Episode 44: How to Get a Judicial Clerkship

Alison Monahan: Welcome back to the Law School Toolbox podcast. Today we have a special guest, Fairuz Abdul, Associate Director of Public Interest Programs and Judicial Clerkships in the Office of Career and Professional Development in San Francisco at UC Hastings. And she's here to talk about one of my favorite topics, getting a clerkship.

Your Law School Toolbox host today is Alison Monahan, that's me, and typically I'm with my co host Lee Burgess. Together we're here to demystify the law school and early legal career experience so you'll be the best law student and lawyer you can be. We're the co creators of the Law School Toolbox, Bar Exam Toolbox, the Catapult Conference, and the Trebuchet Legal Careers site.

I also run the Girl's Guide to Law School. If you enjoy the show, please leave a review on iTunes, and if you have any questions, don't hesitate to reach out. You can always reach us via our contact form on LawSchoolToolbox.com, and we would love to hear from you. And with that, let's get started.

Welcome back. Today we have a special guest, Fairuz Abdullah, Associate Director of Public Interest Programs and Judicial Clerkships in the Office of Career and Professional Development in UC Hastings. She's here to talk about one of my favorite topics, getting a clerkship. As some of you might know, the clerkship process, at least for federal clerkships, has changed quite a lot in recent years, and Fairuz has just returned from the NALP conference with some really useful information.

So I'm excited to hear what she has to share on this topic. First off, Fairuz, how much of the thing has really changed? Like, is the clerkship hiring plan dead? How do things work now if you want a federal clerkship?

Fairuz Abdullah: Well, it's definitely not what it used to be.

Alison Monahan: Yeah, I remember it was this, in fact, if you look at my posts, those are some of the first posts that I published on the Girls Guide site.

We're about getting a clerkship and it was this crazy thing where, like, one day in September, like, everyone applied and, like, judges could only schedule interviews like at a certain date, like a week later, and everybody did their interviews on the same day. And I remember going to interviews in the Southern District of New York, and people were interviewing at like six in the morning, and like, I mean, it was insane.

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Fairuz Abdullah: Yeah, it used to be the day after Labor Day. Yeah. Every 3L year.

Alison Monahan: Yeah, it was like everything happened.

Fairuz Abdullah: Yeah, it all happened.

Alison Monahan: People were like waiting by their phone, like everyone was waiting by the phone at the same time when your phones just start ringing. And like, I remember being in fed courts and like people's phones started ringing.

Fairuz Abdullah: Yeah, it's, it's completely changed. It's it started changing because a lot of judges were hiring outside the timeline.

Alison Monahan: Right, so what was the whole point of the plan anyway? Like, why did, why was this even implemented?

Fairuz Abdullah: Oh, I think it was just to have some order and fairness to the process.

Alison Monahan: Right, because what was happening before is almost kind of what it sounds like today.

Fairuz Abdullah: Yeah is happening now. Yeah, exactly. I don't think a lot of that has changed. I think judges just started hiring earlier and earlier, not waiting for people in the third year.

Alison Monahan: Yeah. Like people started basically breaking the rules.

Fairuz Abdullah: Yes. Yeah.

Alison Monahan: Which is kind of ironic.

Fairuz Abdullah: Yeah.

Alison Monahan: 'Cause they're judges.

Fairuz Abdullah: Yes. And so like- Yeah, you would think that they would be like, well, you know, I wanna, I wanna stick with something that makes sense and has some order to it, but I think it just became this trying to get the best candidate for their chambers and competing with their other judges. And so that is sort of what happened.

Alison Monahan: It's very competitive, like it's competitive for applicants, but it's also competitive for judges like fighting over who is the best applicant.

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Fairuz Abdullah: And so they started moving it earlier and earlier, and they changed it a year or two ago to the middle of your 2L year, and now they've moved it even earlier.

So the plan doesn't really apply for anyone unless they're a rising 2L. The earliest that they can apply is July 1st.

Alison Monahan: Oh, okay. So people who are listening to this who have just finished their first year of classes and they're thinking maybe off in some distant future, they want to get a clerkship. They actually need to be thinking about this right now.

Fairuz Abdullah: Yes.

Yes, that is true.

Alison Monahan: So, I mean, if I am a rising 2L, do I need to be thinking about this this summer? I mean, is this something I can put off? Like, do I have to apply right now or it's all never going to happen? Like, who needs to be worrying about this?

Fairuz Abdullah: It all really depends on a couple of different factors.

