it is stable over a long period of time. If your internet connection is weak, consider asking your career services department if you may reserve a room at your law school for the interview. Make sure your microphone and webcam work properly. Your school's IT department may have loaner laptops for students without a working microphone or webcam. Check the area that you will be interviewing in and make sure it is clean and distraction-free. Consider using headphones if you must be in an area with a lot of outside noise. Although technological concerns come with online interviews, treat an online interview generally the same as an in-person interview—dress professionally, be polite, be on time, and come with prepared questions.

(f) Writing Test

Some courts administer a writing test after the initial interviews are completed. Candidates may be asked to complete a draft opinion or bench brief. Each candidate may be given the same writing prompt in order to directly compare the writing style and skills of applicants. If you receive a writing test, read the instructions and follow them carefully. Applicants are usually given between one and two weeks to submit the test. If you are given a writing test, make sure to edit and proofread your test thoroughly before submitting it. It is important to submit the writing test on time and in the precise format specified by the judge.

(g) Highlighting Your Experience in Indian Law

Highlight relevant experience in Indian law in your clerkship applications and/or interviews. Indian law experience is especially useful in federal courts and courts located in communities with a robust Native American population. Indian law touches several different areas of the law including, but not limited to, complex jurisdictional issues, issues of sovereign immunity, constitutional law, preemption, and matters of civil and criminal procedure. Oftentimes, the intersectional nature of Indian law involves answering unique questions of law requiring both logic and creativity in analysis.

IX. OFFER AND ACCEPTANCE

A judge might extend an offer at the end of an interview, within a few days, or in a few weeks. Most judges will allow you twenty-four to forty-eight hours to consider an offer. However, some offers, known as “exploding offers,” must be accepted immediately or else you risk the offer expiring. If you receive an exploding offer and you need time to think it over, you could try to negotiate with the judge for some additional time. However, the judge might rescind the offer rather than give you extra time for consideration. As discussed above, you should only apply to a clerkship if you are willing to accept the position if offered.

(a) Writing to Formally Accept an Offer

Usually a clerkship is accepted over the phone when the judge calls to make the offer. You should accept graciously and thank the judge for the offer. After an oral acceptance, some judges will send a formal offer letter requiring the offeree to sign and send their response back to the judge. Other judges expect the offeree to compose and send an acceptance letter. The best practice is to send a formal acceptance letter unless the judge specifies otherwise. Either way, you should plan to send a thank-you card or e-mail to the judge for extending an offer, depending on the judge’s preference.

(b) Withdrawing Yourself from Consideration

After accepting a clerkship, call or write to any other judges for whom you have an outstanding application to withdraw your name from consideration. Withdrawing your application saves time for both you and the judges, is considered polite and best practice, and avoids having to reject a judge’s offer after you have already accepted another offer.

X. ACKNOWLEDGMENTS

The PLSI Judicial Clerkship Committee would like to thank all of those individuals and entities who have contributed to the creation of this Handbook. Our sincerest thanks to:

Our partners listed on the inside cover for graciously sponsoring this Handbook.

Jill E. Tompkins and Massey Mayo Case for creating A Guide for Tribal Court Law Clerks and Judges (“Guide”) and to Jill E. Tompkins for allowing the PLSI Judicial Clerkship Committee to use the Guide as a reference for this Handbook.

The Honorable Meredith Drent, Justice for the Osage Supreme Court, and former Associate Judge for the Puyallup Tribal Court, for supporting clerkships for Native American students and for contributing to this Handbook.

Kateri Eisenberg, for serving as the PLSI Judicial Clerkship Committee Research Assistant in helping draft this Handbook.

