



Alison Monahan: Welcome back to the Law School Toolbox podcast. Today, we're excited to be talking with Danielle Barondess, one of the creators of Law Clerks for Diversity. Your Law School Toolbox host today is Alison Monahan, and typically, I'm with Lee Burgess. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be. Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolBox.com, and we would love to hear from you. With that, let's get started.

Welcome back to the Law School Toolbox podcast. Today, we're excited to be talking with Danielle Barondess, one of the creators of Law Clerks for Diversity. So welcome, Danielle.

Danielle Barondess: Hi Alison! Thanks so much for having me.

Alison Monahan: Absolutely, my pleasure. Well, to start us off, could you just talk a little bit about Law Clerks for Diversity? What is this?

Danielle Barondess: So, Law Clerks for Diversity is a new initiative that I'm working on with another law clerk, Steven Arango, and we are thinking about ways that we can improve the diversity problem in the federal judiciary, starting with law clerks. The idea is to first and foremost create a mentorship program where law students and recent graduates can connect with current and former law clerks and talk with them about strategies for obtaining a clerkship, get contacts to expand their network so that they have a wider net to reach from if they're at a school that may not have as much alumni who participate in clerkships. So, we see the program being first and foremost a mentorship program, and then having other elements like a broad clerkship bank where you can, again, contact current and former clerks of judges that you might end up getting an interview with, a cover letter and a resume bank, input on what types of writing samples for clerkship applications, which can be unique. Eventually we see panels, webinars, things like that, all focused on the eventual goal of helping more diverse candidates land federal clerkships.

Alison Monahan: When we say diversity, what are the kind of things you're thinking about there?

Danielle Barondess: So we're thinking of it in two buckets. The first is diversity in the more traditional sense of the word, as most of us probably think about it: race, sex, gender, LGBTQ, socioeconomic status, disability status, things like that. And then the second bucket is academic or school diversity. The two go hand-in-hand, but what I mean by "school diversity" is basically these schools that are not the traditional clerkship feeder schools. So not your typical T14 schools that are



often the ones that are putting the most resources into placing students in federal clerkships, the ones who are often targeted and benefit the most from the clerkship hiring process as it exists today. So we see a space for those of us who went to non-T14 schools. And to wrap that back into the more traditional definition of diversity, the fact is that the pool of candidates in the lower rank schools is going to be more diverse than the pool of candidates in the T14 or the top five schools. So, those are the two areas we're thinking about pretty broadly.

Alison Monahan: Alright, great. And Steven actually, who you mentioned, was on an earlier [podcast](#) talking about some of this, so we will link to that in the show notes if people want to hear his perspective. Alright, great. So, now that we have an understanding of what this is about, could you just give us an overview of your own background for context?

Danielle Barondess: Sure. So, I just hit the one-year mark in my current federal clerkship. I'm clerking at the District Court in Hawaii and next year, in 2021, will start a clerkship with a judge on the Ninth Circuit. So I'm doing about a two-year district court clerkship, and then a one-year at the Ninth Circuit. How I got here – I'm from Northern Virginia, have been in there in my entire life. I went to college in Virginia. I worked for a few years at a law firm as a paralegal in between undergrad and law school. I ended up going to law school in Virginia as well, did my three years at George Mason School of Law in Arlington, Virginia. And then after that, I joined Wiley Rein, which is a large firm in D.C., and I worked for a few years there before coming out here to Hawaii to clerk. To expand it a little bit on how I ended up leaving the firm life to clerk – when I went to law school... I don't come from a family of lawyers, so I didn't really have any... Clerking wasn't really in my long-term goal. I didn't really know what it was, I didn't really think about it, nobody really told me right away. So by the time I heard about it, it was too late, or so I thought, to apply. So I put that off for a little bit and joined the firm. Eventually I decided that clerking was something that I really wanted to experience. I love litigation, and I knew that that's the path I wanted to take, and I really enjoyed appellate work as well. So I wanted to experience basically both from behind the curtain, so to speak. So, I started applying as a graduate, which is a little bit more unique, but becoming increasingly more common, and I found myself leaving the D.C. area for the first time in my 30 years of life, and moved out here to Hawaii to clerk.