Where are you in your class rank? Where are you in terms of grades? Are you at the top of your class? If you're like the top, you know, ten people in your class, yes, you should definitely be applying. If you're at a highly ranked school, yes, you should definitely be applying. If you are not quite at the top, maybe top 10 percent, top 20 percent, and you feel like you're on the upward swing, you might want to wait until you have another semester of grades under your belt before you apply.

Alison Monahan: Okay, so basically if I'm like, An absolute superstar, and I'm sort of like, maybe almost guaranteed I'm gonna get a clerkship. I should be worrying about this.

Fairuz Abdullah: Yes, definitely.

Alison Monahan: But otherwise, it sounds like maybe there's more time to sort of Get my stuff together.

Fairuz Abdullah: Yeah, it can be. Yeah, you still want to get your stuff together.

But in terms of being strategic about the more bang for your buck, there's basically a spike of positions getting posted now in January, December, January, and once, that correlates with when grades come out after your, you know, 2L grades.

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Alison Monahan: Three semesters of grades at that point?

Fairuz Abdullah: Yes.

Alison Monahan: Applying is January of my second year.

Fairuz Abdullah: Yeah. So there's a lot of hiring that's going around in, you know, in the January, March, April timeframe.

Alison Monahan: Okay. And just to be clear, I mean, best case scenario, we're talking about a job that you get straight out of school, but I think a lot of judges are hiring even further out than that, right?

Fairuz Abdullah: Yes. It's really interesting.

You can get a clerkship one, two years out is pretty much the norm. At the NALP conference, I ran into a recruiter who's, who came up to me, said, I don't really know what's happening. But one person who's starting in my class this year just told me he has a clerkship lined up three years from now.

Alison Monahan: Wow.

Fairuz Abdullah: Yeah.

Alison Monahan: Yeah. So it sounds to me like people are sort of hiring maybe even further in advance. I mean, I think that's been a trend for a while. You know, it used to be at some point it was like always people straight out of school. And then it started being more like, oh, I want a year or so of work experience or people were, I mean, I had friends who were getting offers for, you know, clerkships, two years out of school, or maybe they were doing two clerkships, and so they were starting, you know, it was I, It seems like the whole thing's just become a lot more fluid.

Fairuz Abdullah: It's definitely much more fluid. And I mean, I think that's to your advantage.

Alison Monahan: Yeah.

Fairuz Abdullah: Because if you're someone who's really dedicated and really wants this, and you leave no stone unturned, I mean, the chances of you actually securing one are pretty good.

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Alison Monahan: Right. You were telling me earlier that it looks like applications are actually down.

Fairuz Abdullah: Yes. So, if you look at the Administrative Office of the Courts statistics from, if you compare 2014 2015, 2015 applicants are down. They don't really have the stats for 2016 yet because we're still in that year.

Alison Monahan: Yeah. I mean, so if somebody comes to you and they're like, you know, I'm doing well, but I'm not like the absolute top of my class. Like I really want to do this. Your advice is basically cast a broad net, like keep applying, you know.

Fairuz Abdullah: I always tell people, we're based here in San Francisco. Everybody wants to be in big cities.

If you're applying to like New York, LA, you know, San Francisco, Boston, you know, those are really high places where people want to be and they're gonna get the most applicants. So there's a couple different conversations I have with students. One is, you know, being geographically flexible. Two is thinking about state court clerkships and then applying to federal clerkship. So I always talk to students about clerkship stacking. Also thinking about applying to non traditional judges like magistrate judges.

Alison Monahan: Yeah, let's talk a little bit about that. So I mean people might be listening to this and they don't really have a whole lot of background like when we talk about clerkships.

I mean, what are we even talking about here?

Fairuz Abdullah: Well, yeah, that's kind of, you know, when you're thinking about where people tend to apply, you know, there's trial courts and appellate courts, and they're both at the state and federal.

Alison Monahan: Can I just go straight to the Supreme Court?

Fairuz Abdullah: Yeah, well, that's a whole other, a whole other podcast, a whole other conversation.

Alison Monahan: Yeah, I don't think I have any background on that. I was a trial court clerk for a federal district court, which is a fantastic experience. I really enjoyed it, but I definitely, although apparently my judge has become sort of a feeder type. He's had several people recently end up on the Supreme Court clerking, so.

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Fairuz Abdullah: That's kind of fantastic.

Alison Monahan: Yeah, if you really want to feel like an underachiever, you know, just find out your judge has, you know, his former clerks on the Supreme Court and you're not one of them and didn't even think about applying.

