

### **III. The Application Process**

#### ***A. What Comprises the Application?***

Although specific judges may require a variation of these materials, a complete clerkship application is generally comprised of: (1) a resume; (2) a cover letter; (3) a writing sample; (4) two or three letters of recommendation; and (5) a transcript. If you are applying to a federal judge with an active posting on OSCAR, please check that judge's posting details to determine which materials are required.

#### **1. Determining Application Requirements of Specific Federal Judges: Online System for Clerkship Application and Review (OSCAR)**

OSCAR lists all federal judges (except for judges in the United States Supreme Court, United States Tax Court, and United States Court of Appeals for the Armed Services) by court and name.

**Register in OSCAR:** Registration in OSCAR is strongly encouraged for any applicants seeking federal clerkship opportunities, and is required if the judge to whom the applicant is applying only accepts applications submitted online through OSCAR. For a full explanation of OSCAR and the OSCAR registration and application process as well as detailed information on navigating OSCAR, please see [Appendix J](#).

#### ***Q: Do All Judges Use OSCAR to Communicate Hiring?***

**No, each federal judge retains the freedom to decide whether or not to register chambers and/or clerkship hiring information on OSCAR.**

**Judges NOT Registered in OSCAR:** Judges NOT registered in OSCAR appear “grayed out” on the OSCAR interface.

**Appendix E:** Students and alumni should still consider applying to these judges via hardcopy with the standard application materials noted above. However, before doing so you should check [Appendix E](#) to this Handbook, which includes a list of judges that Fordham Law School has learned are not hiring at this time. **Do not apply to any judge listed in [Appendix E](#).**

- **Judges Registered in OSCAR:** Applicants interested in applying to judges who are registered in OSCAR should check the judges' profile for information about openings, requested application materials, and application procedures.
  - **Active postings** include the duration of the clerkship term, the start date of the clerkship, all of the required application materials, the time frame during which the judge is accepting applications, and whether or not the judge requires applicants to apply online (electronically via OSCAR) or by hardcopy mailing. Applicants must follow the posting instructions carefully, submitting each of the particular judge's required documents in accordance with the preferred method of application (online vs. hardcopy).

If a judge indicates that two letters of recommendation are required, submit only two, and not three, letters of recommendation.

- **Continuous OSCAR updates:** As judges can enter hiring information on a rolling basis, applicants are strongly encouraged to check OSCAR regularly and set email alerts through your profile section in OSCAR.
- **OSCAR Limitation on Number of Applications:** OSCAR Version 7.0 introduced a 100-application limit per applicant for clerkship applications. There is not a limit on the number of applications for staff attorney positions and pro se, death penalty and bankruptcy appellate panel law clerk positions. This 100-application limit is on a rolling basis; so that if a position expires, is marked filled or ones from which the applicant withdraws those slots will be reclaimed.
- **Sign Up for Daily or Weekly Email Alerts:** Those with an OSCAR account can sign up for daily or weekly email alerts through OSCAR. OSCAR will send you an email each day or week, depending on which option you select, with a list of judges who have added new postings. You are strongly encouraged to sign up for these alerts, and to be very broad in the type of notification you sign up for, (i.e. types of court and location), so that upon receiving the email alerts you can quickly review the full range of federal clerkship opportunities that are available. After receiving the email, you can go into OSCAR to review the details of the positions you are interested in, as well as the requested application materials and application procedures.

## 2. Clerkship Application Materials

### a) **RESUME:**

The resume that you submit as part of your clerkship application should be similar in most respects to the resume you have used to apply for other legal positions. Some minor changes may be appropriate:

- **Conciseness:** Try to eliminate needless verbosity. Your resume should be relatively lean as judges tend to know what summer associates and judicial interns do in their respective positions.
- **Show Personality:** The clerkship resume should provide judges with a sense of who you are, not just what you have done. Applicants are encouraged to include hobbies, interests, and interesting life experiences on their resumes. Personality and shared interests with a judge can be important factors in the selection process.
- **Journal Membership:** Law school journal membership, specifically an editorial position, serves as one of the most important factors in getting through initial screening interviews. Make sure to highlight such affiliations on your resume as well as in your cover letter.

