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# JUDICIAL EXTERNSHIPS (Updated 12/04)

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This publication was written in response to the large number of first-year students who have questions concerning externships with judges during the summer after their first year and those who are considering an externship during a school semester.

**Note:** Academic year externships for credit are administered by Boalt's Field Placement Program. If you are interested in such an externship, you should review the information on the Field Placement Office's [webpage](#) and make an appointment with Sue Schechter, Field Placement Coordinator, [sschechter@law.berkeley.edu](mailto:sschechter@law.berkeley.edu), at 510-643-7387, 489 Simon Hall.

## **NOTICES OF JUDICIAL EXTERNSHIPS**

Notices of school-year and summer positions are posted in the jobs section of the [b-Line](#), the CDO's online job database. Although most judges do not affirmatively inform the CDO of externship positions, virtually all federal judges and many state judges hire externs. A mailing to the judges in your chosen geographic area is generally the most effective way to apply for externships. Notable exceptions are several (but not all) of the federal district judges of the Northern District of California (which encompasses San Francisco, Oakland and San Jose and the surrounding areas). For these judges, the court has developed (and expects applicants to use) an online application process, which is accessible via the Court's website. See the "**How and When to Apply**" section below for more information about the Northern District of California's online process and for resources for preparing paper applications to send via US mail to other courts.

## **TYPES OF JUDICIAL EXTERNSHIPS**

As a first-year, you can apply for externships with judges on federal circuit courts (although very few hire externs), federal district courts, state supreme courts, and other state courts (in California, the court of appeals and superior court). You should also consider applying for externships with specialty courts, such as bankruptcy and tax, and with federal magistrates. (For more information about these various courts, consult pages 4-7 of the CDO publication entitled the [Judicial Clerkships Guide](#), available via the Judicial Clerkships [page](#) of the CDO [website](#).)

Depending on the federal district court, magistrates can provide a student with a valuable externship opportunity. Magistrates have a variety of duties which are quite broad, particularly in the Northern District of California. While magistrates typically supervise pretrial (discovery) proceedings, conduct settlement negotiations, draft recommendations to the District Court on motions, and hold evidentiary hearings, in the Northern District of California they can also preside over civil trials. Magistrates also carry a criminal docket. In criminal matters, magistrates arraign defendants, hold detention hearings, and preside over misdemeanor trials.

The experience and supervision you receive in any of these externships will vary widely with each court and each judge. Although some may view the most "prestigious" externships as those with federal court judges, state courts should not be overlooked because of the breadth and variety of experiences they offer and the mentor relationship you may develop with the judge. In fact, it is often *who* you extern for, not which court, that will make a difference to you personally and to your future employers. Also, *what* you do as an extern can be just as important as for whom you work. Research the judges, talk to professors, attorneys, and other students who have externed and rely on your own good judgment to decide which

judge will provide you with the most satisfying and worthwhile experience. You can find out what students who have externed in the past thought of their experience with their judge by reviewing their evaluation forms. These completed surveys can be found in the following places: 1) for students who externed in the summers of 2005 through 2008, their evaluations are online in the [b-Line](#) (follow the quicklink to “Evaluations” on the b-Line homepage or click on “Profiles” and then on “Evaluations”); for summer externs prior to 2005, their evaluations can be found in the *Student Comments* binders on reserve in the CDO Library; and 3) for students who externed during the school year, their evaluations can be found in the Field Placement Office. You can also research individual judges in the Almanac of the Federal Judiciary (accessible through Westlaw) and, for California state court judges, in the *Daily Journal’s Judicial Profiles* publication (on reserve in the Law Library - KFC980 .J83) and *California Courts and Judges* (available in the CDO Library). See additional resources below in the “*Researching the Judges*” section.

## **AN EXTERN’S DUTIES**

An extern’s work consists primarily of researching and writing memoranda for the judge and his or her law clerks. Depending on the judge, an extern will be directly supervised either by the judge, the clerks, or, for state court judges, the permanent staff attorneys. Externs attend hearings, draft opinions, help with administrative duties, and generally perform functions similar to law clerks. Law clerks often review an extern’s written work before it is submitted to a judge, but often judges will meet regularly with the externs to discuss their work directly.