Fairuz Abdullah: Didn't even think about it. Yeah, well that's kind of a special place to be, I guess.

Alison Monahan: Yeah.

Fairuz Abdullah: Well, you know, the way that it works is federal courts are sort of the gold standard. That's what everybody wants. Right. And the trial courts are the district courts where, a lot of people sort of end up, there's 94 federal district courts people tend to really want the circuit courts, like, you know-

Alison Monahan: Yeah, it's funny, because I had no interest in doing that, really, and I think, you know, I had a lot of conversations with professors at my school that were like, oh, like, you know, you have a really good shot at this, you have to be applying to these, and I was just like, I actually don't want to do that, like, I would rather, I mean, I wanted to be a litigator, you know, a trial lawyer, and so for me, the thought of, like, sitting through appellate hearings and, like, writing the same cases that we have read in, you know, law school, I was like, oh, that sounds so boring. But I had to really fight people on that, like, they were not necessarily happy about the idea that, you know, I would not achieve my full potential because I was only doing trial court clerkship.

Fairuz Abdullah: Yeah. Well, the thing is now it's very difficult. For you to even get a circuit court clerkship outta school.

Alison Monahan: Yeah.

Fairuz Abdullah: Many courts want to see their district court clerkship or actually work experience if you're coming from a law firm or from an agency.

Alison Monahan: Yeah. Which makes sense.

Fairuz Abdullah: And then applying to that

Yeah, exactly. You've got more work experience, more maturity, you know, more experience.

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Alison Monahan: Yeah. And more and more I think it's almost an expectation. If you want an appellate courtship clerkship, you're gonna have to do a trial court.

Fairuz Abdullah: Yes, definitely. And in, in the trial court leveling a lot of fact finding. A lot of motion practice, discovery, dispute, settlement conferences, that type of thing.

At the appellate court, you're going to be doing a lot of researching law and facts in an appeal. You might help the judge actually draft the appeal.

Alison Monahan: Yeah, it's more like white shoe.

Fairuz Abdullah: Exactly.

Alison Monahan: It's more ivory tower.

Fairuz Abdullah: It's very ivory tower.

Alison Monahan: So for me, I wanted to be like in the trenches. And you know, I mean, I thought that's why I loved my clerkship.

It was so interesting. You know, we had like trials, we had hearings. It was like the stuff that, you know, you know, you've never even looked at before, like no one's ever given you like, you know, discovery disputes or anything. And that's like the stuff that you're doing, you know, it's like, this is what I will do every day.

Fairuz Abdullah: Exactly.

Alison Monahan: But I understand the appeal of like making new law and all that.

Fairuz Abdullah: Oh yeah, I mean your published opinions that the lower courts have to follow, it's pretty prestigious.

Alison Monahan: Yeah, it's very prestigious.

Fairuz Abdullah: But if that's something you want, there's no reason you can't, you know, stack a clerkship. You know, start at a district court, go to a court of appeals, or go into the workforce and then jump to the court of appeals, those are all different options available to you.

Alison Monahan: And so, I mean, do the state courts, do they have the same options, or is it...?

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Fairuz Abdullah: State courts are all over the map, so if you look at California where we are you've got the Superior Court, the Appellate Court, the Supreme Court. Our Appeals Court does not hire term clerks.

Alison Monahan: Right, they do like career clerks, right?

Fairuz Abdullah: Yes, they do staff attorneys that are there for, you know, they start and they usually stay there for a long time because they're really happy in their jobs.

Alison Monahan: Yeah, it's kind of a sweet job.

Fairuz Abdullah: Yeah, our Supreme Court does take on term clerks. They're not called that, they're called annuals.

Alison Monahan: Oh, interesting.

Fairuz Abdullah: They'll take them in their criminal and their civil division, but it's not an, you know, it's not a sure bet.

Alison Monahan: Right.

Fairuz Abdullah: It's, it's one of those things where it may open up, it may not.

Alison Monahan: Yeah.

Fairuz Abdullah: There are rumors in, in California that both the Supreme Court and the Court of Appeals are actually thinking about doing term clerks and moving to that model. But it's not, you know, publicly sort of

Alison Monahan: Yeah.

Fairuz Abdullah: You know, available information.

Alison Monahan: Yeah. People who like someone clerked on like the Supreme Court of Alaska, that was a popular option.

Fairuz Abdullah: Yes.

Alison Monahan: And I guess the takeaway message here is if you think you wanna do a state court, like you really need to investigate this, right?

Fairuz Abdullah: Yeah, there's lots of really great options. To be able to investigate it.

