Non-Article III Clerkship Opportunities

Every year, students and alumni from Duke Law School submit thousands of applications to various courts across the United States. While some federal clerkships are more competitive than others, it is important to remember that these courts make up only a small fraction of the available clerkships nationwide. What most applicants don’t realize is that there are literally thousands of less competitive yet equally beneficial clerkships available to those who are willing to take the time to find them. Like all clerkships, these are stable positions that must be filled, and can provide you an excellent job source during difficult economic periods.

This document is a tool for any applicants interested in gaining valuable experience through a clerkship. Whether you are interested in clerkships for the local ties, or simply want to work in a smaller court, this should help guide you in broadening your search and educating you concerning alternative clerkship opportunities.

Non-Article III Federal Clerkships

Article III of the U.S. Constitution created the federal judicial system, and more specifically, the U.S. Supreme Court, U.S. Circuit Courts and U.S. District Courts. Federal courts not included in Article III, but rather set up in Article I as tribunal courts are still considered federal courts, but have different powers and jurisdictions. These courts are generally less competitive than their Article III counterparts, but still offer extremely valuable experience at the federal level. The following is a list of federal courts that do not qualify under Article III of the U.S. Constitution:

- United States Court of Appeals for the Armed Forces
- United States Court of Appeals for Veterans Claims
- United States Tax Court
- United States Court of Federal Claims
- United States Territorial Courts (District Courts of Guam, Virgin Islands, Northern Mariana Islands)
- United States Bankruptcy Courts
- United States Magistrate Judges
- Administrative Law Judges

How do I apply?

Because these courts are all at the federal level, you get the benefit of using the Online System for Clerkship Application & Review (OSCAR), just like the rest of federal courts. This makes searching for open positions simple. It also increases the likelihood that the application can be submitted electronically as well, making the application process much faster. Federal clerkship positions are usually filled in accordance with the Federal Hiring Plan, which usually sets a starting date for accepting applications from students in September. The majority of federal judges follow this plan, and hire accordingly. You can find more information and a link to OSCAR on the Duke Law School Career Center website: www.law.duke.edu/career
Resources for Federal Courts:
- OSCAR – Online System for Clerkship Application & Review. Register online: https://oscar.uscourts.gov
- Judicial Yellow Book – This directory contains contact information, background information and appointment dates for all federal judges.
- The Federal Judicial Almanac – The Almanac contains valuable personal information and professional feedback on federal judges. This is a great tool for researching judges before you apply.

State Clerkships

A Duke Alumnus and former law clerk stated, “If you know where you eventually want to practice law, you should strongly consider clerking in that state. The legal expertise and connections made during a state clerkship may significantly outweigh those gained in clerking at the federal level.” This sentiment is widely accepted in the legal community, but often overlooked by clerkship applicants. Remember that laws are made at the state level, and therefore are initially argued at the state level.

State clerkships are also more abundant than federal clerkships. There will always be more state and local positions for judicial clerkships than for federal clerkships. In North Carolina there are over 300 judges on the Superior and District levels alone. Many of these positions go unnoticed by clerkship applicants, making them less competitive, but no less valuable. Remember that state clerkships hire throughout the year, and are not bound by the Federal Hiring Plan. Some states, like North Carolina and New Jersey begin accepting applications in early May.

State Level Clerkship Opportunities:

- State Supreme Courts*
- State Appellate Courts
- State Trial Courts
  - District, Superior & Specialty Courts
  - County Courts

*In general, state clerkships tend to be less competitive than those in federal courts. However, it is important to note that in certain cases, state Supreme Court clerkships can be as competitive as, or more competitive than, their federal counterparts. See your faculty advisor or the Career Center for more information.

Before applying for a state level clerkship, it is important to research that state’s particular court system. States vary in how their court systems are structured and each state has a breakdown of its court system on its website. For instance, the top level state court in some states will not be the Supreme Court, whereas in other states, there may not be a Supreme Court at all. Knowing the court system beforehand will ultimately assist you in deciding which court may be the right choice for you.

How do I apply?

The first step in applying to a state level clerkship is to focus your search on states in which you are interested in practicing law. Likewise, you may want to apply in states where you have lived in the past or have personal connections. State judges tend to hire clerks who have some sort of connection to the area and who are likely to stay in the area following their clerkship.

Unlike the federal courts, there is not a central online system for clerkship applications. Luckily, most states have extensive websites dedicated to their courts. The Vermont Law Guide, which is available to students, provides a list of all 50 states’ websites, and also includes valuable information for applying such as deadlines, addresses,
and lists of required application materials for each court. The Vermont Law Guide is available to Duke Students on the clerkship website, and also in the Career Center Library. The Judicial Yellow Book is also a good resource for researching State Supreme Courts. Take the time to research the judges and courts in which you are interested.

Many state courts use central job sites that many judges will use when clerkship positions are available. Applying through a central job site is a great way to get your materials to the court, however, it is advisable to contact the chambers you are interested in directly and apply to chambers directly as well.

**Contacting Courts**

Although many states post positions on their websites, when applying to state courts it is in your best interest to contact the court directly for more up to date information. Contacting the courts can save you time and help you to focus your applications more efficiently.

There are a number of reasons to contact courts directly:

- Some courts title their clerkship positions differently, which can make finding them online difficult. For example, in California, clerkship positions are often titled “Research Attorneys”, or “Staff Attorneys” rather than “Law Clerks”. By contacting the court, you may find relevant positions available that would be overlooked otherwise.
- Courts may not hire term law clerks at all, and might only be interested in career clerks.
- Judges may not post their clerkship positions online until late in the process, limiting your chances to apply.
- Find out when judges begin accepting applications and apply accordingly.

**Resources for State courts:**

- Vermont Law Guide – Available online on the Clerkship Website: http://www.law.duke.edu/career/password/clerkships/stateclerkships. Login: maple; Password: syrup
- Google- A good way to search for any news stories or organizations a state judge may be involved in, as well as for finding general court information and biographical data.

**City & Other Local Courts**

Depending on budgets and case loads, city courts may also have clerkship positions available. Cities that hire law clerks will usually post these positions on their job posting websites. As with state courts, contacting the court directly is a great way to gather more detailed information. Also, when applying for a clerkship at the city level, it is important to confirm that the open clerk position is actually a clerkship. Many cities do not hire law clerks, and open “clerk” positions may not be legal positions at all. For more information concerning city court clerkships, please contact the Career & Professional Development Center.