The Graduate’s Guide to Applying for Judicial Clerkships
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This guide is designed to highlight some of the special issues graduating students and alumni (“graduates”) should be aware of in the judicial clerkship application process.

After reading this guide, graduates should read our Judicial Clerkship Application Guide. While this resource is designed primarily to support students who are applying for clerkships during their 2L year, it contains many sections that we think you will find useful in developing your overall application strategy – including, among other topics, clerkship research resources, sample application materials, tips on how to connect to our alumni clerkship network, and advice on how to prepare for interviews.

ACCESSING PASSWORD PROTECTED CLERKSHIP MATERIALS

Many of the resources on the CDO website are password protected and you will need special account information in order to access them.

You can, however, access our Judicial Clerkships website by entering “cdo” as your username and “cdoaccess” as your password. (This log-in information will allow you to access most of the content on our website).

If you graduated in 2009 or later: Our IT Department has assured us that you will continue to be able to use your CAL ID and Pass Phrase to access our password protected materials.

If you graduated before 2009: You will need to enter “!law-ocs” as your username and “19*boalt*12” as your password. Be sure to click on the link that prompts you to log-in with your alternate ID – NOT the link that prompts you to log-in with your CAL NET ID.

· CDO Judicial Clerkship Application Guide
· CDO Alumni Clerkship & Judicial Staff Directory: You will enter your username and password into the box that prompts you to log-in with your alternate ID.
· The Leadership Library: This on-line database can be used to help you find contact information for federal and state court judges. If you have recommenders or advocates willing to call judges’ chambers on your behalf, you can use this database to find chambers’ phone numbers. Some alums also use the contact information to contact chambers to inquire about clerkship openings when none are listed in OSCAR.
· CDO Alumni Clerkship Evaluations

If you have any difficulty accessing these resources, contact the CDO at career@law.berkeley.edu.
**Accessing the B-Line and the Judicial Clerkship Database (JCDB)**

In order to access the B-Line (our jobs database) and the JCDB (which is housed in B-Line), you will need a unique alumni account for the B-Line. If you have not yet requested this information, you can do so by sending an email to career@law.berkeley.edu. Once you have this account information, please keep it in a secure place as it is a unique username and password that you will use only to access the B-Line and the JCDB contained within the B-Line. Once you have obtained that account information, you should continue reading this guide and when ready to start using the new JCDB to build your paper judge list, review the JCDB instructions. When you are ready to access the JCDB, go to this page and click on the link that says “B-Line for Alumni.” You will then be taken to the B-Line log-in screen, where you will enter your alumni account info.

- **CDO Judicial Clerkship Database (“JCDB”):** In 2009, we made available to students a JCDB that clerkship applicants must use to assemble a list of judges who accept only paper applications. The JCDB allows students to export this list to an Excel spreadsheet. The address data in the spreadsheet is then used by Faculty Support Unit (FSU) Assistants to create mail-merged, individualized faculty letters of recommendation.

  The JCDB also contains evaluations filled out by Berkeley Law applicants about their interview experiences with particular federal judges.

**Clerkship Counseling Services for Graduates**

CDO Director of Operations Eric Stern is available to meet with graduates about their clerkship application strategy. To make an in-person or phone appointment with Eric, call our office at 510-642-4567 or use our on-line scheduling system. The CDO will be open during regular business hours (M-F; 9AM – 5PM) throughout the academic year, as well as the summer.
Special Issues for Graduate Applicants

Update on the Clerkship Hiring Timeline

In November 2013, members of the Class of 2015 gained access as 2Ls to the On-Line System for Clerkship Application and Review (“OSCAR”). The decision to grant 2Ls early access essentially delinked OSCAR from the Federal Law Clerk Hiring Plan. (Under the Plan, rising 3L students could not apply or interview for positions until around Labor Day.) Now, there is no Hiring Plan and the clerkship cycle is year round.

While some judges hire years in advance and every year sees new dynamics, the following is our sense of the hiring timelines for different judges. (Please note that this advice applies primarily to clerkships commencing in the Fall of 2016.)