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I mean, you can look at the National Center for State Courts, which is fantastic. If your school applies to the Vermont Law School State Court Clerkship Guide, that's fantastic. It's a paid subscription by your school and you can basically look at a timeline.

Alison Monahan: Which your school should probably have.

Fairuz Abdullah: Yes, let's hope your school has that because it's not very-

Alison Monahan: If not, maybe send them this podcast and suggest that they get that.

Fairuz Abdullah: Exactly. That's a good option. And it's it's a great because it tells you not only, you know, the court address, but the timelines, and what things look like.

Now what I usually tell students is no matter what you see online, definitely check the court website because things are changing. A lot of state courts are noticing this trend in federal clerkships and students getting hired earlier so they're sort of jumping on the bandwagon and they're moving their timelines up earlier. So you have to be really cautious about what you see in writing and then actually going to the court website or even calling the court.

Call the HR department. Call the person who's in charge of attorney staff hiring.

Alison Monahan: Yeah, like get the information.

Fairuz Abdullah: Yeah, and just say, you know, I, you know, I'm interested in this opportunity. Can you, can you give me some information?

Alison Monahan: And most schools also have, like, clerkship offices that people should be talking to, right?

Fairuz Abdullah: Yes, definitely.

Talk to anyone in your career office who does clerkship counseling because we have all the most up to date information and we're here to help you and we want you to get clerkships.

Alison Monahan: Right, your incentive is to help people get what they want, which is great.

Fairuz Abdullah: Yeah, and analyze your options.

Alison Monahan: Yeah, this is a good example where your incentives and your school's incentives are exactly aligned.

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Unless they really want you to do an appellate clerkship.

Fairuz Abdullah: Yeah.

Alison Monahan: Yeah, and then there are other sort of federal, I mean, I mean, can you clerk for like a magistrate judge or like, things like that?

Fairuz Abdullah: Oh yeah, so, what the, people don't realize what a magistrate is, what I usually, the term I use with my students is they're the workhorse of the district court.

Alison Monahan: Yeah, they do like all the real work.

Fairuz Abdullah: Yeah. They're appointed for eight year terms by district court judges and they can hear anything except criminal trials. And so if you're, even if you're interested in criminal law, you're going to litigate all the way up to trial. It's a fantastic opportunity, especially if you're here in the Northern District, Southern District, Eastern District, they're very well respected.

Students have a fantastic experience with that.

Alison Monahan: Yeah, and I think, you know, my advice to people is always, well, think about what you want, you know? Like, if you want to get your hands dirty, like a magistrate could be, like, sure, it's not as prestigious as doing, like, a court of appeals, but if you want to be, like, that scrappy litigator who knows how things work, you know, maybe you're better off doing that for your long term career.

Fairuz Abdullah: And it's great, especially a lot of times students don't think about if they're public interest or government oriented. I I see enough of those students applying and I think that's a travesty.

Alison Monahan: Yeah.

Fairuz Abdullah: Because that's going to help you move through the process of getting and securing a long term government job but it's also gonna really prepare you for litigating.

Which is, you're gonna do a lot of that in those, in government and public interest.

Alison Monahan: Yeah. One thing people might not be aware of that probably negates the point you just made, is if you are gonna think you're gonna be working at a firm, they tend to give out very nice clerkship bonuses.

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Fairuz Abdullah: Ah, yes. The bonuses.

Alison Monahan: Last time I checked they were what, $50,000 or something on average?

Fairuz Abdullah: Well, I think they've gone up.

Alison Monahan: Have they gone up? Yeah, I haven't looked for a while. I heard that they were going up. So if you do think that big law is in your path, which let's face it, if you can get like a court of appeals clerkship, it probably could be if you wanna do that.

Fairuz Abdullah: Oh yeah.

Alison Monahan: So one of the things, one of the downsides for some people about clerking is obviously it doesn't pay as well as like a firm job but they do sort of make it up to you on the back end. You get a year of credit for your class and then you also get a nice bonus, essentially a hiring bonus when you start so you can take your trip to you know, wherever after your bar trip.

Fairuz Abdullah: Yeah, you know what, I also think that when it comes to federal salaries, they're probably a little bit better than people seem to think.

Alison Monahan: Yeah, tell us.

Fairuz Abdullah: Yeah, so I think when you start right out of school, your annual base salary right now is about $51,000, but it depends.

There's a cost of living adjustment, so if you're in the San Francisco Bay Area, it could be the range of $70,000 to $91,000,

Alison Monahan: Which is not really that bad.