Alison Monahan: Sounds like you picked a nice place to change to.

Danielle Barondess: That's right. I cannot complain, that's for sure.

Alison Monahan: Well, you alluded to some of these, I think, a little bit in your story, but what kind of challenges do you think more diverse clerkship candidates face?



Danielle Barondess: So yeah, I think there are a lot of particularly unique barriers that diverse students face. I think partially to blame is a disparity in access to resources and a broad, strong network. Clerkship applications are overwhelming for even the best students at top schools with endless resources, and it's just particularly daunting for students who may not have family members who can talk to them about what the process is like, or have a large network of alum from their law school to mentor them and give them guidance on the process. And a similar point is the problem that many diverse students may not appreciate the value of a clerkship when they start law school. Of course, they might not know what a clerkship is at all, or what the value of it is. And this is, I think, particularly so for first-generation law students who, again, don't come from a long line of lawyers in their families. And it takes someone reaching out and saying, "Hey, have you ever thought about clerking?" to allow all that to line up. Or they may end up like me, and by the time they learn about the importance of a clerkship, they think it must be too late. But as I mentioned earlier, I hope people understand that it's not and there's no specific timeline that you have to follow. Another factor I think all of us have experienced to one degree or another, an impostor syndrome. I think minorities and students from other diverse or the non-traditional backgrounds might be underselling themselves or just deciding not to pursue a clerkship because they don't see themselves represented anyway. And then lastly is the problem that the clerkship hiring process generally tends to favor just a smaller subset of schools that have a smaller pool of diverse applicants. So, tying it back into this program, I think a lot of those barriers we want to expressly address with Law Clerks for Diversity are starting with the basic idea that having a mentor or having a contact or having someone to give you some insight into the process can just be so valuable.

Alison Monahan: I think that's absolutely right. I went to one of those fancy schools and there's definitely, "Here's the clerkship office, and here's the person who's going to help you with this, and here's the timeline, and here's how you do this." And the Law Review had a whole book where it's like, "Oh, I've got an interview with this judge. What should I look at, what should we talk about?" And I think that's not necessarily fair.

Danielle Barondess: Right.

Alison Monahan: But it is what it is. One thing I want to follow up on – so you mentioned a couple of times the value of a clerkship. If people who are listening to this and they're just not really clear that this does have value, what do you see as the value of the clerkship?

Danielle Barondess: I think there are a lot of aspects to how a clerkship can be a great life experience and something positive and helpful on your resume. For better or worse, they're seen as this gateway into many elite legal jobs. And so, a clerkship is never going to negatively impact you; it's going to usually be something that looks positive



on your resume. It's a sign of one year, at least, of intensive legal writing and research and just that sort of experience, honing those skills, which we all know are important to being a lawyer. So, that's one aspect. Another is, you gain a life-long mentor. You work very closely with a judge and you spend every day for that year working with that judge and learning his or her style, and thinking about cases, and thinking about hard questions that end up in court. So, those sorts of skills are going to be things that I think obviously are going to help anyone who intends to practice law. So, that's one aspect.

Another, more practically speaking, is clerkships can be a good transition point to getting more into litigation or getting into appellate. So sometimes, because we're all so overwhelmed in the law school and playing the law school game, basically, you might end up doing one thing when you graduate law school and saying, "Oh well, I really miss the writing aspect that I had in law school, which I'm not getting as much here." So, clerking can also be a good, positive way to transition into something more litigation-based or something more a change of practice. Another even broader point is the life experience. Clerkship is typically, you go and work for one, two years if you're me and you like it so much, and you go and you live, basically, somewhere else. And often, if you're like me, you end up in Hawaii, you can end up somewhere totally unexpected. So it's an interesting way to get out of your comfort zone and experience just a different place. And there's truly just no better way to get so intimately familiar with the litigation process than being behind the scenes and seeing each aspect of a case from the complaint being filed, to the dispositive motion or, in other cases, all the way through a trial. So really, I think no matter what your ultimate goal is, it really is going to bring something positive to your professional goals.