The most competitive federal appellate judges: They will either have already hired or will be hiring between July 2014 and January 2015. These judges - many of whom “feed” clerks to the Supreme Court tend to be looking for either (1) 2L candidates in the top 1-5% of their class at top-ranked law schools, (2) 3L candidates with the same grade profile who will be coming directly from a competitive COA or Federal District Court clerkship, or (3) Alumni candidates with a similar grade profile and impressive post-graduate work experience.

Other federal appellate judges: They will either have already hired or will be hiring between July 2014 and May 2015. These judges are looking either for competitive 2L candidates at top law schools or 3L candidates coming straight out of Federal District Court clerkships. It remains to be seen whether this category of judges is a hiring a large number of alums with work experience, but not previous clerkship experience.

Federal District Court judges: They will either have already hired or will be hiring between August 2014 and July 2015. There is definitely a very strong trend among these judges to hire clerks with between 1-3 years of post-graduate work experience (particularly litigation experience).

State Court judges: They will be hiring between November 2014 and late August 2015. In California (to date), only Justice Liu hires term clerks (and only candidates with clerkship experience); but the California Supreme Court hires staff attorneys with post-graduate experience (a clerkship is not required). California Appeals Court justices and California Superior Court judges also are keen on hiring experienced candidates as research attorneys.

Therefore, one of the first decisions any graduate will have to decide is when they will submit their clerkship applications. For guidance on this decision, please see the section below entitled “Timing of Graduate Applications” and feel free to consult with Eric Stern.
Faculty Letters of Recommendation are Processed Differently for Graduate Applicants

There is also a difference in the level of support provided to graduates in the processing of faculty letters of recommendation for their paper clerkship applications. While faculty support unit (FSU) assistants will prepare customized letters of recommendation for graduates’ paper applications, graduates are responsible for arranging for the pick-up or delivery of those letters (and paying for any postage-related costs). Keep in mind that each faculty member is likely writing letters for multiple alumni (as well as letters for current students) and that each FSU assistant has more than one faculty member assigned to him or her. Moreover, an FSU assistant’s duties include much more than just preparing clerkship letters. Therefore, depending on the FSU’s workload at the time you submit your request, it could take up to a week or more to complete the processing of your letters (assuming your faculty recommender has completed drafting the template letter).

Once you have made recommendation requests in the On-Line System for Clerkship Application and Review (“OSCAR”) for those applications you will be submitting on-line, FSU assistants will also upload faculty letters and attach them to your applications. (For planning purposes, we ask you to keep in mind that there will likely be some time lag between OSCAR sending notification to your recommenders and the actual uploading of your letters by faculty assistants, which is due in large part to the volume of such requests and the fact that the assistants have other obligations unrelated to clerkship applications).

- IMPORTANT TIP: Staying in frequent contact with your recommenders (and their assistants) will help to ensure a smooth application process. (You can find our FSU Directory with contact information here and on our clerkships website.)

We strongly advise applicants to secure recommendation letters from three references. Many graduates will ask at least one non-faculty member for a letter of recommendation (e.g., a law firm partner or supervisor). Typically, a graduating student will have two recommendation letters from faculty or lecturers and a third letter from a practitioner who supervised the applicant’s work. More experienced attorneys will often have as many as two letters from lawyers who supervised their work in their current position. Individuals writing you letters who are not members of the Berkeley Law faculty or current Berkeley Law lecturers are referred to as “outside recommenders.”

NOTE: If you are a graduate who is currently employed and conducting a clerkship search, you may want to consult with Eric Stern if you are not in a position to disclose your clerkship search to your current employer.

While Eric Stern in the CDO is available to assist you in the process of obtaining paper and on-line letters from your outside recommenders (see the section of the Clerkship Guide entitled “Overview of Clerkship Application Process”) for more advice on this
Best Practice for Working with FSU Assistants: Joelle Brown, a former member of the Faculty Support Unit, has provided some guidance to graduates who need to have faculty clerkship letters mailed to them at work or at a personal address once the letters have been processed. She suggests that graduates send flat-rate envelopes to FSU assistants for their processed clerkship letters.