Fairuz Abdullah: Yeah, and if you're L. A., Long Beach, it's $66,000 to $85,000,

Alison Monahan: Yeah, and the other thing is, you know, if you have work experience, even like a year of work experience, that can go up a lot.

So yes, there can be an advantage to sort of postponing your clerkship one year, getting some experience under your belt and then making a lot more money.

Fairuz Abdullah: Exactly. 'Cause the range then bumps up to $84,000 to anywhere from $84,000 to $103,000.

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Alison Monahan: Hello, sign me up. Like, can I go clerking again? That was fun. And then you get the bonus, I think, when you get back.

Fairuz Abdullah: Yeah, exactly.

Alison Monahan: It could actually work out financially not as badly of a decision, as well as, you know, the prestige for your career and, you know, your inherent love of serving the judiciary and learning something, but.

Fairuz Abdullah: Never met a clerk who didn't love what he did.

Alison Monahan: Oh, it was an amazing experience. I mean, occasionally you hear stories about, like, a terrible judge, but.

Fairuz Abdullah: That's far and few between.

Alison Monahan: Yeah, I would say on average, most people will say it's like probably the best, like. legal experience they've ever had, because it's amazing. I mean, you're there, you're like helping, you know, someone who's really competent, and like doing important stuff. And, you know, for me, like you really see, like what happens in the court, I mean, it's, it's the whole range of stuff.

You know, we had a criminal trial that was like marijuana. And then we had another thing where is like a sexual harassment retaliation case. And then you get sentencing for federal drug crimes. And you see these kids sitting in court getting like, you know, these huge mandatory minimum sentences and I think it really can change like the way you view things.

Fairuz Abdullah: Definitely. And it also makes sense to do a little investigation on the judge you're applying to.

Alison Monahan: Oh, absolutely.

Fairuz Abdullah: Yeah, there's lots of ways. I mean, Judgepedia, believe it or not, is a great little, it's the Wikipedia of judges.

Alison Monahan: Interesting.

Fairuz Abdullah: Leadership Library is a really great directory. We can do a little background.

Alison Monahan: We can put all these in the show notes. Yes. I mean, a lot of schools have them. I know like our law review, if you were on law review, they actually had sort of like

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a bank of materials on judges. I mean one thing if people do have interviews. They can actually reach out to people, right? Like, they can reach out to alums.

I've had people call me saying, I've interviewed with your judge. Do you have any tips? I did that and got some, like, great tips on what he was likely to ask.

Fairuz Abdullah: That is key. Students do not use that resource enough. Every school is very proud of their alumni clerks, and they have a list.

Alison Monahan: Yeah.

Fairuz Abdullah: Somewhere out there someone has it.

Alison Monahan: Like someone has it, right?

Fairuz Abdullah: Yes. And most schools, a lot of schools have judicial clerkship committees, and they're usually professors who really want you to get a clerkship. They're a great resource of information. Also, if people know your judges, professors know, you know, they have relationships with judges you're applying to, You know, the big thing now is judges want phone calls.

Alison Monahan: Right.

Fairuz Abdullah: They want to know, they're like, you know, you should hire my student for this reason.

Alison Monahan: Yeah. I think you I'm not saying like you need need that, but it certainly is not gonna hurt. I mean, even, or people that you work with over the summer, you know, just asking around like, do you have any friends who are judges?

I mean, I definitely got one interview was one I didn't work for based on that because a partner at the law firm liked me and he's like, oh my gosh Like yes, I'll call my friend and tell him that he should hire you.

Fairuz Abdullah: Yeah, the NALP conference had a whole panel discussion on Networking to you know, get a clerkship.

Alison Monahan: Yes. I mean, what are judges generally looking for here? I mean you've mentioned phone calls, grades,

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Fairuz Abdullah: Well, you know, once again, you can't really get into the head of a judge because it's all over the place with what their focus is. But they do want strong writers. They want people with excellent analytical skills.

They're looking for people who are going to be a good fit in their chambers. Chambers are small. You've got like two staff attorneys, a couple of externs.

Alison Monahan: It's a disaster if people don't work out.

Fairuz Abdullah: So it's kind of nice to know, like maybe they're gonna be looking for people who have things that are in, they have in common.

So your resume-

Alison Monahan: And the judge hired me because I had gone to architecture school.

Fairuz Abdullah: Mm.

Alison Monahan: And he just has like a real interest in architecture. His former clerks laughed when I met them. They said, oh, we knew immediately when he, we saw your resume, that if you would take the job, he was gonna hire you.

