

# A STUDENT'S GUIDE TO JUDICIAL CLERKSHIPS

## *How To Look Out For Yourself In A Broken System*

Welcome! This guide is designed for all Harvard Law School (HLS) students entering the clerkship search and application process. In this document, you'll find tips and resources on how to collect information on judges before applying; how to anticipate and handle potential judicial harassment or inappropriate behavior in the interview itself; and how to respond if something makes you uncomfortable. While this guide includes recommendations and resources specific to students at HLS, many of our recommendations may be relevant and useful to students at other law schools.

We want to emphasize that the vast majority of judges and clerks are wonderful bosses and coworkers, and many people have incredible clerkship experiences that teach them invaluable research, writing, and lawyering skills. This guide is not intended to discourage students from applying to clerkships—after all, it's just another form of discrimination when women, LGBTQ people, and people of color make the difficult choice not to pursue work and learning opportunities because of a fear of harassment and discrimination. Rather, we want to empower students to feel that they can get the information they need so they can feel confident and excited to accept a clerkship offer. And at the same time, we want to emphasize that clerkships aren't the right choice for every student—and many attorneys have impactful, fulfilling careers without them. We want every applicant to feel empowered to make the right decision for them about a clerkship offer—and no student should feel like they must pursue a clerkship or accept an offer where they feel unsafe.

In addition, all clerkship interviews are sensitive and particular to your situation. You should **always use your own judgment** about what questions to ask and to whom, and you should only ask questions or follow the tips in this guide to the extent you are comfortable. This is designed to be a tool to help students think about these issues, not necessarily a step-by-step roadmap.

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# GATHERING INFORMATION

While not all-encompassing, Harvard already offers several [resources](#) on its website designed to help you research clerkships. Hopefully this guide will help you take advantage of these resources!

If you've decided that you want to clerk (and it's okay if you've decided not to!) deciding which judges to apply to is an important and time consuming task. Initial considerations may include what [type of court](#) you want to clerk on and where [geographically](#) you want to be situated. These considerations are best thought through with clerkship advisors, professors, family, and friends. However, in addition to court type and geography, it is important to consider the [individual judges](#) you are interested in applying to; this may include considerations like political philosophy or other aspects of their background.

At this stage, it may be impractical to deeply research every judge you plan to apply to, but it is in your best interest to do a cursory review of these judges, while knowing that you can further research them if you receive an invitation to interview. For a cursory review, [factors to consider](#) include the judge's background, the types of cases often on the docket, the atmosphere in chambers, mentoring provided by the judge, and more.

At this stage, the HLS resources that are most helpful are the evaluations in [Symplcity](#). These evaluations can give you a quick snapshot of student experiences with a given judge at both the interview and clerkship stage. You will be able to get a general sense of the judge's personality and the clerkship experience from these reviews. However, not all judges have a large number of reviews, so remember that these evaluations provide only a partial picture.

## HLS RESOURCES AT A GLANCE

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### [HLS CLERKSHIP RESOURCES HOMEPAGE](#)

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### [TYPES OF COURTS](#)

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### [GEOGRAPHIC CONSIDERATIONS](#)

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### [RESEARCHING JUDGES](#)

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### [FACTORS TO CONSIDER](#)

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### [SYMPPLICITY EVALUATIONS](#)

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### [LIST OF HLS CLERKS](#)

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## TALKING TO FORMER CLERKS

Once you are more seriously considering individual judges (be it at the application, interview, or offer stage), former clerks will be one of the best resources for learning more about a particular judge. While there are evaluations in Symplicity, these are public and thus may not include the most candid information about a specific clerkship. For instance, if an evaluation mentions generically bad or harsh behavior, or includes the words “call me,” that can be a tipoff that a longer conversation with former clerks is necessary. As such, **we highly recommend reaching out to former clerks who are alumni to ask about their experiences.** HLS keeps a [list of former clerks](#), organized by name and court.

Most clerks will be happy to talk to applicants or offerees to their former chambers. We recommend sending them a short email stating why you are writing and asking if you can set up a phone call. The importance of this cannot be overstated. People will be much more candid in a phone conversation than they will over email, plus you can learn a lot more from a live conversation than from just an email. (It may also be less time consuming for the former clerk than typing up answers to all your questions!)

## SAMPLE QUESTIONS

Here is a list of sample questions that might be useful to ask former clerks:

- What was the general atmosphere in chambers like?
- Do you feel like the judge values everyone's input equally?
- Do you think the judge is supportive of people of different backgrounds/races/ gender identities?
- I'm really interested in clerking with people of different backgrounds. What were your co-clerks like?
- How often do clerks leave before the end of their tenure?

When speaking with former clerks, keep in mind that they often have ongoing relationships with their judges. Depending on how open the clerk seems, you can consider asking more direct questions, such as:

- Given the current climate and news around judicial sexual harassment, is there anything I should be concerned about? I have no concerns about this judge, but I do want to ask if there was any time you felt uncomfortable with anyone in the courthouse.
- Do you know the judge's or the court's policy around workplace harassment? (Keep in mind that this policy may have changed since the former clerk's time in chambers!)

You can also ask clerkship alumni about judges in their courthouse and circuit/district and what judges they would recommend or not recommend. This is useful beyond gaining info about harassment—if you feel like this judge is a good fit, it can be very helpful for your search to hear of other judges in that area who the former clerk also recommends.

Current clerks will typically be part of your interview process, so we (and most career services offices) discourage reaching out to any current clerks until after your interview. More information on what to ask current clerks is in the section “In the Interview” below.

## NAVIGATING THE INTERVIEW

This is not a comprehensive guide to interviewing for clerkships; OCS provides wonderful interview tips [here](#). However, there are a couple things to keep in mind for the interview itself.