As indicated above, the work you do as an extern may be every bit as important to you and to your future employers as the judge for whom you worked. In some cases, you will work directly for the judge’s clerks, who may assign you more menial or uninteresting tasks, while in other settings judges treat you like another clerk and work with you directly. Again, careful research of the judges and lots of specific questions during your interviews will help you decide which externship to accept.

## **HOW AND WHEN TO APPLY**

### **Summer Externships**

First, decide where, geographically, you would like to work. Next, decide which federal and/or state courts to which you are interested in applying. Then, begin building your list of judges.

#### **For federal judges, other than those in the Northern District of California:<sup>1</sup>**

you can build your list online by using the [Judicial Clerkship Database](#) (JCDB), an online, searchable directory of the federal judiciary that Boalt maintains primarily to assist 3Ls in applying for post-graduate clerkships (A link to the JCDB can be found on the Judicial Clerkships [page](#) of the CDO [website](#)). You can use it to: 1) identify the judges who match your search criteria; 2) find their contact information; and 3) efficiently prepare your cover letters and mailing labels (in conjunction with the mail merge functions of your word processing program). Users build their own confidential judge lists, which can be saved and modified. You can access instructions to the JCDB on the Judicial Clerkships [page](#). Specifically, once you have utilized the JCDB to build your judge list, you should read the [mail merge instructions](#) on how to generate cover letters using the data from your judge list.

If you want to extern for a federal appellate judge or a federal district judge (other than those in San Francisco, Oakland or San Jose – see below for more details about these judges), you should consider

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<sup>1</sup> The Northern District of California includes the federal district court judges located in San Francisco, Oakland and San Jose.

sending out your letters no later than the first week of January. Some federal judges hire on a rolling basis and consider applications as soon as they begin arriving after December 1<sup>st</sup>. Others let the applications accumulate and consider them all at once in mid to late January. If you apply within this timeframe, obviously you will not have any 1L grades for the judges to consider. Some will consider your application without this information and will ask you to bring a transcript with you to your interview. Others will wait and ask you to submit your grades when they are available and they will then make an evaluation as to whether to interview you.

In past years, we have observed that even students who fail to apply in January are still able to obtain externships (though they will likely have to be more flexible about where and for whom they extern). However, the earlier you are, the better your chances of externing for a judge who matches your preferences. This is also true for state supreme court applications. The exception is for those judges who will not hire until after first-year grades are available (e.g., most judges on the Northern District of CA).

Some judges will have their clerks contact you immediately upon receiving your letter to schedule an interview that same week. Other judges will wait for grades to be issued before they interview or hire. Still others will hire based only on a resume, a *brief* writing sample, and an interview.

**For federal district court judges in the Northern District of California:**

you should begin by consulting their [online application system](#) to determine the judges to whom you will need to apply online and the judges to whom you will need to send “paper” applications. You can access this information by clicking on the “Extern Application” from the right sidebar menu of the court’s [website](#). You should review the information on this page *first* to determine (1) which judges hire only 2L and 3L students, (2) which judges prefer electronic applications and (3) which judges prefer paper applications. If the judge prefers electronic applications, you will apply through the on-line system on the court’s website. If a judge has not indicated their paper or electronic preference, we would recommend applying through both the electronic system and with a paper application. To apply to any Northern District judge not appearing on this list, submit paper application materials via U.S. mail. The next section below sets forth the necessary paper application materials.

**For summer externships with federal district judges in San Francisco, Oakland and San Jose [with the exception of the Honorable William Alsup<sup>2</sup>], you cannot send your application materials until after you receive your first semester grades (which is generally sometime in mid to late January). The judges have agreed not to contact any applicants until after the February 1, 2009.**

**For California Supreme Court and California Appellate and Superior Courts:**

Four California Supreme Court Justices hired externs for the summer of 2008. (1L students will be receiving an email from the CDO with information on which Justices are hiring for the summer of 2009). Applications should be sent on or shortly after December 1, 2008 and should include a resume, cover letter and a writing sample. Cover letters should be addressed to the individual Justices. Information about California Supreme Court Justices can be found on the court’s [website](#).