'Cause he wanted somebody to talk to him about architecture.

Fairuz Abdullah: Exactly.

Alison Monahan: Like you could not have predicted that.

Fairuz Abdullah: Exactly. I had a student who got an interview with a judge because he taught little kids how to play soccer. He was like a little, a soccer coach for young kids, and so was the judge. And he told them in the interview, I don't think I would have called you had you not done this.

Alison Monahan: Yeah, that's actually an interesting point. I mean, I know one thing that I've always encouraged people to do is kind of, put some stuff on their that kind of humanizes them.

Fairuz Abdullah: Yes, sure.

Alison Monahan: And I think sometimes people think, like oh this is so prestigious, it's very professional, I should just, you know, focus on my grades, and I'm just like-

Fairuz Abdullah: You should have an interest section.

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Alison Monahan: Yeah, like everybody is going to have good grades if they are applying to this, that's not going to differentiate you. You need something that somebody can be like, oh that looks interesting, I'd like to talk to that person. Because I think they are looking for someone who is going to be, you know a hard worker, but also a good fit, like easy to get along with, you know.

Fairuz Abdullah: And some insight into your personality. I mean, once again, it's a small place. They want to kind of know who they're hiring.

Alison Monahan: Yeah, why wouldn't you?

Fairuz Abdullah: And judges are sort of switching to behavioral interviewing questions now, too. They're moving a little bit away from the traditional questions to kind of get a sense of how you work under pressure or you know, how you get along with your staff.

Alison Monahan: Luckily, I had a tip off from someone who was like basically like I probably shouldn't tell you this, but since you took the initiative to call me, I'll pretty much tell you what he's gonna ask you. And it was one of those, like, to put you under pressure questions. I was like, well, I got this one. I know what's coming.

But if you don't know that, you know, well. And I think too, I mean, you know, it's one of those situations where, you know, If you have an interview, like, you absolutely need to be, like, very polite to everyone you meet, like, this is not a time to be rude to the secretary, things like that. Like, everybody gets input in chambers.

Fairuz Abdullah: Yeah, a couple of things that are also really important are your writing sample. So, a lot of, now students are applying earlier and earlier, and so they're using writing samples that they're writing in the very early part of their career, and you're going to be, you know, updating and changing things. So you want to make sure you have the strongest sample of writing possible.

You want strong letters of recommendation.

Alison Monahan: Yeah, so how can people go about building, like, these relationships with professors, particularly if they're going to be applying just after one year?

Fairuz Abdullah: You've got to go to their office hours. You've got to go to their office hours, equip, you know, bring a resume.

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Bring your story. Why are you in law school? What's interesting about you? You have to kind of be your own marketer to the professor and you need to continue on in this relationship. You need to keep them informed of where you're applying. You need to let them know when you have an interview. And just continue with this relationship.

It's very important. You should probably also have one outside recommender, someone who's a non professor who knows your work. You may have had a totally different career before law school. It's perfectly fine if you were a preschool teacher to have the principal write a letter of recommendation because it says what are you like as a worker day in day out, nine to five.

Alison Monahan: Yeah, absolutely. And I mean, I think about my letters of recommendation and it was really all from stuff that I did my 2L year. So I think that does, you know, I think it just makes it harder for 1Ls particularly to stand out and, you know, it might be one of those situations where if you apply or you don't, you know, say you decide not to apply initially or you apply and you don't really get a lot of interest, it's not like you should just give up, you know, you can develop better relationships basically through taking an extra class with someone, writing a paper with someone, like doing a clinic, being a TA or research assistant.

I mean, I'm thinking if I'm a judge, you know, A letter from someone who's like, this person has been working for me for the last six months, four months, a year. They're an excellent research assistant. I would highly recommend them to anyone. It's really gonna carry a lot of weight.

Fairuz Abdullah: Oh, definitely.

Alison Monahan: So I think it's, you know, the message is probably don't give up if you don't, if you don't like get, you know, picked right out of the box.

It doesn't mean your clerkship dreams are over, right?

Fairuz Abdullah: Yeah, and that's definitely was the theme of the conference, like, don't give up, just keep trying.

Alison Monahan: Yeah, I mean, it's one of those things you've got to be kind of dedicated to, but I think if you are, potentially, you know, people could even be in a better position than just, like, the craziness of that one, like, day or weekend and getting all these calls and, like, trying to schedule everything at once, which is nuts.