XI. LIST OF APPENDICES

Appendix A – Sample Resume

Appendix B – Sample Cover Letter

Appendix C – Writing Sample Cover Sheet

Appendix D – Potential Interview Questions

Appendix E – Application Timeline

Appendix F – PLSI Alumni Judicial Clerkships

Appendix A
Sample Resume
[See Attached]

NAME
Street Address, City, State Zip Code
Phone Number • Email Address

EDUCATION

NAME OF LAW SCHOOL, City, State

Candidate for J.D., May 20__ GPA: ____ Rank: Top __% (__/__)

Honors: First Place Law Library Award for Exemplary Student Research
Dean's Recruitment Award

Activities: Law Journal/Review Name, Position on Law Journal/Review
Name of Moot Court Competition, Position in Competition
Name of Student Organization, Position in Organization

Publications: Title of Article, LAW JOURNAL/REVIEW NAME (accepted for publication)

NAME OF UNDERGRADUATE SCHOOL, City, State

B.A., May 20__ GPA: ____ Major: ____ Minor: ____

Honors: Phi Beta Delta International Honors Society
Minority Justice Award

Activities: Name of Student Organization, Position in Organization

Study Abroad: Guanajuato, Mexico (2017)

EXPERIENCE

NAME OF LAW FIRM, Summer Associate, City, State

Summer 20__

Draft briefs, legal memoranda, and letters and conduct legal research, analyze case law, and attend client meetings, closings, court hearings, and negotiations.

NAME OF COURT, JUDGE _____, Extern, City, State

Fall 20__

Reviewed motions and briefs. Conducted legal research. Drafted judicial orders. Discussed appropriate rulings with the judge and clerks. Observed hearings.

NAME OF NONPROFIT LEGAL ORGANIZATION, Intern, City, State

Summer 20__

Researched and wrote legal memoranda on issues affecting indigenous peoples, including tribal court sentencing power and jurisdiction, sacred site protection, and tribal government elections.

LANGUAGES/INTERESTS

Proficient in Spanish. Interests include traveling, camping, rock climbing, gardening, and cooking.

TRIBAL AFFILIATION

Name of Tribe

Appendix B
Sample Cover Letter
[See Attached]

NAME
Street Address, City, State Zip Code
Phone Number • Email Address

Date

The Honorable _____
Name of Court
Street Address
City, State Zip Code

Dear [Judge/Chief Justice/etc. (*insert correct title*)] _____:

I am writing to apply for your judicial clerkship position. I am applying to your chambers in particular because _____. I would be a valuable asset to your chambers because of my research and writing skills and my commitment to public service, as discussed in more detail below.

Several experiences in law school have provided me with research and writing skills relevant to clerking. For instance, during the fall of _____, I externed with Judge _____ in the _____. While externing, I reviewed motions and briefs, researched and analyzed case law, and drafted judicial orders. Additionally, I am the Editor-in-Chief of [*Name of Law Review/Journal*], and I will spend the next year line-editing articles for publication, which will allow me to further develop my editing and cite-checking skills. This summer, I will gain further research and writing experience in a variety of practice areas while working as a Summer Associate at Name of Law Firm.

I am also deeply committed to public service, as exemplified by my work at the _____, a non-profit organization that provides free legal assistance to indigenous peoples. While there, I researched and wrote legal memoranda on tribal court jurisdiction and sentencing, habitual offenders, tribal elections, and so forth. I would very much enjoy the opportunity to continue to work in public service as a judicial clerk.

Overall, my experiences in research and writing as well as my commitment to public service make me an excellent candidate for your clerkship position. I am available for an interview at any time and can be contacted at the phone number and e-mail address above. I look forward to hearing from you.

Sincerely,

[*Insert Signature*]

Name

Appendix C
Writing Sample Cover Sheet
[See Attached]

NAME

Street Address, City, State Zip Code

Phone Number • Email Address

WRITING SAMPLE

As a Judicial Extern for Judge _____ of the _____, I prepared the attached memorandum. The memorandum is my own work and has not been edited by others. I have omitted the background section for brevity and have changed the names, dates, locations and other identifying information within the memorandum for confidentiality. I received permission from Judge _____ to use the memorandum as a writing sample.