She suggests that graduates ask a postal service worker for advice on which size box they should buy for their amount of letters; when in doubt, they should err on the side of caution and purchase the bigger box. Here is the link to the USPS site where Joelle got this information. If you should have any questions about the processing, delivery or pick-up of your processed faculty clerkship letters, please consult with the FSU assistants supporting your faculty recommenders.

For more advice on how to maximize your recommendation letters, please refer to the “Elements of Your Application” section in our Clerkship Guide.

Finally, The CDO will not mail your paper clerkship applications. You are responsible for mailing your own paper clerkship applications.

On-Line Applications are Immediately Released to Judges

Third, when graduates apply on OSCAR for clerkships with judges who accept on-line applications and finalize those applications, they will be made immediately viewable to the judges. Therefore, before, finalizing your OSCAR applications, you will want to carefully edit all of your application materials and confirm that your letters of recommendation have been uploaded and attached to your applications.

If you finalize your application before your recommendation letters have been attached, chambers may reject your on-line application as incomplete upon its initial review.

Disclosure of Academic Honors Information

As you may know, the faculty approved in 2010 a change to the academic rule governing the limited disclosure by students of academic honors information for clerkship and academic job applications. This new policy applies to the Class of 2011 and all future graduates. The new policy will be known as Rule 3.07 and can be found in the on-line version of the Academic Rules.

If you received academic distinction, you will want to make sure and mention this in both your clerkship resume and cover letter. (You will also want to make sure your recommenders and advocates are aware of this credential.) Members of the classes of 2011 - 2015 can request distinction information from Kim Nativdad at kim.natividad@law.berkeley.edu. 3L distinction information should be available to
members of the class of 2015 in July 2015 (Kim will also have this information available upon request.)

When disclosing your distinction(s) on your resume, you may want to use the following format:

University of California, Berkeley, School of Law  
J.D. Candidate, May 2015  
Honors: 1L Distinction (Top 25%); 2L High Distinction (Top 10%).

The faculty agreed that this new rule should not apply to members of the class of 2010 and earlier graduates. Thus, the class of 2010 and earlier graduates will continue to be subject to Academic Rule 3.06.

So, if you are a 2010 or earlier graduate, you can request your current rank information by sending an email to Kim Nativdad at kim.natividad@law.berkeley.edu. Remember that Rule 3.06 clearly states that this rank information can only be used when applying for clerkships and academic positions.

Finally, as a result of Rule 3.07, we are now officially a school that “does not rank” for the purposes of OSCAR. The administrative set-up of OSCAR does not allow us to differentiate between applicants subject to the old rule and those subject to the new rule. Thus, when you log-in to your OSCAR profile, you will not have the ability to disclose your cumulative rank information. Ultimately, then, it is up to you as to whether you would like to disclose your class rank on your resume and in your cover letter. Our experience has been that students and graduates in the top 25% of the class have been the most competitive for federal district court clerkships and students and graduates in the top 15% of the class the most competitive for federal circuit court clerkships.

If you are planning on disclosing your rank information on your resume, you may want to use the following format:

University of California, Berkeley, School of Law  
Class Rank: Top x%

NOTE: If you are a 2010 or earlier graduate, it is possible that clerks or judges to whom you are speaking about clerkship opportunities may be familiar with the fact that you have access to your cumulative percentile rank. As a result, you could be asked to disclose it before or during an interview if you have not done so in your application materials.

TIMING OF GRADUATE APPLICATIONS

There are two separate, but parallel processes involved in applying for federal judicial clerkships. Some judges require paper applications, while others want applicants to submit their materials on-line through OSCAR. It is almost certain that you will be required to submit both paper and OSCAR clerkship applications.
OSCAR was originally piloted eight years ago by a group of technology-minded federal judges and funded by the Administrative Office of the U.S. Courts. These judges hope that, eventually, OSCAR will become the principal means for applying for clerkships with ALL (or nearly all) federal judges. (In 2014, 70% of all federal judges had a profile on OSCAR and either posted a clerkship vacancy or provided information about their clerkship hiring status). For this year, however, and likely for a few more, we will have to deal with two separate and parallel processes. For more detailed information, you should read the Clerkship Guide.