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Fairuz Abdullah: People think it's, I think they're a little bit scared because they know it's so much work to put an application together, but if you're, you know, in school, you have people to help you once you get it down. Then it's just, you know, a matter of getting it out.

Alison Monahan: Yeah, and there is like this OSCAR system, right?

And a lot of, so what is that?

Fairuz Abdullah: It's the online system of application overview. It's only for federal clerkships.

Alison Monahan: Mm hmm,

Fairuz Abdullah: And I would say Two thirds of judges are on it.

Alison Monahan: Okay, so not all of them.

Fairuz Abdullah: Not all of them are on it. It's a great way, you can apply to a hundred judges at a time, that's a great way to apply.

Or just apply to all of them, like all over the country. I usually tell students not to, you know, put all their eggs in one basket. A lot of judges now, you know, Yeah, they can use specific drop down menus in OSCAR to select by school, by class rank. So if they just want to look at Harvard, and they don't want to look at your school, there's a way for them to only see what they want to see.

Alison Monahan: Which is probably fine if they're not going to hire you anyway.

Fairuz Abdullah: Yeah, exactly.

Alison Monahan: Save everybody the time, I guess.

Fairuz Abdullah: So, I usually tell students to be strategic and mail some of your applications. So, look, if you look on OSCAR it will tell you if the judge says, if the judge says no mail the applications,

Alison Monahan: Right, don't mail them.

Fairuz Abdullah: Don't mail it. But if they're agnostic about it, and they, or they give you an option to mail it, I would say, you know, 25 to 30 of your top judges, send them your application.

Alison Monahan: Yeah, I mean, they're likely to at least look at it, or someone will look at it.

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Fairuz Abdullah: Well, someone will look at it. That's the key.

Alison Monahan: Someone will look at it. Yeah, I mean, judges, I think, vary wildly in how they hire. I mean, some of them outsource it completely to, like, their clerks and secretaries. Some of them, like, you know, do it all themselves. You just never know. That's one of the many things with judges. Just never know.

Fairuz Abdullah: You just never know. Right.

Alison Monahan: They're appointed for life. They can pretty much do whatever they want.

Fairuz Abdullah: Yeah.

Alison Monahan: But, I mean, I think they're all looking for someone who's going to be, like, helpful and easy to work with and dedicated.

I mean, some of them are working, looking for people to work, like, you know, 40 hours a day. But if, you know, if that is what you want, great.

If not, you should know, you know, ask around if you have an interview coming up about what you might be getting into. What about these, what if you want to do a judicial externship during school or during the summer? Does that make any difference here?

Fairuz Abdullah: I think it does. And I think it depends also if your school isn't as highly ranked, maybe your grades aren't that well, an externship is really going to kind of put you out and get you noticed.

Alison Monahan: Yeah, so an externship basically is when you work for a judge either during the semester or during the summer, right?

Fairuz Abdullah: For credit or no credit.

Alison Monahan: Yeah.

Fairuz Abdullah: Mm hmm.

Alison Monahan: So you would actually be kind of like a mini clerk almost.

Fairuz Abdullah: You're getting exposed to it. You're doing substantive work. It's pretty great.

Alison Monahan: Yeah, and then I mean that potentially that judge may or may not be a recommender for you.

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They can, you know, some of them will hire their own externs. Some of them won't. Again, like-

Fairuz Abdullah: It's very rare that they will hire their own externs. It's very rare that they'll write letters.

Alison Monahan: Yeah.

Fairuz Abdullah: But Sometimes the staff attorneys or the clerks are people you get exposed to and they will many times write letters.

Alison Monahan: Yeah, I don't think it's also, you know, maybe the judge isn't gonna pick up a phone, but he might sort of, like, you know, nudge his colleague and be like, oh, yeah, we're gonna really-

Fairuz Abdullah: Exactly, exactly. Or sometimes, you know, they'll get a call from Chambers.

Alison Monahan: Well, I would hope that they would get a call.

Fairuz Abdullah: They would say, what's this person like?

Alison Monahan: I mean, if I'm thinking I'm hiring and someone's worked for a different judge, I'm probably gonna make sure I talk to that person. So even if they're not necessarily immediately reaching out on your behalf, they might be behind the scenes working, you know, which is why you need to do a great job as an extern.

Yeah, I mean, I know I had one friend who got hired that way. Then like my judge had an explicit policy that he would never hire his externs because he's like it's pointless. You've already worked with me.

Fairuz Abdullah: Yeah.