For California appellate and superior (trial) state court externships, you can use the California Court System’s [website](#) to identify judges and obtain their contact information. You can apply for these opportunities over winter break.

**Semester Externships**

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<sup>2</sup> This means that if you are interested in applying for summer externships with Judge Alsup that you should send a paper application directly to his chambers on or shortly after December 1, 2008.

Although school-year positions in the Bay Area are less competitive than summer positions, you should still apply early to the judges who interest you the most.

For spring semester positions, September is the appropriate time to apply, although some students who applied in October have been successful. One student who applied in late October said that her co-externs at the federal court in San Francisco had all applied in the first week of September. A former law clerk to a federal judge agreed that September is the time to apply for spring positions. For fall positions, apply in April and May, though earlier is better.

For students who need to earn income during the summer, semester externships are a good option. Students can earn 10 units for full-time externships (40 hours a week) and up to 6 units (24 hours a week) for part-time externships.

**Note:** According to the Field Placement Program's [Policies and Rules](#), full-time externs must also enroll in, and successfully complete, a one-credit Judicial Extern Seminar, which is offered annually (in the Spring) and taught by the Field Placement Coordinator.

Students can enroll in full-time externships only during their second-year spring semester or third-year fall semester. Questions about the requirements and limitations on receiving credit for semester externships should be directed to [Sue Schecter](#), Field Placement Coordinator, [sschecter@law.berkeley.edu](mailto:sschecter@law.berkeley.edu), at 510-643-7387, 391 Simon Hall.

Federal district court judges and magistrates are increasingly taking Boalt students on a part-time basis during the school year. Bankruptcy judges and state court judges regularly have part-time externs.

## **APPLICATION MATERIALS**

Your applications should include a cover letter, resume, writing sample, references and a transcript, if one is available.

### **Cover Letter**

The cover letter should highlight any research and writing experience you have had either prior to, or during, law school and should mention any journals you have joined at Boalt. Also, remember to include an explanation of why you want an externship position. (See samples at the end of this publication and more samples and guidance in the [CDO Cover Letter Guide](#).)

The advice of a former clerk who reviewed extern applications is to keep your cover letter short and to the point. She advised, "Don't use any catchy phrases or make ridiculous statements which will make you stand out for the wrong reasons. A simple and direct approach is best. The worst letter [she has seen] included the line: "I've always wanted to be a federal judge!" Another included a short story as the body of the letter. Take her advice on this issue.

In terms of who will review that letter initially, another current extern said that, in her office, the secretary makes the initial cut. Other judges have law clerks review externship applications, and a few judges will review them themselves.

### **Grades**

Grades are important to some, but not all, judges looking for summer externs. Grades may also be a factor in academic year externships. One student felt that they were definitely an underlying concern when he was interviewed for a California Court of Appeals externship. If your transcript is not available by the time you apply, bring a copy to your interview to give to the judge.

### **Resume**

Experience in a job prior to law school can be a plus for extern applicants. Some judges like to have externs who have had actual job experience. One current extern advises that you have something on your resume, beyond good grades, to distinguish you. She explained that it also helps if you are recommended by a professor who knows the judge. [CDO's Resume Writing Guide](#) provides specific resume advice.

### **Writing Sample**

Your writing sample can be an excerpt from a legal research and writing class memorandum or moot court brief. Some judges may not require a writing sample, but other judges consider it essential. The CDO has had requests from some judges asking us to remind students to always include a writing sample. If you are unsure as to whether to send one, you can always call the chambers of the judges and ask what materials are necessary. On the other hand, unless the cost is prohibitive, there is no harm in sending one with each application.

