

Is a Judicial Clerkship in Your Future?

By John A. Fischer

As a litigator who has had the privilege of working as a judicial clerk for a state court of appeals, I highly recommend clerkships. Before making such a career switch, however, you should consider both the advantages and drawbacks when deciding if a clerkship is right for you.

A judicial clerkship provides many advantages, including opportunities to:

- *Get a peek at “life on the inside.”* A judicial clerk can see firsthand how a judge approaches a case, considers briefs of the parties, researches issues, and drafts opinions. A clerkship provides a view into the life of a lawsuit from the court’s perspective. Such inside knowledge is a valuable asset that builds any résumé.
- *Improve your legal skills.* A judicial clerkship lets you see what arguments and writing styles work and why and what judges like and dislike. Getting a fresh perspective on legal research and writing is a benefit to any attorney at any stage of legal practice.
- *See the good, the bad, and the ugly.* Judicial clerks watch real-world lawyers in action and see some great litigators, some fair ones, and some who are unprepared. This provides a great chance to learn what works in a court, including before a jury, and what does not.

Of course, clerkships are not for everyone. Before seeking such a position with a court, consider some of the drawbacks.

- *Low pay.* Neither state nor federal clerkships are the highest-paying jobs. Federal clerkships usually pay better than state clerkships. Yet there are benefits to consider, such as health insurance and retirement plans. Always consider your financial situation before committing.
- *Not always permanent.* Some judicial clerkships are career positions, while others are one- to four-year terms. Before applying for clerkships, decide whether you wish to make the transition to the courthouse permanent or whether you plan to rejoin the private sector after the clerkship. At the end of a term position, you will have to find other employment. This may not be feasible for some; but for others, a term judicial clerkship can provide some professional “breathing room” as you prepare for your next venture in life and the legal profession.
- *Not every attorney wants to litigate.* Consider clerking if you have a love of litigation but not necessarily the pace of private practice. If you are more comfortable with transactional work (e.g., negotiating contracts or assisting with corporate mergers), then you may not be interested in seeing how litigators live their lives.
- *Can be difficult to find.* The ease with which one obtains a clerkship varies by applicant. Most judges seek clerks with outstanding academic credentials, including law review or moot court experience. However, a licensed attorney with some practical experience can be a valuable asset to a judge. If you have been in practice for two or more years, your law school record will be of less importance. Some of the most attractive applicants are flexible, open to all positions (like state trial courts), and willing to travel (especially out of state).

Although the typical judicial clerkship begins just after law school, you are never too old for a clerkship. Many judges appreciate the experience that a seasoned attorney brings to the job. In fact, a private-practice attorney may have enough savings to be able to accept a lower-paying position and likely will appreciate a slower-paced legal career with a more reliable schedule. Clerkships typically entail regular hours and little to no work on weekends. As a result, clerkships are often ideal for working parents with young children, individuals caring for aging or sick parents, or someone seeking that ever-elusive work-life balance.

A clerkship can enhance the skill set of any attorney. Consider taking the step into this rewarding and valuable experience.

John Fischer is an attorney in private practice in Dayton, Ohio. He can be contacted at jfischeresq@gmail.com.