Alison Monahan: You know like I'll help you get something else, but you know I'm not gonna hire you again because that takes a slot away from someone else and these are really limited and just not, it doesn't make any sense.

Fairuz Abdullah: Exactly. Yeah, that's definitely in the thought process.

Alison Monahan: Yeah, so you know it again like judges can do whatever they want. And, you know, if you have friends who have clerked, you may as well talk to them. Like, do you, you know, do you like your judge? That sort of thing. I mean, you know, a lot of the stuff goes on behind the scenes.

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I definitely have made or not made, you know, referrals for people or have been consulted on, you know, do I like or not like this person as a potential employee and have given honest opinions on both sides of that.

Fairuz Abdullah: Yeah, and usually sometimes they'll be someone at your school who's like the director of externships.

Alison Monahan: Mm hmm.

Fairuz Abdullah: And they place a lot of students in externships for credit and they have a lot of intel on judges.

Alison Monahan: Yeah.

Fairuz Abdullah: So you might want to check with-

Alison Monahan: And I think it's also one of those things that people just like to do. I mean anyone, you know, any of our like tutoring students who we've had to get externships.

They're like, oh, this is the greatest experience ever. It's so interesting. Like I really love it. So I think it's something particularly if you're interested in clerking or maybe you're not even interested in clerking, but you want to have like a little bit of that experience. I think it can be like a really great way to sort of dip your toe in the pool.

Fairuz Abdullah: Yeah.

Alison Monahan: So one question I forgot to ask earlier, are these U. S. clerkships only for U. S. citizens, residents, or I mean is it possible that if I'm a student from another country, because I think my judge hired a Canadian.

Fairuz Abdullah: Yes, you have to have legal status to work in the U. S.

Alison Monahan: All right, so basically if that's something you're interested in, you should probably look into it, because I think it's an area that's kind of in flux, but it might be possible.

If not, you might have to go back to your home country. Well, let me ask you one last thing. So if somebody's listening to this, and they really want a clerk. What's your best advice on making that happen?

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Fairuz Abdullah: Slow and steady wins the race.

Alison Monahan: Okay, so just keep applying, keep plugging away at it, keep it open as an option, like, keep improving.

Fairuz Abdullah: You know, be geographically flexible, develop good relationships with professors. Strong letters of recommendation are key.

Alison Monahan: Yeah, so you can develop those relationships. It doesn't, I guess it doesn't sound like everything has to happen based on just like your first two semesters of grades.

Fairuz Abdullah: No, no. And tap into the alumni network.

It's huge. It's meaningful.

Alison Monahan: And yeah, because more and more alumni are applying for clerkships, right?

Fairuz Abdullah: There's 43% of, you know, applicants out there right now, at least in 2015, were alums.

Alison Monahan: Wow, so yeah, I mean basically even after you graduate from law school, maybe you work at a firm for a little while, you decide it's not the path for you, that's a popular transition out option as you apply for a clerkship and then leave it a little vague about whether you're going to come back and then move on to the rest of your life.

Fairuz Abdullah: Exactly. I counsel alums all the time. They're calling me up and saying, you know, I want to make a switch or I want to try this.

Alison Monahan: Yeah, so, you know, it's not like when you graduate you lose all access to the resources of your school either, which I think people could remember.

Fairuz Abdullah: Yeah, and definitely get on OSCAR.

Like, someone like myself who's you know, a clerkship opportunity comes up for me, I contact my students who are on OSCAR, my grads who are on OSCAR.

Alison Monahan: Oh, that's awesome.

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Fairuz Abdullah: And send them those opportunities. So, you want to, you know, You know, that's a really great way for people at the law school to know you're still actively looking.

Alison Monahan: Yeah, exactly. The other thing you can also do sometimes is like new judges are always going to be looking to hire. So like keep an eye out for when, you know, this will finally get appointed.

Fairuz Abdullah: JudicialNominations.org.

Alison Monahan: Yeah.

Fairuz Abdullah: You know, the minute someone gets appointed,

Alison Monahan: They're gonna need clerks.

Fairuz Abdullah: Yeah, they're gonna need clerks.

They don't even know they need clerks, but you're gonna be there to tell them they need a clerk.

Alison Monahan: Yeah, so I think a lot of this is just like paying attention, like being on the ball, and if it's something you are really dedicated to, you probably have a pretty decent shot at it if you keep plugging away.

Alright, well, with that, we are out of time. Thank you so much, Fairuz, for your time. Thank you for having me. Our pleasure. People can definitely write in questions. We'll pass them your way. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on iTunes because we'd really appreciate it.

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