- **Publications:** List articles in print as well as those that have been accepted for publication. List articles that are in progress and indicate the article's status in parentheses. Offer to send the judge copies of your written work.
- **Language Skills:** Fluency in foreign languages is becoming an increasingly valued credential. Specifically, fluency in Spanish is helpful for law clerks in jurisdictions with significant Latino-American populations. (e.g., Florida, Texas, California, the Southwest). Similarly, fluency in French is helpful in Louisiana.
- **Legal Research Assistant:** If you have worked for a professor, this should be highlighted, and the subject matter on which you worked should be described.
- **Judicial Internships/Externships:** These experiences should be highlighted, and your work for the judge should be described.
- **Create Geographic Ties:** If you have a different permanent address than your current mailing address which conveys ties to a location in which you are submitting clerkship applications, you should include both addresses on your resume.
- **PROOFREAD!** Carefully proofread everything you submit to a judge. You should consider having someone else review your materials as well. Typographical and grammatical errors can land you in the reject pile regardless of your qualifications.

b) **COVER LETTER:**

As a general rule, cover letters accompanying resumes in your initial application to judges should be **brief and formal**, serving only to call attention to the most salient features of your application and the most impressive of your credentials.

- **Salutation:** For the address on the envelope and the inside address on the cover letter, the judge's full name should be preceded by "The Honorable" (i.e., "The Honorable Denny Chin".) The letter should then begin with "Dear Judge Chin" or where appropriate, "Dear Justice Smith" or "Dear Chief Justice Smith." Some judges may have longer official titles such as "Magistrate Judge." You should address these judges as "Judge Smith" rather than "Magistrate Judge Smith." For specific information on the correct form of a salutation, see Appendix C of this Guide, which is excerpted from Debra M. Strauss, *Behind the Bench*, pages 264-265. A copy of Appendix C indicating the proper forms of salutation can also be found in the Post Graduate Judicial Clerkships section of the CPC website under both "Federal Court Clerkship Resources" and "State Court Clerkship Resources."
- **No Letterhead:** Never use letterhead of any kind in your cover letter. You are applying for a clerkship as an individual student or alumnus, and most judges will find a letterhead inappropriate and pretentious. Your goal is to be respectful and deferential.

- **Length and Content:** Your cover letter should be three or four paragraphs and should never exceed one page.
  - Opening Paragraph: First, state who you are and when you will be available for a clerkship.
    - Example: “I am respectfully applying for a clerkship with you for the 20XX-20XX court term following my graduation from the Fordham University School of Law in May 20XX.”
    - If someone very well known or respected, and/or someone the judge might know personally is among your references, you should also mention that in your cover letter. Example: “XXXX suggested that I contact you regarding potential clerkship opportunities in your Chambers for the 20XX-20XX court term”
  - The Body of Your Letter: The second paragraph should briefly highlight your most outstanding credentials.
    - Example: “My grades place me approximately in the top 25% of my class. I am a Notes and Articles Editor of the *Fordham International Law Journal* and I recently wrote a Note on the Warsaw Convention scheduled for publication this fall. I spent last summer as a summer associate at Doe and Schmoie LLP.”
    - Be careful not to “puff” your credentials, especially not in a way that patronizes the judge.
      - Do not write: “I think that I am highly qualified to serve as your clerk because....” Judges are quite capable of making their own assessments.
    - Either in addition in your second paragraph or in a possible third paragraph, consider including facts that might help a judge understand why you are applying for a clerkship in a given geographic location OTHER THAN NEW YORK. It will usually help if an applicant has some connection with the state or region of the court to which he or she is applying. However, in emphasizing your “local connections,” be careful not to suggest that you are choosing the locale rather than the judge!
      - Example: “I would be honored to clerk for you. I would also welcome a return to North Carolina, where I enjoyed my undergraduate years at UNC and where some of my closest friends still reside.”
    - In this paragraph, you should also mention your fluency in any foreign language that might be particularly helpful given the demographics of the jurisdiction.
    - If you are applying to a specialized court, you should include a sentence or two emphasizing your experience relevant to that specialized field.
    - Note: Applicants to federal judges in coastal cities, particularly those in the South--i.e. the Fifth and Eleventh Circuits--should

remember to stress an interest/expertise in Admiralty Law if they have one. Similarly, applicants to the Delaware District Court should emphasize an experience in patent law, if they have one.

