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Law Schools

## Judges Doing Something About Dearth of Diverse Clerks

The last time anyone counted, minorities filled a fraction of federal positions.

Karen Sloan, The National Law Journal

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Our nation's army of judicial clerks is overwhelmingly white, not unlike the judiciary it serves. Only 14 percent of federal clerks in 2009 were minorities, [according to a study](#) that year by the National Association for Law Placement (NALP) — the last time any comprehensive survey of clerk diversity was done. Minorities fared slightly better in less prestigious state court clerkships, where they filled 18 percent of the positions.

But even that was significantly lower than overall diversity of law students, which stood at 22 percent minority that year. There were only eight African-American men in federal clerkships out of a total 1,168 clerks.

"There is a deep pool of talent being overlooked," said Richard Roberts, chief judge of the U.S. District Court for the District of Columbia, who typically hires at least one minority clerk each year. "These students may be discouraged from applying because they don't see themselves reflected in the pool of clerks."

Amanda Oakes, an African-American 3L at the University of Virginia, has landed a postgraduate clerkship with a federal judge next year. But plenty of her diverse classmates who were standouts on campus were shut out during the clerkship application process, she said. "I think a lot of judges tend to take clerks like themselves, and there are so few minority judges that it narrows the pool. It's almost like an old boy's club."

Two clerkship placement programs sponsored by the Chicago nonprofit [Just the Beginning — A Pipeline Program](#) aim to encourage minority law students to apply and make it easier for judges to hire them. The programs place minority law students in judicial internships and clerkships, instructing them about what judges are looking for, how to compete for spots and clerking's career benefits.

"Our goal is to provide a pool of applicants from underrepresented groups or first-generation college students who are well-versed in what it takes to be a federal clerk," program director Laura Ramsey said. "These are some of the most competitive positions you can apply for, and more minority law students aren't familiar with what a clerkship is and what it can do for your career."

Oakes credits her 2012 summer internship with U.S. District Judge John Gibney Jr. with improving her legal writing and providing her with a mentor on the bench. Gibney's recommendation letter helped her land a postgraduate clerkship with another federal judge. "It was one of the best opportunities of my life," Oakes said. "I got to write an opinion and orders. I also got to serve as a law clerk for one day in court, which was incredible."

Oakes secured her internship through a program called the [JRC-JTB Summer Judicial Internship Diversity Project](#), a partnership between Just the Beginning and the Judicial Resources Committee of the Judicial Conference of the United States. Each summer, the program places minority law students into internships with

federal judges — and will place 88 students with 66 different judges this year, Ramsey said.

## CLEARINGHOUSE FOR JUDGES

The program serves as a clearinghouse for participating judges. Former clerks screen minority intern candidates from across the country. Those selected receive training in legal writing, research and interview skills, exposure to the courts and the chance to build relationships with judges.

Of the 150 students who have gone through the program since its 2011 start, 10 have landed postgraduate federal clerkships, Ramsey said. That might not sound like a high return to people unfamiliar with the competitive federal clerkship application process, but a nearly 7 percent success rate is far higher than for the general applicant pool, Ramsey said. "To make any progress in that positive direction is great as far as we're concerned."

The second clerkship program, [Share the Wealth](#), directly places minority law graduates into clerkships with between six and eight federal judges each year. Judge Gerald Bruce Lee, who sits on the U.S. District Court for the Eastern District of Virginia, started the program in 2001 along with five other judges.

Students apply for a clerkship with all of the participating judges, and if three judges like what they see, the applicant is considered for one of 12 interview spots. The students then sit through a 20-minute panel interview with all the judges at once, each of whom selects a clerk. Interviewees who aren't chosen may be referred to judges outside the Share the Wealth program who are looking for diverse clerks, Lee said.

"Judges are being inundated with applications — you might get 1,000 applications for two clerk positions," Lee said. "It's often difficult for judges to identify who in the applicant pool is from a diverse background. Our program helps identify them. We need good, high-quality candidates, and we haven't had any problem finding competitive candidates this way."

Clerkship applications do not ask candidates to disclose their race.

Most of the judges in the Share the Wealth program are located in Virginia and District of Columbia, but Lee hopes to see the program replicated in the Midwest and on the West Coast.

Aaron Gleaton, an associate at Finnegan, Henderson, Farabow, Garrett & Dunner, landed a clerkship with Lee in 2012 through Share the Wealth. He sees the job as an invaluable career boost that helped him understand how judges approach legal questions. Lee still maintains a mentor relationship with Gleaton.

"The clerkship application process is so competitive, and I think most students see it an almost an unattainable position," Gleaton said. "I think some minority students take themselves out of the competition early on for that reason. But it's important that people who come into the courthouse see people like us behind the bench."

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