Subject: The Law Clerk Hiring Plan

Dear Colleagues,

Judge Becker and I have received a few inquiries about the Law Clerk Hiring Plan, so we thought that it would be useful to send this note to all Judges giving an update on the Plan.

As you may recall, in the Spring of 2002, most federal judges agreed to adhere to a new Plan for law clerk hiring. The history of the Plan, its principal elements, and many statements of support, may be found on the Law Clerk Hiring Plan Web site which is located at:

http://www.cadc.uscourts.gov/lawclerk/

The Plan provides for (1) a moratorium on law clerk hiring during the Fall of 2002; (2) an arrangement ensuring that the hiring of law clerks will not be done earlier than the Fall of the third year of law school; and (3) an agreement that the focus of law clerk hiring will be on third year law students and law graduates.

We are happy to report that, to date, the Law Clerk Hiring Plan and Moratorium have been a complete success. We know of no instances in which the Law Clerk Hiring Plan and Moratorium have been breached. If there have been some isolated breaches, their effect has been *de minimis*. In truth, the success of the Plan has been quite extraordinary. By January 2002, most judges had hired law clerks for 2003-04. It is now February 2003, and there has been virtually no law clerk hiring for 2004-05.

The success of the Law Clerk Hiring Plan is attributable in no small part to the cooperation of the law schools and law students, most of whom have given their wholehearted support to the Plan. We have also received strong support from the American Law Deans Association, the Association of American Law Schools, and the National Association of Law Placement. You will find numerous letters of endorsement on the Web site.

The law schools have been firm in support of the view that student applications, letters of reference, and transcripts should not be sent out until the day after Labor Day. In other words, there is a strong consensus that applications, references, interviewing, and hiring will not occur before Labor Day. Indeed, a number of law schools have adopted implementation plans specifically providing that the law clerk application process should not start before Labor Day. *See*, *e.g*., the plans adopted by U.C. Berkeley, Columbia, Michigan, Virginia, and Yale, all of which are on the Web site. These plans, along with the NALP guidelines (found at: http://www.nalp.org/schools/jc_open_letter.pdf), will give you a sense of how a number of the law schools intend to guide their faculty and students in following the Plan.

It is also noteworthy that the American Law Deans Association just issued a statement strongly endorsing the position that, under the Law Clerk Hiring Plan,

> "law clerk hiring for the 2004-2005 term will be done during the Fall of 2003" means that law students will submit (as defined by the NALP guidelines on the Plan), applications for clerkships beginning with the 2004-2005 term only on or after the first day after Labor Day (September 2, 2003) and judges will accept and review such applications only on or after that date.

Some of our colleagues have asked, "what happens after Labor Day?" The simple answer is that judges will conduct their interviewing and hiring as they see fit, just as they did during the Fall and Winter of 2001. The Plan does not purport to regulate or recommend how judges consider applications once the application process begins post-Labor Day.

We will continue to furnish updated information on the Law Clerk Hiring Plan Web site. There is a Q&A section on the Web site which should answer any questions that you have.

In short, the law schools, law students, and professional associations are a solid phalanx in support of the Plan, and our judicial colleagues have remained faithfully cooperative in support of the Plan. We are grateful for this support, for we remain convinced that the Plan will be a great benefit to the judiciary, the law schools, and the law students.

Sincerely,

Edward R. Becker
Harry T. Edwards