

FEDERAL JUDGES LAW CLERK HIRING PLAN

Fall 2005 & Fall 2006

Frequently Asked Questions About the Law Clerk Hiring Plan

Q Who is covered by the Plan?

A The Plan is designed for all federal judges, including Circuit Judges, District Court Judges, Magistrate Judges, and Bankruptcy Judges. The Plan does not involve Supreme Court Justices.

Q How can it be determined whether a judge is participating in the Law Clerk Hiring Plan?

A The Federal Law Clerk Information System ("FLCIS"), which is managed by the Administrative Office of the United States Courts, has a Web Site that allows prospective law clerk applicants to search a national database of federal law clerk vacancies. Judges have been encouraged to list their vacancies on the site and to indicate their participation in the Law Clerk Hiring Plan. The Administrative Office has been asked to prepare a list containing the names of all of the participating judges. It will be available on the FLCIS website.

Q How does a judge get assistance in using the FLCIS ?

A Technical support is available from the Systems Deployment and Support Division, San Antonio, Texas, whose phone number is on the Judges' FLCIS home page, or from the Article III Judges Division at the Administrative Office of the U.S. Courts in Washington, D.C.

Q How do prospective law clerk applicants use the FLCIS?

A The Web Site is located at: <https://lawclerk.ao.uscourts.gov>

Q When is the law clerk hiring period?

A As a general matter, the "hiring period" under the Law Clerk Hiring Plan is in the fall, beginning after Labor Day. Applications may be sent no earlier than the day after Labor Day. Interviews may be arranged no earlier than noon (EDT) on the second Thursday after Labor Day. And interviews may commence no earlier than the third Thursday after Labor Day.

Q May a judge elicit or receive oral recommendations from law professors before the fall hiring season?

A No. Faculty members should not send letters of reference or make calls on behalf of law clerk applicants before the Fall of the third year of law school.

Q Are judges forbidden from hiring law school graduates for law clerk positions that come open outside of the normal Fall hiring season.

A No. The Plan does not cover applicants who have graduated from law school.

Q Does the Plan endorse summer interviewing?

A No. Many judges and law school officials would have opposed the Plan had it endorsed summer interviewing. There was a concern that summer interviews would be very inconvenient for many people. The reasons are manifold: many judges are away on vacation during the summer; law clerk applicants are otherwise occupied with summer jobs, vacations, foreign travel, and bar examinations (for recent graduates); law professors often are away on vacation and thus unavailable to furnish references; and many law school placement offices are not equipped to assemble the materials needed to support law clerk applications until September. Thus, under the Plan, applications and references may not be sent before the day after Labor Day, interviews may not be scheduled before noon on the second Thursday after Labor Day, and interviews may not be conducted or offers extended before the third Thursday after Labor Day. However, the Plan does not forbid a law student who, say, is from Virginia and working in Tulsa during the Summer from talking with a judge who is otherwise available to chat. This has happened in the past and the judges saw no reason to prohibit it under the new Plan. The main point, however, is that the formal hiring process will take place in the fall pursuant to the schedule set forth in the Law Clerk Hiring Plan.

Q Are Judges forbidden from hiring third year law students or law graduates for law clerk positions for years beyond the next immediate court term?

A No. The Law Clerk Hiring Plan does not purport to prohibit the hiring of third year students or law graduates for years beyond the coming term. Most judges fill their vacancies only one year in advance of a vacancy. But the Plan does not mandate this. The principal purpose of the Plan is to have Judges focus on applicants who are in their third year of law school or beyond. So it is not a violation of the letter or the spirit of the Plan for a judge to hire a third year student or law graduate for years beyond the next immediate court term. "Future hires" are not forbidden so long as the applicants are third year students or law graduates.

Q When can a judge make an offer to an applicant and how much time does an applicant have to respond to an offer?

A Offers can be made as soon as interviews are permitted under the Law Clerk Hiring Plan. Generally, it is for the judge to determine the terms upon which an offer is extended. However, judges are encouraged not to require an applicant to accept an offer immediately without reasonable time to weigh it against other viable options that remain open to the applicant. This does not prohibit an applicant from accepting an offer on the spot if she or he so chooses. In addition, law schools are encouraged to remind their students that they need not accept the first offer that they receive; rather, applicants should be counseled to weigh any offer against other viable options that remain open to them.

Q Have the Law Schools endorsed the Plan?

A Yes. Endorsements have been received from the American Law Deans Association, the Association of American Law Schools, and numerous individual law school Deans and Placement Directors. An overwhelming majority of the law schools follow the Plan. In addition, the Plan has been endorsed by the National Association of Law Placement ("NALP" - www.nalp.org).

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