Appendix D
Potential Interview Questions
[See Attached]

Potential Interview Questions

A. Questions Typically Asked of Applicants During an Interview

Below is a list of questions commonly asked by judges, clerks, or other interviewers during a clerkship interview. Some judges might ask more specific questions. For more information, consult the career services department at your law school.

- Why do you want to clerk?
- Why did you apply to my chambers specifically?
- What do you hope to gain from working as a judicial clerk?
- What skills can you offer my chambers?
- What other judges or courts have you applied to?
- What are your short- and long-term career goals?
- Where do you plan to practice and in what area of law? Why?
- Describe the work you performed while on a law review or journal or while participating in a moot court.
- How do you feel about the workload associated with a clerkship?
- Describe a time when you were faced with extreme difficulty or stress and how you resolved the situation.
- If you and I disagree about an issue or a case, how would you handle it?
- What is your greatest strength/weakness?
- What interests do you have outside of law school?
- Why should I select you over other applicants for this clerkship?

Incorporate some of your real-world experience into your answers to each of these questions. Highlight your strong points and when discussing weakness or problems you've encountered describe how you have improved those issues over time.

B. Questions You May Ask Judges or Clerks while Interviewing

The interview is a chance for you to get to know the judge and what it is like working in the judge's chambers. Applicants should always ask questions to the judge, clerk, or other interviewer at the end of the interview. Asking questions shows that you have prepared for the interview and are genuinely interested in the position.

1. Questions for the Judge:

- What do you look for in a judicial clerk?
- What is the culture like in your chambers?
- What is your general timetable for issuing a decision?
- How do you typically approach the decision-making process?
- What do you see as the primary role of this court?
- How would my time usually be allocated throughout any given day or week?
- What is your position on your role as a mentor to judicial clerks?

2. Questions for a Current Clerk:

- Describe a typical day or week as a clerk on this court.
- What responsibilities do you have?
- Describe your relationship with the judge and the other people in chambers.
- How much interaction do you have with the judge at work and outside of work?
- What is your work/life balance like and is it similar to clerks of other judges on this court?
- Has this clerkship helped you in your post-clerkship job search and, if so, how?
- Do you have much interaction with attorneys appearing before the court?
- What has been your favorite assignment or your proudest moment?
- What type of deadlines does the judge typically set?
- Does meeting deadlines often include working through a weekend or holiday?

Appendix E
Application Timeline
[See Attached]

Fall Semester

- Spring Semester

- ## Summer

- Fall Semester

- Start to research judges in areas or courts you are interested in.
- Work hard as part of law review or journal to increase your chances at a board position.
- Participate in moot court competitions.
- Talk to your law school's career services department about judicial clerkships and ask for resources.
- Make a checklist of required application materials for each judge you plan to apply to.
- Consistently update your application materials, such as writing samples, cover letters, your resume, and transcripts.

Spring Semester

- Start practicing interviews with your law school's career services department.
- If you did not make it onto law review or journal as a 1L, apply again.
- Ask for any additional letters of recommendation.
- Create an OSCAR account (as of Oct. 2020 the graduating class of 2022 will be able to apply on OSCAR starting on June 14, 2021 and the graduating class of 2023 will be able to apply on OSCAR starting on June 13, 2022)
- Check state court judicial clerkship deadlines.

Summer

- ### Fall Semester and Spring Semester

- Update your application materials.
- Continue to apply to judges accepting applications.

Appendix F
PLSI Alumni Judicial Clerkships
[See Attached]

We have attempted to include each PLSI alumnus/a who has completed a judicial clerkship in this Appendix F. If you are a PLSI alumnus/a who has completed a judicial clerkship and you wish to be included in this Appendix F, please contact Rodina Cave Parnall, PLSI Director, at caveparnall@law.unm.edu.

