

*Ad Hoc Committee Announcement of Federal Law Clerk Hiring Plan
February 28, 2018*

Dear Fellow Judges:

As many of you know, the undersigned have been working this past year to revive a version of the Law Clerk Hiring Plan that was discontinued in 2014. The attached plan has garnered substantial support among federal judges. The OSCAR Working Group has voted to adjust the application release date in OSCAR to be consistent with the plan. A copy of the plan will be posted on the OSCAR website at https://oscar.uscourts.gov/federal_law_clerk_hiring_pilot.

The plan provides that, starting with students who entered law school in 2017, the application and hiring process will not begin until after a law student's second year. For students who entered law school in 2017, the starting date will be June 17, 2019. For those who enter in 2018, the starting date will be June 15, 2020. Under the plan, a judge who makes a clerkship offer will keep it open for at least 48 hours, during which time the applicant will be free to interview with other judges.

This is a two-year pilot plan that participating judges will reconsider after June 2020.

For the reasons stated in the attached letter from more than one hundred law school deans, we believe that the pilot plan is in the best interests of law students, law schools, and federal judges.

Sincerely,

The Ad Hoc Committee on Law Clerk Hiring
Chief Judge Merrick Garland
Chief Judge Robert Katzmann
Chief Judge Sidney Thomas
Chief Judge Diane Wood

September 12, 2017

To Whom It May Concern:

We write to share our experience with the clerkship hiring process during the last few years and to endorse the effort to move clerkship hiring to a date after the completion of students' second year.

As you know, the clerkship process now begins immediately after our students' first year. That change has altered the first-year experience, raised important distributional concerns, and undermined our faculties' ability to provide judges with the information they need to make wise hiring choices.

The shift in the clerkship hiring process has affected the first-year experience. With clerkships looming large, students feel intense pressure in choosing courses, studying for exams, and choosing extracurricular activities. The first year has never been without its stresses. But students worry more than ever before about grades, recommendations, and class rank. The point of the first year is to lay the foundations of a legal education while also encouraging exploration and learning for its own sake. It is more difficult to pursue those goals when clerkship decisions are based solely on the first year.

We also worry about the effect of the accelerated hiring schedule on those of our students who are first in their families to go to college, first-generation professionals, or simply in need of some time to master the art of lawyering. Students without professional networks may arrive not knowing what a clerkship is, let alone how to attain one. The sooner hiring occurs, the more likely it is that these students will be disadvantaged. We have also heard anecdotal information that the accelerated hiring schedule has reduced the number of women and students of color in the pool. In addition, students do not learn at the same pace. The accelerated schedule does not give all of our students a chance to shine.

Finally, the accelerated hiring process prevents law schools from providing judges with the information they need to make sensible choices about their clerks. Students have fewer grades. Law journals have not made their editorial board selections. Student groups have not chosen their leaders. And faculty have much less information about the students they are recommending. As a result, there is greater risk that we will simply make a mistake -- either in who we are recommending or in who we are not recommending. It is thus very difficult for us to help judges hire students who fit well in their chambers.

For all of these reasons, we strongly support a proposal under which judges would not accept clerkship applications or recommendations until after completion of students' second year.

Sincerely,

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