Alison Monahan: I agree, I thought clerking was great. I clerked in a district court for a year, and it was probably the highlight of my limited actual legal experience. No, it's great. Like you said, you end up with a great mentor, assuming that you're working for someone who is nice. And yeah, it is so interesting just really seeing what people are sending into court, the quality of things that are coming across your desk, and then how this all works. It's one of those things where the judge might turn to you and ask you for your opinion on an evidentiary issue in the middle of trial. So it definitely puts you on the spot and makes you really play your best game, because there's someone who's depending on you in a way that's actually pretty important. But yeah, I thought it was fascinating. I highly recommend it. Alright, before we move on to a few scenarios, if people are interested in getting involved with Law Clerks for Diversity, either because they're aspiring clerks or they want to do mentors or be mentors, how can they do that?

Danielle Barondess: So, if people are interested in getting involved, we're working on a website. So we're hoping to have that up and running at some point soon. But for now, we're operating based on a [Google document](#) that is circulating. So, the best way to find that is, you can either follow us on Twitter – our handle is



[@Clrks4Diversity](#) – no E in clerks, and the number 4. Or anyone can just feel free to email us directly at lawclerksfordiversity@outlook.com – and that's just all spelled out. So those are probably the best ways for now to contact us. You can also feel free to add me on LinkedIn and send me a message, however you want to get involved. And we can I think probably put these, hopefully, in the information on the podcast as well.

Alison Monahan: Definitely, we'll drop the Twitter handle into the show notes, and if a website appears, we'll go back and update. So, keep your eyes peeled, people. Alright, great. Well, let's switch gears a little bit and talk about a few scenarios related to the clerkship application process that you guys might have a bit of insight on. So, the first one: "I'm doing well at a lower-ranked law school and I really want to clerk, but my school just doesn't have a lot of infrastructure set up to help. What can I do to set myself up for success here?"

Danielle Barondess: So, other than signing up for Law Clerks for Diversity, which is probably a good starting point at this moment, another good starting point is to see if your school... I know part of the hypo is that there's not a big infrastructure, and I don't want to fight the hypo – but is to see if there is maybe a bank or some way to figure out other alum from your school who have clerked. Because a really good starting point can just be to find somebody who's willing to talk to you. And often times, alum in particular are going to be really excited to help other alum find a clerkship. So, whether there's a method through your school to be able to do that... I know my school has, again, a bank of all the alumni and their name and what judge they clerked for. So you could find somebody who has an... Do a little research on these people and call someone directly and see if they're willing to talk to you. So, that's one point. If that's not an option or you don't feel comfortable doing that, I think there is a law online about clerking and about what it entails, and about tips for what types of content to put in your cover letter, how to choose a writing sample. There are lots of blogs with people's personal stories. You just do a little bit of research, you should be able to find or hear a lot of different perspectives. But you might see something by someone that really speaks to you, and maybe that person has a contact that you can just send them a message and say, "I'm here. These are my grades from my first year of school. This is why I'm interested in clerking. Would you be willing to talk to me?" And in my experience, people really love to share their knowledge. And creating this Law Clerks for Diversity program, we've had so much interest from current and former law clerks who just are really eager to share their knowledge and their networks with placing diverse candidates. So, I think it can seem a little scary, but taking that step and just sending someone a message. Go on to Twitter can honestly be a great resource. That's how actually Steven and I connected. If you go on there, you can read through Law Twitter and Appellate Twitter. There're a lot of thoughts by current and former clerks as well.