First, if you get an offer to interview, there may be a very quick turn-around time (e.g. 48 hours) between your offer to interview and the interview itself. Other judges may give you a range of options, allowing you to prioritize the judges you're most interested in. In either case, we particularly recommend reaching out to former clerks to get a better sense of the judge during this time. These conversations with former clerks can also provide insight into the judge's judicial philosophy and working style that will be helpful to know going into the interview. In addition, the evaluations on Symplicity often list any out-of-the-ordinary interview questions applicants have received.

Second, you should be prepared to answer a couple of questions for any interview: why you want to clerk generally and why you want to clerk in these specific chambers. You should also be able to talk about the writing sample that you submitted. For appellate judges, it is worth reading a couple of their most recent decisions to get a sense of what they have been writing and thinking about. And for trial judges, reading their recent decisions will give you a good sense of the kinds of cases that typically appear before them.

Finally, your interview will likely include a conversation with the current clerks. Remember, speaking with the current clerks is still part of the interview and you should assume that they will be relaying their impressions of applicants to the judge. However, current clerks may ask you if you have any questions and you should feel free to ask about the working environment of chambers generally. During the interview, you should also take note of how the clerks, judicial staff, and judge all interact with you. Judicial chambers are a workplace and you should be trying to get a sense for how that workplace feels in person.

### ACCEPTING AN OFFER

If you receive a clerkship offer, congratulations! The most important thing to know about deciding whether or not to accept an offer, is just that: it's a decision. Just because you received an offer does not mean you must accept it. As exciting as an offer is, if you feel like the clerkship will not be a valuable experience for you, or you feel it would be unsafe, you should feel completely comfortable in turning down the position.

If you are considering the offer, know that while the process moves quickly you should still take time and consider your research on the judge, your conversations with former clerks, and your interview before making your decision. You may also need time to weigh other offers or hear back from other interviews.

Typically, you should receive at least 48 hours to consider an offer. If the judge has given you 48 hours, you may (politely) ask for more time. However, it is quite possible that they will be unable or unwilling to extend the time period. If you receive less than 48 hours to decide, you should let the clerkships office know, as they have been crucial advocates in ensuring that students aren't forced to decide on the spot.

# REPORTING SOMETHING THAT HAPPENS IN AN INTERVIEW

Clerkship interviews are, by their nature, isolating and intimidating experiences. Most judges interview candidates one-on-one in their chambers, and some interviews will also include an interview with the current clerks and even lunch. This may be a time for the candidate to really “click” with a judge, and ideally will form the basis for a job offer and a lasting, positive relationship. At a minimum, the judge and applicant should be able to conduct a professional and courteous conversation. Unfortunately, in some chambers even this minimal expectation is not achieved. Inappropriate conduct by judges may range from passing comments evincing bias to outright harassment

If this happens to you, there are steps you can take to protect yourself and others. First and foremost, misbehavior can be reported to any relevant judiciary oversight office. At the federal level, this is the **Office of Judicial Integrity (OJI)**. Complaints to the OJI can be kept confidential. At the initial stage of a complaint, you will receive advice about the various options for investigating and resolving your concerns. Currently OJI complaints can be referred to the Judicial Conference, which includes the Chief Judge from each circuit as part of its body. Keep in mind, any complaints are seen by judges in each circuit, meaning the Judicial Conference is not a neutral or independent investigatory body, despite being where OJI refers complaints.

If you are applying to work for a state judge, there may be a state office with parallel authority to the OJI, such as those in **Massachusetts**, **New York**, **California**, and **Illinois**. The authority and procedures of each office may vary, but generally, these offices will investigate complaints and decide what, if any, remedial steps to take. Ideally, complaints would be completely anonymous, but some offices impose limitations on confidentiality.

You can also report anything inappropriate

that is said or done during an interview directly to the HLS clerkship office, either by sending an email directly to the staff, or by setting up an **appointment**. If you are off-campus, the clerkship office will conduct appointments by phone.

In addition to providing all relevant information to the clerkship office, consider what follow-up steps, if any, you would like them to take. These steps may include sharing the information with other administrators or faculty (especially those who have relationships with the judge); informing other students; or making a follow-up call to the judge.

For the benefit of future students, please leave a detailed review of your interview in OCS's **Symlicity** system. This may be done anonymously if you prefer. If you have access to similar databases through journals or affinity groups, consider including this information in those sources as well. Reporting anything that made you uncomfortable or that seemed inappropriate during your interview through the review process helps to ensure that all students have access to this information, lessening the need for a whisper network. It also creates a paper trail in the event that future applicants have similar experiences.

The experiences of past clerks has shown that these reporting methods remain grossly inadequate to correct judicial misconduct; that said if you are able to do so, we highly encourage you to report any misconduct you face, as hopefully both OJI and HLS will take complaints as impetus to improve their internal investigatory procedures. However, the decision of whether to report, and how to report to, is a personal decision that only you can make. Your decision to report or not could depend on the incident you experience, your own personal discomfort, and any other personal factors. You can also always choose to report to the school, but not OJI, or vice versa.

## GETTING INVOLVED

As this guide notes, the clerkship application process and work experience is far from perfect. Judicial harassment, and impunity for that harassment, remains a critical issue as shown by the courageous testimony of former clerks who have decided to come forward. PPP is dedicated to combating this impunity to ensure students of all backgrounds have equal access to important legal opportunities.

If you are interested in learning more about this work or joining the People's Parity Project's courts and clerkships work, visit our [website](#) or email us at [hello@peoplesparity.org](mailto:hello@peoplesparity.org).