- Last Paragraph: In your last paragraph, you should (1) mention the supporting materials you have enclosed with the application; (2) express interest in meeting with the judge; and (3) express gratitude for his/her consideration.
  - Example: “I would be grateful for the opportunity to meet with you at your convenience.”
  - When applying to judges at a geographical distance, it would help to add an expression of willingness to travel for this purpose. Applicants may suggest when it would be convenient to make such a trip, while remaining deferential.
    - Example: “I would be grateful for the opportunity to meet with you and would be happy to come to Denver at your convenience.”
    - Example: “I would be grateful for the opportunity to interview with you. I will be visiting your city from September 17th through the 20th, but would be available to meet at any time that is convenient for you.”
  - Do not be so presumptuous as to suggest that the judge owes you the courtesy of a reply.
    - **Not**: “I look forward to hearing from you.”
  - Instead, end your letter on a more respectful note.
    - Example: “Thank you for your kind consideration of my application.”
- Closing: While your choice of a closing is optional, we suggest that you err on the side of politeness.
  - “Respectfully,”
  - “Very truly yours,”

- **PERSONALIZE COVER LETTERS WHENEVER POSSIBLE**: All applicants should prepare one general cover letter for limited “mass mailing” purposes. In addition, applicants should also consider customizing applications to optimize their impact on a specific judge or court. Judges would likely prefer to be addressed personally rather than feel as though they are part of your mass mailing. Some judges in the Southern District of New York have complained about the “standardized” sound of cover letters.

**REMEMBER THAT YOUR COVER LETTER MUST BE LETTER-PERFECT, BOTH IN TERMS OF SPELLING AND GRAMMAR!!!**

c) **WRITING SAMPLE:**

Your writing sample should be your BEST piece of legal writing. Not your most scholarly piece of writing, not the most complex legal issue you ever tackled, and not anything too theoretical. Just your best piece of legal writing. It should ideally be 10-15 pages in length.

- **Length:** If you choose to use your student note or a part of a brief, consider using a truncated version. Remember, all clerkship applications are typically received by chambers during a two week window—writing samples that are too long run the risk of not being read.
- **Published Notes:** Some judges have expressed suspicions that published student notes are too highly edited by third parties to be demonstrative of an applicant’s writing ability. If you choose to submit a published student note, supplement it with another unedited, or only slightly edited, writing sample more indicative of your writing abilities, or submit a pre-edited version of your note and label it as such.
- **Drafts of Articles:** Students listing journal articles “in progress” on their resumes are not advised to submit current drafts, but you can submit a pre-edited version of your note and label it as such.
- **Obtaining Permission:** If you plan to use something from an internship or summer associate experience, you should contact your employer for permission and inquire as to whether or not you may use it, and if so, whether or not you need to redact it. Consider including in your cover page an explanation that, with permission from your former employer, you redacted the memorandum in order to preserve client confidentiality.
- **Cover Sheet:** You should provide a cover sheet with a brief explanation of the context of the writing sample. See Appendix G – Sample Cover Letters for Writing Samples, for sample cover sheets.
  - Examples:
    - “The attached writing sample was submitted as a final paper for the Corporate Securities Arbitration course taught by Professor John Doe at Fordham University School of Law. The attached version is the original, unedited paper and is being submitted with the permission of Professor Doe.”
    - “The attached writing sample is a portion of a brief I worked on this past summer as a summer associate at Doe and Schmoe, P.C. The attached version is a second draft, which was slightly edited and ultimately used in its entirety in a brief submitted to the Eastern District of New York. It has been redacted, where appropriate, and is being submitted with the permission of the firm.”