Alison Monahan: Yeah. Lee and I – my business partner – actually met long ago on Twitter, although I'm not particularly active at this point. Yeah, I think that's a great advice. I definitely have had people reach out to me because they were interviewing with a judge that I had worked for, and I was always willing to talk to them. One of them, in fact, ended up clerking on the Supreme Court so I was really happy for him. Yeah, impressive. I was like, "That is probably because you have a lot of gumption and you will just reach out to people." I admired it. Alright, moving on. So, our next scenario: "I am a first-generation college and law student, and people in my family don't really understand why I would want to take this lower paid job for a year or two when I could be working at a firm and making lots of money. Do you have any advice?"

Danielle Barondess: Yes. I think this is a classic experience for those of us who don't come from families of lawyers and have to explain what a law clerk is and why we're taking a job that is only for one year. So, I think if the first hurdle is just explaining it to your family, I think explaining... I always end up having a more productive conversation when talking about clerking and explaining what I do to non-lawyers. Explain a little bit more about what it is, instead of just saying a "law clerk". Unfortunately when you hear the word "clerk", a lot of people will think of administrative work. I think if you explain the type of work you'll be doing and why it's so useful right out of law school, that can be a great way to explain to your family the skills you're going to learn by doing this. So, "Well, what a law clerk does is work one-on-one with judges who are deciding these really hard and really important cases that maybe you're reading about in the news", if your parents are following the news and see these kinds of judges being talked about, and these interesting cases. Another thing to say is, if the question was firm or clerking – after that year, if you plan to go back to a firm and you're going to tell your family, "Oh, I intend to go back to a firm after this, but I'm going to do this for the year" – you can tell them about the well-known law firm bonuses. So often times, you end up paying yourself back if you, for one year, take a lower salary and then you go back to a firm after your clerkship ends. You're not only setting yourself up to just have more options with a wider pool of firms, but you're also setting yourself up to receive usually a pretty extraordinary bonus. So, that's another benefit.

Alison Monahan: Exactly. I remember getting that check, and that was a pretty awesome day.

Danielle Barondess: Yeah. So that's a language I think probably everyone is going to speak, no matter what their history with law school or clerking or anything is. I sometimes joke that my parents... I did it in a little backwards way, where I went to a law firm first, and my parents were excited that I had this long-time career and I was getting going as an associate. And I had been there for a few years and then I said, "Well, it's been fun. I'm moving to Hawaii for a one-year job." So, I had to go through this as well. And I'm very lucky, my parents have always been very supportive, and obviously they were thrilled about the location. But I think just



explaining what it does and how it sets you up within the legal premise is the best way to have this conversation with your family.

Alison Monahan: Yeah. And one thing people should know too is, typically, if you are working at a firm and then you go clerk, you actually make a higher salary. So it's a trade-off in that – do you get your bonus or do you get a higher salary?

Danielle Barondess: Yeah, that's a really good point too. That makes me think to just remind people that by clerking, typically when you return to a firm or when you go to a firm for the first time, depending on what you do, you basically get credit for that year that you clerked. So, I think right now if you're clerking for a few years, I wouldn't necessarily go back and restart as a third year. You get that credit.

Alison Monahan: Right, that is also a great point. So, maybe more flexibility than you realize. Alright, next up: "I'm getting ready to start law school. I'm excited about this podcast. I think clerking sounds great. How can I give myself the best shot at this when the time arrives?"

Danielle Barondess: You're already ahead of the game if you're thinking about it before law school, so that's great. I think this is going to be advice that you're probably already hearing all over the place, and it's probably a little overwhelming and scary. But the easiest, most effective thing to do as an incoming or current 1L would be to just get the best grades that you possibly can, because it just is a fact that within this space, we're talking about students with higher grades getting clerkships. So, I won't beat that dead horse; I'm sure that's getting talked about in every which way as you enter law school. But another thing that I think is really important and something that I think some of us who didn't know about the clerkship opportunity is to really get to know your professors, at least the ones that you click with. If you're going to apply to clerkships, eventually you're going to need letters of recommendation. And at least one or two of those is going to need to be law professors, possibly doctrinal law professors. So I think the best thing you can do, knowing you want to clerk as a 1L is, get to know professors. Go to their office hours, talk to them, talk to them about their experiences, tell them you're interested in clerking, and I think that's one really good way to start. And then that also might lead to your 2L or 3L year potentially research assistant opportunities, which are also going to be a great way to set yourself up for clerking. You might end up getting an interesting writing sample by doing things like that, and you're just, again, expanding that network. So, those are the two big points I would make as a 1L. Otherwise, your job really should just be learning what law school is and figuring out how to navigate it and what works for you.

