

PREPARING FOR A JUDICIAL CLERKSHIP INTERVIEW

Overview

A judge typically only interviews a handful of candidates for each clerkship opening, therefore receiving an invitation to interview is a huge accomplishment! Even candidates who apply to as many as eighty judges are fortunate to receive several interviews. Since interview opportunities are limited, taking the time to prepare for your interview is critical.

It is also important to remember that judges tend to interview all candidates within a short time period (one to two weeks), make offers quickly, and expect the successful candidate(s) to accept their offer(s) on the same day or the next day. Candidates therefore usually accept their first offer and then withdraw all pending applications.

Scheduling the Interview

Unless you want to risk losing the opportunity to interview, schedule your interview for the first time slot available. Judges interview and hire on a rolling basis, therefore if they find the right candidate in the middle of their interview schedule, later interviews could be canceled. Delaying your interview with your second choice judge in the hopes of hearing from your first choice judge in the meantime could backfire with respect to both judges.

Once this interview is scheduled, if your interview is out-of-town, call the other judges that you applied to from the same city/jurisdiction and ask if they would also be interested in interviewing you. This is a great way to highlight your application and potentially reduce the costs of interviewing with multiple judges in the same general location.

Interview Length and Format

Although there is not a standard length, interviews typically last from 30 minutes to 90 minutes. Most judges only conduct one round of interviews before making a decision, but a minority of judges utilize a two or more round process. Candidates usually meet the secretary/administrative assistant first (while they are waiting for the judge), then the judge, and the current clerk(s) last. On occasion, the candidate meets with everyone at the same time or participates in a panel interview through a centralized process. From the minute you walk into the courthouse, you could be interacting with someone who impacts the judge's hiring decision.

Researching the Judge/Court

- Locate the judge's biographical information in the *Judicial Yellow Book* (all federal judges and state appellate judges), *The American Bench* (all federal and state judges), Legal Directory of Judges (Westlaw: WLD-JUDGE), on the Court's website, or through a general internet search.
- For federal judges, find the judge's profile in the *Almanac of the Federal Judiciary*.

- For judges at the Superior Court of the District of Columbia, locate the judge’s biography on the Daily Washington Law Reporter (dwlr.com).
- Search on Westlaw or LexisNexis to see if the judge has any published opinions. If applicable, read some of the most recent opinions or (for federal judges) any opinions included within the “Noteworthy Rulings” section of the *Almanac of the Federal Judiciary*. Note: some state trial court judges will not have any published opinions.
- Search on Westlaw or LexisNexis to locate recent news articles about the judge or publications written by the judge.
- Look up the judge’s strategic profile through Courtlink on LexisNexis.
- Search on the Court’s website for any information about the judge, including press releases and details about current cases.
- Search for alumni who clerked or interviewed with the judge (or a judge on the same court or in the same jurisdiction) by using WCL’s Judicial Clerkship Alumni Survey Database, WCL’s Interview Feedback Database, or the lists of alumni clerks in the Judicial section of the OCPD site. Contact any alumni to find out more information about the court/jurisdiction, your specific judge, or other helpful tips. If the contact information for alumni is outdated, try using martindale.com to locate the correct information.
- Read the Interviews, Offers, Acceptance, and Alternate Outcomes chapter from Debra Strauss’s book *Behind the Bench*.

Interview Topics/Questions

Since judges only interview a handful of candidates, receiving an invitation to interview signifies that the judge has evaluated your credentials (*e.g.*, GPA, activities, work experience) and decided that you would be capable of performing the role of a judicial clerk. Often the interview is simply a way to determine if you “fit” within the small environment of chambers and seem motivated and enthusiastic about the position. Some judges’ interviews involve only casual conversation designed to gain a sense of your personality, while other judges ask difficult questions about your skills and experiences. Below are some general interview categories and specific questions. Every judge has a different interview style, so be prepared for all types of questions.

Interest and Career Goals

- Why are you interested in clerking? Be sure to answer this question as specifically as possible – why that type of court (*e.g.*, state vs. federal, trial vs. appellate, jurisdiction of specialty courts, bankruptcy court), why that division (applicable for some state trial courts), why that geographic area, why that type of judge (applicable for magistrate judges), and why that judge specifically.
- Do you plan to practice law in this geographical area?
- What are your future career goals (after a clerkship)?
- Have you read any of my opinions? Which one(s)?