**d) LETTERS OF RECOMMENDATION:**

In general, applicants should include two to three letters of recommendation with their clerkship applications.

- (i) **For federal judges:** If a judge posts a position in OSCAR, provide only the number of letters of recommendation they request. If a judge does not post a position in OSCAR, applicants may include two or three letters of recommendation in their applications.
  - (ii) **For state judges:** Please see the *CPC Guide to State Court Clerkships in the Tri-State Area* and the “State Court Clerkship Opportunities” link on the Post Graduate Judicial Clerkship page of the CPC website for more details.
- **Critical Component:** In many ways, your letters of recommendation are the most important part of your clerkship application package. While your resume and transcript speak to how intelligent you are and how well you did in your law school classes, the letters of recommendation speak to who you are, and why a judge should want you in his or her chambers. Simply stated, the letters of recommendation must go to both your professional and personal qualifications and they must be emphatic enough to make your application stand out from among thousands of other applications.
  - **How to Ask a Recommender:** When asking a faculty member or other potential recommender for a letter of recommendation, the CPC and Faculty Clerkship Committee suggest that you ask: **“Do you think that you could write me a *strong* letter of recommendation?”**
  - **Who Should be Your Recommenders?** Ideally, two of your recommendations will be from FLS faculty members who are familiar with both you and your written work. Applicants traditionally ask professors for whom they wrote a paper, or served as a research assistant, or someone who advised them on a journal note. If you cannot think of a professor who knows you well enough, then get to know them. For example, you can offer to do research for a professor. It is critical to make contact with professors. Generally speaking, letters from adjunct professors are fine. If in doubt as to which of two faculty members to ask, try both.
  - **When Should You Ask Your Recommenders to Write a Letter For You?** As judges wish to receive all of the pieces of the application together in one packet, make sure to ask potential recommenders to write letters of recommendation on your behalf as early as possible. Your application will NOT be deemed complete until all materials are received by a judge.
  - **Former Employers:** If you plan to use a former employer (summer employment or otherwise), this should be considered your third letter; you

should still have two letters from faculty members. Applicants should select employers for whom they have done legal work, ideally research and drafting.

- **Judges:** If you worked as a judicial intern/extern and have maintained contact with your judge, you may ask him or her to serve as a reference, but please keep in mind that the majority of judges have a policy against writing letters of recommendation for their former interns, preferring instead that you use them as a reference (e.g., in your cover letter, where you state that the application includes your resume, references, etc., you would then state: “Additionally, Judge Doe has agreed to serve as a reference for me. He/She can be reached at 212-555-5555.”).

*\*\* See See Judicial Clerkship Handbook, General Guidelines: Strategic Considerations, Application Materials, the Interview Process, § III.C. FLS Clerkship Program, (Step 4: Process to Obtain Letters of Recommendation.)*

e) **TRANSCRIPTS:**

Current student applicants should include a current law school transcript with their application. Law school graduates should include their final FLS transcript with their application materials. (See Appendix J, CPC’s OSCAR FAQs, for information on how to prepare transcripts for OSCAR participating judges.)

Unless otherwise indicated in a job posting, an unofficial transcript will suffice. Please be advised, however, that an official transcript may be requested at the time of a scheduled interview or further along in the application process. Note that some judges may require your college and, if applicable, other graduate school, transcripts as well.

**B. Credentials**

Many prospective applicants believe that judicial clerkships are strictly an elitist affair reserved for the highest-ranked students or graduates in law school (e.g., the editors of the Law Review). While the most competitive clerkships do generally go to highly-ranked students or graduates, there are judicial clerkship opportunities for almost anyone who is interested.

In determining where to apply, applicants should be as realistic as possible. The credentials needed for a state trial court clerkship are different from those required for a clerkship with a Second Circuit judge. On the other hand, a state trial court clerkship would not be recommended for every applicant's career.

- **FLS Clerkship Program:** For personalized guidance in developing an application strategy, schedule an appointment with Professor Capra and/or Saiger (for federal clerkships), or Professor Conk (for state court clerkships). See FLS Clerkship Program, Step 1.



