

Frequently Asked Questions About the Law Clerk Hiring Plan

- 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 submitted before the day after Labor Day, interviews may not be scheduled before the second week of the reading period, and interviews may not be conducted or offers extended until after the Fall reading period. 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 making "exploding offers," i.e., offers that require an applicant to respond promptly to an offer?
- A** The Plan does not purport to address how an offer is given by a judge. This is for each judge to determine.
- Q** May a judge elicit or receive oral recommendations from law professors before the Fall hiring season?
- A** No. The Plan suggests that 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** Does the Plan involve Supreme Court Justices and their arrangements to hire law clerks?
- A** No.
- 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. In addition, the Plan has been endorsed by the National Association of Law Placement ("NALP" - www.nalp.org).
- Q** In the Fall of 2004, are Judges forbidden from hiring third year law students or law graduates for law clerk positions in 2006-07 and beyond?
- A** No. The Law Clerk Hiring Plan does not purport to prohibit hiring of third year students or law

graduates for years beyond 2005-2006. The principal purpose of the Plan was to have Judges focus on applicants who were 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 2005-2006. The Plan was purposely spare in what it aimed to "regulate" so that it would not unnecessarily restrict Judges. The Plan merely provides that applications, interviews, and hiring will occur after Labor Day and involve only third year students and law graduates. "Future hires" are not forbidden so long as the applicants are third year students or law graduates.

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.

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.

Q Are hiring practices the same in all chambers?

A Some judges may have individual preferences and practices. Information regarding the hiring practices of individual judges may be found on the Federal Law Clerk Information Systems website at <https://lawclerks.a.o.uscourts.gov/>.

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