

8th Annual Judicial Clerkship Program - 2008

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The 8th Annual Minority Judicial Clerkship Program presented by the American Bar Association Presidential Advisory Council on Diversity in the Profession and the Judicial Division took place during the ABA's Midyear Meeting February 7-9, 2008.

Twenty-three law schools sent 80 students to Los Angeles to work with 45 state and federal trial and appellate judges and justices to replicate the judge-law clerk relationship.

The ABA realizes the importance of diversity in the profession and this program is one of the ways we are working towards it.

Welcome and Opening Panel

The Program opened at noon on Thursday with Ruthe C. Ashley, Chair, Presidential Advisory Counsel on Diversity in the Profession, welcoming the judges and students and introducing North Carolina Court of Appeals Judge James A. Wynn, Jr., Chair, Judicial Division. Judge Wynn enthusiastically introduced current leaders of the ABA: President William H. Neukom; President Elect H. Thomas Wells, Jr.; Chair of the House of Delegates Laurel G. Bellows; and Executive Director Henry F. White, Jr. ABA Past President Dennis Archer and National Bar Association President Vanita Banks also addressed the students during the program. All expressed appreciation and support for the Program.

After lunch, Justice Frank Sullivan, Indiana Supreme Court, moderated the opening panel, "What Do Judicial Clerks Do?" On the panel were Judge Wynn; Judge Barbara M. G. Lynn, Chair Elect of the Judicial Division, US District Court, Dallas; Justice Maria P. Rivera, California Court of Appeals; Judge Ramona G. See, Los Angeles Superior Court; and Fortune A. Glasse, former judicial law clerk currently with Bowman and Brooke, Los Angeles. The panel did an excellent job of discussing judicial clerkships at all levels of the state and federal systems.

Research Exercise and Small Groups

After that, Justice Patricia Timmons-Goodson, North Carolina Supreme Court, introduced the research exercise, which was based on the consolidated cases, Crawford v Marion County Election Board, and Indiana Democratic Party v Rokitia, 128 S. Ct 33, 34 (2007), pending before the US Supreme Court. The plaintiffs contend that the state law requiring a photo identification in order to vote at the polls violates First Amendment rights of expression and association and the Fourteen Amendment Equal Protection Clause because it precludes thousands of poor, disabled, elderly, and black or brown citizens from voting. The defendants contend that they have a compelling interest, preventing voter fraud.

Next, small groups of six students and two judges met for 45 minutes to discuss the research needed. They similarly met A.M. and P.M. Friday, and A.M. Saturday. After the Thursday and Friday sessions the students did research on computers, generously provided by LexisNexis again this year.

Thursday evening judges and students intermingled at the Judicial Division Welcome Reception.

Oral Arguments and Workshop

At 11 A.M. on Friday after the small group session, the students heard oral arguments. In past programs, students were taken to actual oral arguments on an unrelated case, at a nearby court. However, in Los Angeles there were no such courts close by. So we conducted moot oral arguments using the same subject the students were researching. We created a panel of appellate judges, Judge Richard B. Teitelman, Supreme Court of Missouri (who sat on Weinschenk v Missouri, 2003 S.W.3d 201 (2006), that held a similar statute violated that state's constitution); Judge Margret Robb, Indiana Court of Appeals; Judge Rosemary Sackett, Iowa Court of Appeals; Judge Tyree Irving, Mississippi Court of Appeals; and Judge Charles R. Jones, Louisiana Court of Appeals. I argued that the photo ID requirement is unconstitutional and Attorney Ben Cooper, Steptoe & Johnson, Phoenix, argued it is constitutional.

After a joint lunch, Co-Chair of the Program, Judge Terri F. Love, Louisiana Court of Appeals, presented "How to get a Judicial Clerkship?" The workshop was a "nuts and bolts" session on how to identify clerkship opportunities, how to apply for a clerkship, and be hired by state, federal, trial and appellate courts.

Then the small groups reconvened to discuss the substance of the problem. They also discussed other topics that law clerks might be involved with, such as opinion writing and motions. Finally, they were instructed to develop an outline of a possible decision and then completed their assignment in the research room. That evening they attended a group dinner.

The next morning the small groups reconvened for 1/2 hour to review the outlines and conclude discussions.

Ask the Judges and Spirit of Excellence Luncheon

Following that, 35 of the judges, from across the spectrum of the judicial systems, convened a panel, and for over an hour answered the students' questions. The students then were individually presented certificates of completion. All the judges agreed that the students should include their certificates and any other internship and externship type experience in applying for a judicial clerkship.

The students and judges filled out their evaluation forms and were given a ticket to attend the Spirit of Excellence Award Luncheon. At the Award Luncheon, the ABA Commission on Racial and Ethnic Diversity in the Profession presented awards to seven distinguished lawyers who have devoted themselves to achieving diversity in the legal profession.

This is my third and last year of co-chairing the Program. I would like to thank LexisNexis and Robert Half Legal for their support, also, all of the judges and law schools and students and staff of the ABA, especially Gilda Fairley and Sharon Tindall. I am going on to chair the National Conference of State Trial Judges, but will continue to support this program because it is important to us all. A special thanks goes out to Justice Sullivan who has done more than any one for this program. Although during the first year, 2001, he was a participating judge, he chaired it for four years thereafter and his guidance, leadership, hard work and inspiration have continued to the present. That is why he is considered to be the "father" of our Clerkship Program. My hope is we can all continue working together. Next up is Boston in 2009.