### **List of References**

Unlike the post-graduate clerkship application process, actual letters of recommendation are not necessary. However, you should include a list of references in the materials you send to a judge for whom you would like to extern. It should simply be a separate sheet of paper (with the heading "References") that lists the name, title, and complete contact information for two, or preferably three, individuals who will enthusiastically vouch for your intelligence, research and writing abilities and work ethic. References can include current professors, or LRW instructors, prior employers, or even an undergraduate professor. (Page 12 of the [CDO OCIP Guide](#) provides some specific guidance on references. Please note, though, that this guide is intended primarily for 2L students).

## **RESEARCHING THE JUDGES**

Although you may not have time to research individual judges before you apply for an externship, conducting research before you interview is important. For a comprehensive list of resources, please review pages 8-10 of the [CDO Judicial Clerkship Guide](#). Look online in NEXIS under legal periodicals/current news or even try "googling" the judge to find his/her recent cases or news about him or her. You can also use LEXIS and Westlaw to find the judge's recent opinions in the federal or state caselaw databases.

You can find out what students who have externed in the past thought of their experience with their judge by reviewing their evaluation forms. These completed surveys can be found in the following places: 1) for students who externed in the summers of 2005 - 2008, their evaluations are online in the [b-Line](#) (follow the quicklink to "Evaluations" on the b-Line homepage or click on "Profiles" and then on "Evaluations"); for summer externs prior to 2005, their evaluations can be found in the *Student Comments* binders on reserve in the CDO Library; and 3) for students who externed during the school year, their evaluations can be found in the Field Placement Office.

For federal judges, you can use the *Almanac of the Federal Judiciary* (in the Law Library and accessible through Westlaw), Boalt post-graduate law clerk evaluations of judges (available on the [Judicial Clerkship Database](#)) (evaluations prior to 2002 can be found in the *Comments from Judicial Clerks* binder on reserve in CDO).

There are also a number of resources for California state and federal judges including the *California Courts and Judges Handbook* (found in the CDO Resource Library), the *Benchbooks* published by local bar associations, which review judges, the *Daily Journal's Judicial Profiles*, and a variety of other resources located at the Law Library Reference Desk. Information about California judges can also be found at the California Court System's [website](#).

## **THE INTERVIEW**

Most interview questions begin with your resume, and many judges and their clerks will walk you through each entry on your resume. This may seem obvious, but be prepared to discuss everything, including your undergraduate thesis topic if you have listed it! Beyond the resume, the questions students are most commonly asked during an externship interview include:

- Why do you want to be an extern?
- What kind of law do you want to practice?
- Why did you choose to go to law school?
- What do you think you will do afterwards?
- What activities are you involved in at law school?
- How did you find out about the externship?
- What are you prepared to do in their office that summer?

Although the questions about your resume and law school are typical, the interview format is not. There is a great variety of interviewing techniques among state and federal judges.

According to a current extern, the judge she works for never interviews externs. She was interviewed by his three clerks, all at the same time, for approximately 45 minutes. Other students have reported being interviewed only by clerks, so this is not an isolated incident. Other interviews begin with the judge and end with the clerks. Some judges have their clerks conduct a screening interview followed by an interview with the judge.

The interview may turn out to be more conversational and might not include a formal question and answer format. However, the nightmare scenario does occur now and then. One student reported that his judge asked about the Moot Court case he was working on and then posed a hypothetical constitutional law question which the student answered as best he could (with the reminder that he had only had three weeks of constitutional law thus far.) The student felt that the best approach in that situation was to be direct and not pretend that he could answer the question fully. He was hired by this judge 20 minutes later!

In general, you should demonstrate enthusiasm for the job. Prior to any interviews, talk to 2Ls or 3Ls who have externed to learn more about the work experience and to better understand what your duties might be for the summer.

## **OFFERS AND ACCEPTANCE**

Typically, it is the judge who makes the final decisions regarding the hiring of externs, but sometimes the law clerks will extend the offer on the phone. Judges often decide whom to hire anywhere from 10 minutes into the interview to one week later. One student was offered his position twenty minutes after his interview, another was offered a position the following day. Others have reported offers within a week (longer than two weeks is somewhat unusual.)