When Will You Apply?

One of the first things you will have to decide is when you will apply. While there is no set timeline for graduates to apply, you should apply well before the 2Ls.

NOTE: 3Ls who will be clerking immediately after graduation should consult with Eric Stern, as there are some special strategic points to consider before applying.

How Will You Find Available Clerkship Positions?

OSCAR will be the resource you will use to research clerkship positions with particular federal judges. OSCAR contains a database of all federal judges and provides a mechanism that allows judges to post clerkship positions, specify application materials, the term (one or two years) and whether the judge wants a paper or OSCAR application. You will want to set-up an OSCAR account and profile and create an email alert so that you are notified of new clerkships as they are posted.

Members of the Class of 2016 gained access to OSCAR in August 2014. Based on our experience and because OSCAR is primarily set-up to support the 2L clerkship application process, judges may not significantly populate OSCAR with clerkship openings until January – February 2015. This means that if you are planning on applying before that time (as most graduates do), you will not have the luxury of waiting for all of the judges on your list to open up positions in OSCAR.

Building Your Judge List and Researching Available Clerkship Positions in OSCAR

When you have read this guide and our Judicial Clerkship Guide and are ready to start building your draft judge list and researching available clerkship positions in OSCAR, we would recommend next reading our JCDB Instructions and then our OSCAR Quick Guide.

So, under all of these unique circumstances, your strategy could be as follows. You could use the JCDB to create a draft judge list. For directions on how to do this, please see the JCDB Instructions. Some applicants – particularly those applying nationwide - find creating this list useful because it can make it easier for you to track the information you gather on particular judges and courts from faculty, alumni and others in your network. (Those graduates with a limited geographical strategy may want to just go straight to OSCAR to search for live positions.)
After you have built your judge list, you will want to go into OSCAR and see whether any of your judges have opened up clerkship positions. (The JCDB Instructions contain guidance on how to search for clerkship positions with judges, and the OSCAR Quick Guide contains instructions on how to set-up your OSCAR Account. You will need to create this account first before being able to perform the following searches in OSCAR.)

**HOW GRADUATES SHOULD SEARCH FOR CLERKSHIPS IN OSCAR**

Because there are some differences in how alumni should interpret OSCAR search results, please read the following before beginning your searches. (The rest of the JCDB Instructions will be relevant for the other clerkship searches you will do in OSCAR to determine which judges have posted available clerkships which judges have already filled positions).

**Identifying Other Clerkship Positions:** You will see a number of judges in OSCAR with no hiring status information whatsoever. (Let’s assume for this example that you are planning on applying to all California federal judges).

1. Go to [OSCAR](https://www.oscar.gov) and log-in to your account.
2. Select “California” from “States/Territories”; Select “None” from “Clerkship Position Status. Click on “Submit.”
3. **The “Gray Judges”:** You will see a number of judges who are shaded in gray and who you cannot click on for more information. These are judges who have never participated in OSCAR. It is likely that some of these judges are accepting paper applications for clerkship positions (remember that you cannot submit an on-line application to a judge until her chambers physically opens up a position in OSCAR). It is also possible that a small number of these judges may participate in OSCAR and open up clerkship positions (but less likely than it is for the “clickable judges” – see below). And finally – it’s also possible that these judges are not hiring any term clerks.

   a. **Here is what we suggest:** You should assume that the Gray judges are hiring clerks and that they are accepting paper applications. If you have the capacity and the time and especially if your search is geographically limited, you could call the chambers of a number of these judges to confirm their hiring status. (Use the Leadership Library to find chambers’ contact information.) If not, you could simply go ahead and send them paper applications. If you are planning on applying for clerkships throughout the spring and the summer, you could also set up email notifications in your “Profile” section so that you are being sent regular emails (you can choose the frequency of those emails) notifying you of new clerkship openings in California (for example) with these judges (should they open up new positions in OSCAR).

   i. **WARNING:** Some judges have reported to OSCAR that they do not want applicants calling their chambers. If a judge has included
this in her profile, you can find it by clicking on the last name of the judge and reviewing the details of her profile.