Alison Monahan: Yeah, I agree with both of those. I definitely had a recommender who called the judge that I ended up working for. He told me that in the interview, and I was like, "Oh, I hope she said nice things." He's like, "Well, you are here." I was like,



"Great." But I think those relationships are really, really important. And being a TA or a research assistant for someone is a great way to really have them be able to speak to your working ability in a way that's different than your studying. And I think that's really valuable because, obviously, judges don't want to hire poorly. You're basically, as a judge, stuck with these people. And if they're not really good and not doing a great job, you're going to not have a very nice year.

Danielle Barondess: Right. Absolutely.

Alison Monahan: So they're normal people too. They're looking for someone that they can count on. Great. Alright, our final scenario before we wrap up: "I'm a non-White law student, and I just don't see a lot of clerks who look like me. Is it worth it for me even to apply?"

Danielle Barondess: Yes. I think this is one of the obstacles I may have alluded to earlier that's a problem that we need to all be doing better at – the schools who are offering these resources, the judges who are doing the hiring. So yes, please don't be put off and please apply. We need that diversity of thought and background and experience. It's really going to only have a positive impact on our legal system, on the judiciary. And so, yes, I hope that those people will be encouraged to apply. And again, linking this back to the Law Clerks for Diversity idea and a few things I've mentioned throughout is finding a strong mentor can really be so, so helpful in navigating the process. And as part of the Law Clerks for Diversity program, we hope to be able to match people and create relationships that are based on common backgrounds and experiences. So, we hope that those people will feel comfortable together. We don't see necessarily putting a double Harvard person with somebody at a lower ranked school who might just do better off learning about how to navigate the law clerk process from somebody who had to deal with some of the obstacles that they're continuing to face today. So the answer is "Yes". And I hope people will be encouraged to apply, so that we can do better in this one small space in the legal profession.

Alison Monahan: Right, it is a space that I think has disproportionate influence.

Danielle Barondess: Absolutely.

Alison Monahan: Which I'm not sure people necessarily fully comprehend initially, but it is one of those things that years later down the road will come back and like, "Well, you know, they clerked for so and so." Even people who are nominated as judges, it's like, "Well, they clerked for this person." It can end up being a really much bigger deal than you think, like, "Whatever, I just worked for this person for a year." Alright, we're about out of time. Before we close up, it doesn't sound like you necessarily had personal experience with this because you applied later, but what's going on with the Clerkship Hiring Plan these days? Is that even happening? I feel like every time I look it's something else.



Danielle Barondess: Yeah, that's right, it is always changing. So yeah, definitely do your research on this, but my understanding of the plan is that several judges have opted into it, at least for this past year. For those who are not familiar with it, basically the timeline for the clerkship hiring has changed over the years. At various times, there have been attempts to streamline everything and get everybody on the same page so that the timeline is sort of... I think at one point, when everybody was following the same plan, it was one specific day and everybody would...

Alison Monahan: Oh, it was crazy.

Danielle Barondess: Oh, okay, is that how it was for you? Yeah.

Alison Monahan: No, that was totally how it was. I remember literally it was insane, because it was like noon on this one particular day or whatever it was, judges could start scheduling interviews, and you'd applied a week before. And I remember I was sitting, of course, I was in Fed Courts, which is the total gunner class, and people started getting messages on their cellphone at like 11:59. You just saw people looking in their phones all around the room. It was really actually quite funny. Yeah, so everybody basically got calls that time and then you had a week, I think, before you could schedule. So then I was doing some interviews in the Southern District of New York and people were starting at 6:00 AM. It was complete madness. It's always complete madness however they do it, but yeah, that was a particular brand of absolute madness.