As for accepting the offer, most judges want an immediate answer. You can ask for a few days or even a week to consider the offer, but do not be surprised if the judge wants a quick response. (*This can also have an impact on other pending internship opportunities; you should feel free to [talk to a CDO Attorney-Counselor](#) about this aspect of your first-summer job search*). When accepting an offer, one student was able to bargain for an eight week time period, so ask politely for what you need and see if the judge will agree.

*Because this process can be complicated, please feel free to contact CDO Associate Director Eric Stern at 510-643-4260 or at [estern@law.berkeley.edu](mailto:estern@law.berkeley.edu) if you should need any assistance navigating the offer and acceptance phase of this process.*

## **LARGE AND MID-SIZE FIRM PERSPECTIVE**

From a large firm employee's perspective, judicial externships are looked upon favorably and are considered a valuable experience on a law student's resume. Large firm employers will probably prefer a federal judicial externship over an externship with a state court judge or federal magistrate. Small firm employers or solo practitioners may prefer just the opposite, believing that the student gains more experience in a busy, local courtroom.

A law firm's view of an externship with a federal magistrate would depend on where you work and with whom. For instance, in the Northern District of California, magistrates play a very important role in local federal cases. They are given a great deal of responsibility and handle large caseloads, similar to federal district judges. In that case, an externship with a magistrate could be equivalent or even better (depending on the magistrate) than externing with a federal judge.

An externship with a specialty court, such as tax or bankruptcy, is a logical choice for those who already know they want to practice in that particular area. It is also a good decision if you have an interest in that area and want to explore whether or not to pursue it. However, in subsequent interviews, you may be asked to explain why you chose such an externship.

A small firm indicated that an externship is as good an experience, and maybe even better, than a 1L summer clerkship in a firm. An externship may offer better experience than a small firm that is not poised to make permanent offers after the summer or one that has a "spotty" reputation. If money is not a deciding factor, it may be better to work for a federal judge rather than for such a firm. This employer also said that, in terms of what kind of judge a student should try to extern for, the usual prejudices hold true: a federal judge is better than a magistrate, but both of those may be preferable to state court judges by some employers. This attorney admitted, however, that he had little understanding of how state courts use externs, and he thought that an externship that provides an opportunity to work closely with a judge is a valuable experience. Ultimately, he felt that it doesn't make a difference if a student chooses a firm over a judge or vice versa, but a good judge may be more interesting to some employers than a law firm. He also encourages students to consider federal judges outside of the Bay Area such as judges in the Central Valley/Fresno who are well-respected by local firms.

## **PUBLIC INTEREST EMPLOYER PERSPECTIVE**

One public interest employer from a legal aid organization explained that an externship is fine as long as other public interest experience is on the resume. An externship can round out a student's experience, but public interest employers are really looking for public interest experience specifically.

Another attorney in a civil rights organization prefers public interest work experience to an externship. She explained that, while an externship doesn't hurt, if they have the choice between one student who worked for a public interest organization and another who externed for a judge, they will lean towards the student with the public interest experience.

A third environmental public interest attorney said that there is some advantage to doing public interest work during your 1L summer. However, she understands that many students do externships because that is the only job they can find for the 1L summer so she feels that an externship is a valid experience. This employer has had positive experiences with externs because they get lots of good writing experience. She has generally been pleased with students who have interned during their 2L summers at her organization.

## **HOW TO ADDRESS LETTERS TO JUDGES**

### **Federal Court**

Address on Letter and Envelope:      The Honorable [full name]  
Full title of Court

Salutation:                                      Dear Judge [last name]

### **State Supreme Court**

Address on Letter and Envelope:      The Honorable [full name]  
Full title of Court

Salutation:                                      Dear Justice [last name]

If the justice is the Chief Justice, that title appears on the same line as the full title of the court, e.g., Chief Justice, Supreme Court of the State of Alaska.