Name	PLSI Year	Law School Attended	Tribal Affiliation	Clerkship Year(s)	Court and Judge
Dean Kevin Washburn	1990	Yale Law School	Chickasaw Nation	1993-1994	U.S. Court of Appeals for the Ninth Circuit, Judge William C. Canby, Jr.
Hon. Raquel Montoya-Lewis	1992	University of Washington School of Law	Pueblo of Isleta	1996-1998	New Mexico Supreme Court, Justice Pamela Minzer
Melanie Patten Fritzsche	1992	University of New Mexico School of Law	Laguna Pueblo	2001-2002	New Mexico Court of Appeals, Judge Celia Foy Castillo
Rodina Cave Parnall	1998	Arizona State University, Sandra Day O'Connor College of Law	Quechua	2001-2002	U.S. Court of Appeals for the Ninth Circuit, Judge William C. Canby, Jr.
Doreen N. McPaul	1998	Arizona State University, Sandra Day O'Connor College of Law	Navajo Nation	2001-2002	Arizona Court of Appeals, Judge Jefferson Lankford Navajo Nation Judicial Branch, Chinle District Court
Thomas J. (T.J.) McReynolds	2000	University of Denver, Sturm College of Law	San Ildefonso Pueblo	2003-2004	Colorado Supreme Court, Justice Nathan Coats (now Chief Justice)
Katie Jones	2013	Yale Law School	Cherokee Nation	2016-2017	U.S. Court of Appeals for the Tenth Circuit, Judge Carlos F. Lucero
Christine Jordan	2013	University of New Mexico School of Law	Blackfeet	2016-2017	New Mexico Court of Appeals, Judge Michael Vigil
Shane Plumer	2013	University of Minnesota Law School	Red Lake Band of Chippewa Indians	2017-2018 2016-2017	Fourth Judicial District of Minnesota, Hennepin County, Judge Paul R. Scoggin U.S. District Court for the District of Minnesota, Judge Michael J. Davis

Name	PLSI Year	Law School Attended	Tribal Affiliation	Clerkship Year(s)	Court and Judge
Leonard Powell	2013	Harvard Law School	Hopland Band of Pomo Indians	2020-2021 2019-2020	U.S. Court of Appeals for the Tenth Circuit, Judge Allison H. Eid U.S. District Court for the District of Columbia, Chief Judge Beryl A. Howell
Racheal M. White Hawk	2013	Arizona State University, Sandra Day O'Connor College of Law	Rosebud Sioux Tribe	2017-2018 2016-2017	U.S. Court of Appeals for the Ninth Circuit, Judge Mary Schroeder Arizona Supreme Court, Chief Justice Scott Bales
Lydia Locklear	2014	Michigan State University College of Law	Lumbee Tribe	2018-2019	North Carolina Supreme Court, Justice Anita Earls
Joaquin Ray Gallegos	2016	University of Denver Law School, Sturm College of Law	Pueblo of Santa Ana and Jicarilla Apache Nation	2020-2021	U.S. Court of Appeals for the Tenth Circuit, Judge Allison H. Eid
Alexander Mallory	2016	Arizona State University, Sandra Day O'Connor College of Law	Winnebago Tribe of Nebraska	2019-2020	U.S. Immigration Court through the U.S. Department of Justice Honors Program, Assistant Chief Immigration Judge Hugo R. Martinez
Roshanna Toya	2016	University of New Mexico School of Law	Pueblo of Isleta	2019-2021	New Mexico Court of Appeals, Judge Monica Zamora and Judge Shammara Henderson
Rellani Ogumoro	2017	Arizona State University, Sandra Day O'Connor College of Law	Refaluwasch (Native Pacific Islander)	2020-2021	Commonwealth of the Northern Mariana Islands Superior Court, Associate Judge Kenneth L. Govendo
William Tanner Allread	2018	Stanford Law School	Choctaw Nation of Oklahoma	2023-2024	U. S. Court of Appeals for the Ninth Circuit, Judge M. Margaret McKeown
Kateri Eisenberg	2018	University of New Mexico School of Law	Taos Pueblo	2021-2022	New Mexico Supreme Court, Justice David Thomson