(4) The Clickable Judges: You will also see a number of judges who have hyperlinks attached to their last names. These are judges who previously posted clerkship positions on OSCAR. **We expect that many of them may eventually post hiring information in early 2015.**

a. In order to verify whether one of the clickable judges has any new hiring status information, you will need to click on their last name. There, you should review whether there is any information under “chambers profile” or “additional chambers information.” Some judges will have used this space to indicate that they have permanent clerks or that they are not hiring. You will not send applications to any of these judges. Then, you will find some clickable judges who have no information listed about their hiring plans. You should treat these judges the same way you would treat the Gray Judges (see above) – meaning that you should assume that they are hiring term clerks and send them paper applications.

i. NOTE: Remember, it is much more likely that these clickable judges will be opening up positions in OSCAR because they have done so in the past. But, you may not want to wait until they open up positions. These judges will not look negatively upon your paper application even if they eventually do open a position in OSCAR and indicate that they are accepting only on-line applications. In this scenario, it would also be acceptable to submit an on-line application assuming you have not heard anything from chambers regarding the status of your paper application.

**Again, please be sure to review the JCDB Instructions and OSCAR Quick Guide for comprehensive search directions.**

**REVIEWING YOUR SEARCH RESULTS AND NEXT STEPS**

If a judge has opened up an available clerkship position, you will want to review the position description first and foremost to determine whether they want a paper or OSCAR application. Once you have done that, you will want to go ahead and apply for those open positions (following the directions set out in the JCDB Instructions and OSCAR Quick Guide).

The second part of your strategy pertains to those judges on your list who have not yet opened up positions in OSCAR (and may never do so). (See the “Gray Judges” and the “Clickable Judges” above). Because these judges have not yet opened up positions in OSCAR, you have no way of knowing in what format they want applications or even whether they are hiring clerks.
(NOTE: You cannot submit an on-line application through OSCAR unless and until a judge opens up a clerkship position in OSCAR).

You could call the chambers of these judges to inquire about 2016 term clerkship positions. Some judges—particularly federal circuit judges and high-profile federal district judges—hire a year or more in advance. So, don’t be surprised if the clerk in chambers tells you that the judge has already filled upcoming vacancies. When you call chambers, explain that you are a graduating Berkeley Law student or alum who is interested in applying for a clerkship. You should be sure to mention that you reviewed OSCAR and did not see a clerkship opening for that judge. Ask the contact in chambers whether it would be alright for you to submit a paper application and be sure to ask about any additional materials the judge is requesting from clerkship candidates.

NOTE: It may not be practical for some graduates with large judge lists to call the chambers of every judge to whom they are applying. If you do have a large judge list, you may only want to call your very top judge choices – or simply send paper judges to all of the judges on your list.

WARNING: Remember, some judges have reported to OSCAR that they do not want applicants calling their chambers. If a judge has included this in her profile, you can find it by clicking on the last name of the judge and reviewing the details of her profile.

TIP: If you have already reviewed OSCAR and other resources in researching clerkship vacancies with judges in particular jurisdictions, you could contact alums who are clerking or who were clerking for judges in those jurisdictions. (See the Alumni Clerkship Directory for email contact information).

FINAL THOUGHTS

Remember, when beginning this process, the key is to prepare (early) everything you will need in order to be ready to apply. This will put in you a position to apply for positions on OSCAR as judges open them up (and submit paper applications to those who have not yet opened up positions). Again, before you actually begin submitting applications, you should read our Clerkship Guide for assistance on identifying where and to which judges you want to apply.

Questions?

Feel free to contact Eric Stern in the CDO at estern@law.berkeley.edu or at 510-642-4567.