### **CA Courts of Appeal**

Address on Letter and Envelope:                                      The Honorable [full name]  
Full title of Court

Salutation:                                      Dear Justice [last name]

### **Other State Courts (e.g., Superior Court)**

Address on Letter and Envelope:      The Honorable [full name]  
Full title of Court

Salutation:                                      Dear Judge [last name]

*SAMPLE COVER LETTER #1*

[Your Name]  
Channing Way  
Berkeley, CA 94704  
510-123-4567  
[student@berkeley.edu](mailto:student@berkeley.edu)

February 1, 2009

The Honorable William W. Schwarzer  
United States District Court  
U.S. Courthouse Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

Dear Judge Schwarzer:

I am a first-year law student at the University of California, Berkeley, School of Law and am writing to apply for a summer externship in your chambers. A copy of my resume, a writing sample, transcript and a list of references are enclosed.

My legal experience to date has been in the field of environmental law. I spent a year at Oxford on a Fulbright scholarship researching barriers to the implementation of Member State environmental laws within the increasingly federal European Union. I was an intern at the Environmental Law Institute and the Lyndon Baines Johnson intern with Congressman Henry Waxman. I graduated from the University of California at Santa Cruz with highest honors in Economics and honors in American Studies. I anticipate that my economics background, my legal background, and my ability to quickly learn new skills would all prove useful as an extern in your office this summer.

I would welcome the opportunity to discuss my candidacy with you. Please contact me if I can be of any further assistance. Thank you for your consideration.

Sincerely,

Your name (typed)

Enclosures

***SAMPLE COVER LETTER #2***

[Your Name]  
Channing Way  
Berkeley, CA 94704  
510-123-4567  
[student@berkeley.edu](mailto:student@berkeley.edu)

February 1, 2009

The Honorable Sandra Brown Armstrong  
District Judge, U.S. District Court  
Northern District of California  
1301 Clay Street, Suite 400  
Oakland, CA 94612-5212

Dear Judge Armstrong:

I am a first-year student at University of California, Berkeley, School of Law and am writing to apply for a summer externship in your chambers. As my resume indicates, I have over two years of work experience in a legal setting. I believe that this experience, combined with my education, will allow me to make a substantial contribution to your office this summer.

As a legal assistant for O'Melveny & Myers in Washington, D.C., I worked closely with both attorneys and clients. My assignments, which afforded me a great deal of responsibility, required strong leadership and communication skills and the ability to work as a team member. In addition to providing me with an intimate knowledge of a legal environment, my experience helped me to learn how to prioritize and how to work efficiently and effectively under stressful conditions. Although my legal assistant work was primarily within the international trade department, I was exposed to variety of other practice areas, including litigation. My former employers will confirm that I am highly motivated, hard-working and eager to learn.

Thank you for your time and consideration. I look forward to hearing from you.

Sincerely,

Your name (typed)

Enclosures

***SAMPLE COVER LETTER #3***

[Your Name]  
Channing Way  
Berkeley, CA 94704  
510-123-4567  
[student@berkeley.edu](mailto:student@berkeley.edu)

February 1, 2009

The Honorable Gary E. Strankman  
California Court of Appeal, First Appellate District  
Marathon Plaza, South Plaza  
303 2nd Street #600  
San Francisco, CA 94107-1369

Dear Justice Strankman:

I am a first-year law student at the University of California, Berkeley, School of Law and I am writing to apply for a summer externship in your chambers. In general, analytical thinking and research appeal to me. In particular, a judicial externship would enable me to enrich my understanding of the law and develop the skills necessary to become an effective attorney.

My interests and skills are suited to the task of working with a judge. As an undergraduate, I completed my major in History by writing a thesis, a project which involved substantial research and the synthesis of disparate sources of information. My participation in the Berkeley Journal of International Law entailed some editing work as well as cite-checking duties. And, in addition to the standard course on legal writing, I wrote four memoranda during the semester, each requiring independent research.

I am no stranger to the office environment. I consider myself a self-starter and a creative worker. As for those long hours of work, I have a good sense of humor and an easygoing disposition.

After final examinations end in May, I will be available for full-time work. Enclosed are my résumé, a writing sample, and my first semester grades. I will gladly supply a list or letters of reference upon request. If you need more information, or to schedule an interview, please contact me at [Phone; email]. Thank you for your time and consideration.

Sincerely,

Your name (typed)

Enclosures