The tradition of young lawyers serving as law clerks to experienced members of the judiciary is a long and important one. The impact of judicial clerkships on the careers of attorneys can be seen in a review of the biographies of prominent members of both the bench and bar. A clerkship experience provides a unique perspective on judicial decision-making and in many ways serves as a capstone experience for a student’s legal education.

The duties of a judicial clerk are defined by the needs of the individual judge and will vary depending on the nature and extent of the cases pending before the court. Typically, judicial clerks perform legal research, prepare memos, draft orders, write draft opinions and stipulations, assemble documents, and perform other duties as the judge may require. The clerk will often spend an extensive amount of time reviewing motions, memoranda, briefs, and other documents submitted to the court. Most judges use their clerks as a sounding board to prepare for argument and discussions; therefore, judges often expect their clerks to be well-briefed on the legal issues and facts of the various cases. Judicial clerks often accompany the judge to trials, hearings, and conferences, and may occasionally take part in the discussions.

Clerks typically work Monday to Friday from 8:30 or 9:00 a.m. to 5:30 or 6:00 p.m., but many put in longer hours. There is occasional evening and weekend work, particularly immediately before the court hears a case. In exceptionally busy courts, night and weekend work may be common.

A few judges have permanent career law clerks. However, most law clerks are recent graduates from law school. A clerk is generally appointed for one year, but some courts—particularly trial courts—appoint law clerks for two-year terms. Federal judges typically have one to four clerks, most often two or three. State appellate judges generally have two clerks, and state trial judges generally have a single law clerk, if any.

In addition to law clerks working for individual judges, many courts have staff law clerk positions. Staff law clerks work for the entire court, doing work on assignment or by request from different judges. A few courts have only staff law clerks. The federal courts employ pro se clerks that provide administrative assistance to litigants who are not represented by an attorney.
Some federal courts also have motions clerks that handle procedural matters before cases are assigned to judges.

Finally, some state trial courts have clerk-bailiff or trial clerk positions. These clerks engage in smaller projects requiring fast work. For example, they may be called upon to research points of law during a recess to aid the judge in making rulings during the trial. In jurisdictions where trial judges write opinions, a trial clerk will work on the opinions in the same way as an appellate clerk. Because of the press of business in trial courts, clerks may have considerable responsibility for minor matters and administrative duties. Trial clerks usually spend much of their time in the courtroom.

### Advantages of a Clerkship

A position as a judicial clerk provides a student with an exceptional educational opportunity. Clerking provides insight into the process of judicial decision-making. It also provides exposure to the documents, procedures, and functioning of the litigation process. Perhaps most importantly, it provides the opportunity to strengthen analytical skills and legal writing abilities.

Often, judges will serve as mentors to their law clerks, providing the clerks with insights into the practical aspects of law practice and suggesting additional preparation for each clerk’s future career. This role is often an informal one and may consist of critiquing the clerk’s analysis, making suggestions regarding writing styles, or discussing the advocacy style of attorneys coming before the court. All of these experiences combine to improve the preparation of the clerk for his or her future legal career. A judicial clerkship is not merely a job; it is a continuation of the student’s legal education and preparation for a future legal career.

Clerking also has practical advantages for the student. Legal employers recognize the benefits of the clerkship experience and consider them heavily in making hiring decisions. Many large law firms provide a clerkship bonus if a law clerk joins the firm upon completion of the clerkship. Some firms may also count the year(s) spent at the clerkship as a year toward making partner. Further, in the internal market of the firm, a clerkship can help a new hire to stand out from many of the other associates. A federal appellate level clerkship has almost become a prerequisite for many law school teaching
positions. In addition, law clerks gain exposure to local practice and to the local bar where they will practice, particularly if the clerk is at the state court level. In some instances, such as in a family court or bankruptcy court, those who clerk have the opportunity to develop an area of expertise upon which to build a future legal practice. Finally, the recommendation of a judge known in the legal community will carry a great deal of weight with potential legal employers.

**Disadvantages of a Clerkship**

There can be some disadvantages to judicial clerkships. The workload is sometimes extremely heavy and an eccentric judge can make for an unpleasant year or two. Some people find themselves bored by the seemingly endless research required by appellate court clerkships. In addition, most clerkships provide a very modest paycheck, which can be difficult to accept when classmates are earning high salaries or if the student has a large debt load.

**For More Information**

cso Judicial Clerkship website – [www.law2.byu.edu](http://www.law2.byu.edu) (click on: Current Students > Careers > Resources > Judicial Clerkships)

*Provides a comprehensive guide to finding a judicial clerkship. Includes sample resumes and cover letters of court clerks.*


*Information to help with the search for a judicial clerkship.*

oscar (Online System for Clerkship Application and Review) – [www.oscar.uscourts.gov](http://www.oscar.uscourts.gov)

*A secure, user-friendly, online resource that streamlines federal law clerk and appellate staff attorney hiring.*


*Judicial Clerkships guide. Contact the CSO for password.*
Symplicity Judicial Clerkships Section – https://law-byu-csm.symplicity.com

*Log in to Symplicity, then click on the “Clerkships” tab.*

Northwest Consortium Judicial Clerkship Database – www.law2.byu.edu/page/?&cat0=careers&content=rocky

*Contains information regarding judicial clerkship vacancies, application procedures, and links to other sites. Contact the CSO for password.*