Strengths/Skills Related to Clerking

- Why should I/we hire you? What would make you a good clerk?
- What accomplishment are you the most proud of?
- Tell me something about yourself that is not on your resume.
- Tell me about a time that you have had to juggle multiple tasks under time-sensitive deadlines (especially for trial courts).
- Rate your writing ability on a scale of 1 to 10 (especially for appellate courts).

- I see that you have extensive experience advocating for X (e.g., prosecutor, public defender, public interest, plaintiff-side litigation) – do you feel that you could evaluate the cases impartially as a clerk in my chambers?
- I see from your resume that you personally oppose the death penalty - would you be comfortable working on cases in which the death penalty is a possible result?
- As my clerk, you meet with me about a pending motion. As we are discussing the issues presented, I disagree with your analysis and explain how to write the opinion with a different holding. As you are writing the opinion, you become even more convinced that I am ruling incorrectly. How would you handle this situation?
- What is your favorite legal case that you have studied? Why?

Application-Based Questions

- Tell me about your experience working for X.
- What was the most challenging part of your experience with X?
- Why are you not on a journal (if applicable)?
- How did you decide to write your comment on X topic? Tell me about your main premise.
- Give me a preview of your writing sample.

Casual Conversation/Personal hobbies

- What are your interests outside of law? What do you like to do when you have free time?
- What is the most recent book you have read? Most recent movie seen?
- Tell me about your family and where you grew up.
- Why did you decide to go to law school? Why American University/WCL?
- What has been your favorite class in law school? Least favorite class? Why?

Questions to Ask the Interviewer(s)

Even if you feel that your main questions have been answered, it is important to always have additional questions for your interviewer(s).

Judge

- I understand that a clerkship would involve X and Y, but is there anything specifically about how your chambers operates that would be good for me to know?
- How much interaction do you have with your law clerk(s)? How often do you discuss legal issues with your law clerk(s)?
- What is the process for drafting orders/opinions?
- How often do your clerks/does your clerk have the chance to witness trial proceedings (or oral arguments for appellate courts)?
- What qualities do you look for when hiring a law clerk?
- What division assignment do you expect to have for the 2008 term (if in a state court like DC Superior where the rotations change every January)?
- What do you find to be the most challenging aspect of being a judge?
- How have you found the transition from X work to being a judge (for new judges)?
- Any questions about an opinion or case from their docket.

Clerk(s)

- Describe your typical day as a law clerk.

- How much do you interact/discuss legal issues with the judge?
- What has been the most challenging aspect of your job so far?

After the Interview

After your interview, remember to send thank you notes to the judge, clerk, secretary/assistant, and anyone else you met with during the interview process. These notes should express your appreciation for his or her time and reiterate your interest in the clerkship. It is acceptable to send typed or handwritten notes, but if handwritten, use plain card stock.

Tips Specific to Certain Types of Clerkships

State Appellate Courts

- Since these courts handle the most complex and unsettled areas of state law, the work is at least 90% research and writing and involves much less time in court than trial court clerkships. It is important to convey an ability to perform, as well as an enjoyment of, extensive research and writing assignments.
- Even though this type of clerkship only involves one stage of the litigation process, clerks gain valuable insight into the trial process as well. Appellate court clerks learn how to avoid the mistakes that prohibit successful trial court attorneys from winning on appeal.

State Trial Courts

- For the Superior Court of the District of Columbia, the Daily Washington Law Reporter (dwlr.com) is great site for judge biographies.
- Since state trial courts have some of the largest dockets in the country, skills such as task juggling, learning new areas of the law quickly, organization, and time management are key traits for law clerks.
- Some state trial court judges have rotations with specific dockets – civil, criminal, family, tax/probate. This is true for the Superior Court of the District of Columbia as well as the Maryland Circuit Courts. The current rotations for the Superior Court of the District of Columbia are posted on the Court's website at <http://www.dccourts.gov/dccourts/superior/judges.jsp>.

Federal Magistrate Judges

- Look at the U.S. District Court's Local Rules (usually online); there is typically a rule devoted to the role of a magistrate judge. Within the last decade, the role of magistrate judges has expanded greatly. These judges handle pre-trial discovery disputes, mediations, all types of motions (including motions for summary judgment), and civil trials when the parties consent. Magistrate judges cannot conduct felony trials however (district court judges handle felony trials).
- This clerkship gives graduates valuable experience with what occupies the majority of a litigator's time – the pre-trial litigation process.
- It is important not to give the impression that this type of clerkship is a fall back position if you do not secure a district court clerkship.