Danielle Barondess: Yeah. I'm not sure it happens exactly like that anymore. There are some judges that follow the hiring plan, some that just ignore it completely and do their own thing, some who do a little mix, they use it as a guide, but they're not married to it. But basically, my understanding right now is the idea, if you're following the hiring plan, it basically requires the judge to not review any applications until, I think, mid-June, and it has to be after someone's 2L year. So basically, the idea is to ensure that only people that have their two years of grades are being considered. The idea is, again, to preclude such early hiring of someone who's a 1L and is taking space from people who are applying later and it forces... Each year, it pushed the timeline that you have to apply even earlier and earlier. As I mentioned before, law school is stressful enough. So that's the idea of it. And of course as, Alison, you mentioned, I was a graduate when I was applying, and so the hiring plan would not apply to me. So, 3Ls or graduates can be interviewed and hired whenever, so they would not fall within the hiring plan since we all obviously already have our two years of grades. So yeah, I don't know what the percentages are as far as what judges follow it and what don't, but I will say that with more judges hiring, I think it's becoming more common for judges to hire at least one clerk with some work experience, so then that often will take one space away, one slot away by the time the hiring plan starts. But I think another part of the hiring plan that is really positive, and I hope a lot of judges think



about at least adopting this policy, is the... I think it requires maybe that the judges give 48 hours to have you respond to the offer. It used to be, and I think it probably still is with some judges, that they give what are called "exploding offers", which is basically, "I give you the offer..."

Alison Monahan: "Do you want this or not?"

Danielle Barondess: Exactly, exactly. And you don't get to interview with anybody else, you don't get to think about it overnight, you don't get to go home and ask your spouse or whatever. I'm hearing about that a lot less and less. This is totally anecdotal, but I'm just hearing about those kinds of offers. And my experience was, my judges were both very kind and understanding. My experience is that's less of a problem, but it's certainly out there. You hear these other random stories of judges who are hiring as far out as 2023, 2024, and it's just crazy to think that those people don't even have to be in law school yet.

Alison Monahan: That is really bizarre. Yeah, I think this is definitely one of these things where you need to find the most up-to-date information, because it is moving all over the place and changing constantly. And again, that does advantage the people who have these resources at their school, but that's not to say that you can't get this information yourself – for example, by having a nice mentor from Law Clerks for Diversity.

Danielle Barondess: That's right.

Alison Monahan: Alright. Well, we are pretty much out of time. But any final thoughts you want to share with people?

Danielle Barondess: I guess one final thought, which your last point made me think of is, another obstacle that diverse students face can also be socioeconomic, goes hand-in-hand with the lack of resources, is that you mentioned that you were doing several interviews, various places – most judges, at least in pre-COVID times, had you fly to interview, and so it can be quite expensive to apply to clerkships. You're expected to apply broadly, some judges require only paper applications, which can become expensive if you're printing 50 paper applications and then mailing each one. And then the same goes for having to get on a plane and fly to interview various places, especially if you have more than one interview. Some schools, I think, give small stipends for that, but not all do. So that's another long-term goal that we hope to have more sponsorship and other programs that might be able to offer more resources from a financial perspective because that is, I think, a really significant barrier to minorities, first-generation students from applying. So, that's just one final point that your last discussion made me think of. But otherwise, I hope that people are as excited about this initiative as we are. I think this is a small thing that I think we feel excited that we can offer our own experiences with and give back and share our networks and share our



connections, and let people know what worked for us, what didn't. We hope that in a few years we start to hopefully see the impact.

Alison Monahan: That would be great, because I think it is a really amazing opportunity, and I think it should be spread more broadly. Alright, well, with that, thank you so much for joining us.

Danielle Barondess: Thanks, Alison!

Alison Monahan: And unfortunately, we are now out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review or rating on your favorite listening app. We would really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Thanks for listening, and we'll talk soon!

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