- **Competitiveness:** The competitiveness of a clerkship generally depends on three factors: (i) the prestige of the court; (ii) the prestige of the individual judge; and (iii) the geographic location of the court. The most highly competitive clerkships typically sought by FLS applicants are those on the federal courts of appeal (especially competitive in the Second Circuit); the federal district courts for the Southern and Eastern Districts of New York, as well as other popular cities such as San Francisco and Washington, D.C.; and on the highest level state courts in New York, New Jersey, and Connecticut.

Over the last decade, FLS applicants have secured exciting federal and state clerkships across the country. Judges throughout the nation are willing to interview a broad range of our students and alumni, and once an applicant gets his/her foot in the door, personality can become as important a factor as academic credentials. Securing a clerkship is thus an aggregate product of academic credentials, personality, maturity, enthusiasm, patience, aggressiveness, and commitment to the application process.

- **Skills Judges Value:** Judges are especially interested in candidates with research, writing, and editing experience. Thus, journal membership is encouraged. Serving as a research assistant or working as a judicial intern/extern are also good ways to display these skills. Applicants might consider participating in upper-class moot court competitions that likewise reflect research and writing skills.
- **Specialized Courts:** Applicants interested in clerking for a specialized court or a court that has a docket heavy in a particular area of law should consider taking relevant classes to demonstrate their interest. Tax Court Judges, for example, are more likely to hire applicants with tax courses on their transcripts or tax experience on their resumes than applicants whose records fail to reflect a genuine interest in the subject matter.
- **Utilizing Personal Contacts:** Some applicants have personal contacts with sitting judges. Because judges have considerable discretion in choosing their law clerks, clerkships are sometimes awarded on a “who you know” basis. There is nothing at all wrong with taking advantage of personal contacts to secure a clerkship.

### *C. Fordham Law School Clerkship Program*

The FLS Clerkship Program is designed to provide unique assistance to FLS Clerkship Applicants, from strategy meetings, to processing letters of recommendation to supporting your clerkship candidacy.

All FLS Clerkship Applicants are asked to register in the FLS Clerkship Database to join the FLS Clerkship Program, so we can know which students are intending to pursue clerkships at this time.

**Q: What Are the Benefits of Joining the FLS Clerkship Program as a Registered Applicant?**

- (i) the opportunity to meet with Professor Capra and/or Professor Saiger (the Faculty Clerkship Committee Co-Chairs), Professor Landau, and/or Professor George Conk (State Court Chair of the Faculty Clerkship Committee) who will provide advice and guidance to Registered Applicants on application strategy (See FLS Clerkship Program, Step 1);
- (ii) access to a clerkship email group where you will receive emails regarding clerkships, updates on OSCAR and other related materials;
- (iii) supportive assistance from Dean Diller, Professor Capra, Professor Saiger, Professor Landau, and/or Professor Conk, who may contact judges in support of applications (See FLS Clerkship Program, Step 5); and
- (iv) Registered Applicants who are current FLS students will also be eligible for travel reimbursement under the FLS Travel Reimbursement Program (See FLS Clerkship Program, Step 7).

**Q: Where Can You Access the FLS Clerkship Program and the FLS Clerkship Database?**

**Current Students:**

*Program* - See FLS website, <http://law.fordham.edu/>, Career Planning, Current Students, JD, Post Graduate Judicial Clerkships page, heading FLS Clerkship Program, Steps 1 – 8.

*Database* - See FLS website, <http://law.fordham.edu/>, Career Planning, Current Students, JD, Post Graduate Judicial Clerkships page, heading FLS Clerkship Database: [FLS Clerkship Database](#).

**Alumni:**

*Program* - See FLS website, <http://law.fordham.edu/>, Career Planning, Alumni, JD, CPC Judicial Clerkships, Post Graduate Judicial Clerkships page, heading FLS Clerkship Program, Steps 1 – 8.

*Database* - See FLS website, <http://law.fordham.edu/>, Career Planning, Alumni, JD, CPC Judicial Clerkships, Post Graduate Judicial Clerkships page, heading FLS Clerkship Database: [FLS Clerkship Database](#).