

# How to Get an Attorney Position During and After Your Judicial Clerkship

By Harrison Barnes from Los Angeles Office Managing Director

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This article will tell you what I do to get law firm positions for clerks and how you can do the same.

This article will also show you the most marketable clerks likely to get law firm jobs and those who are least marketable.

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## Clerks that Have Top Law Firm and Law School Credentials Before Clerking Are the Most Marketable

The most marketable law clerks have legal experience working in a law firm before clerking. Law firms prefer two to four years in a law firm before a clerkship. Law firms like if you attended a [top law school](#) or did exceptionally well at a lesser law school.

If you get a position [clerking on the United States Supreme Court](#), your experience before clerking does not matter--you are marketable to just about every firm. In this article, I will be referring to the Federal District Court, Federal Court of Appeals, Federal Tax, Federal Magistrate, Federal Bankruptcy, and all types of State Court clerks.

When you have experience in a top law firm, you are already a "proven commodity" and know what a law firm is like. You have met the screening criteria necessary to get into a major law firm and can do the work. Law firms prefer that clerks were [summer associates with \(and received offers from\) major law firms before hiring them permanently](#). A good history with another law firm shows the clerk's past employability. It also shows the clerk was marketable as a law student and able to get a highly competitive position--and stay there and learn for a substantial length of time. Preferably, a few years.

See also:

[The Importance of Creating and Maintaining Value](#)

[Why Attorneys Need to be Exploited to Succeed](#)

[Worked as a Summer Associate, But Didn't Get an Offer. Your Options?](#)

[How to Get a Job with a Major Law Firm if You Did Not Go to a Top Law School or Are Not Working at a Top Law Firm](#)

## Law Firms Want to Hire Attorneys With Previous Law Firm Experience.

A clerkship is good training, but not the same as working as an attorney in a law firm.

Litigators inside of law firms do discovery, argue motions in court, work long hours, and may work on tedious

tasks such as discovery and document review, and work for a variety of often unpleasant attorneys and supervisors. They need to deal with difficult and demotivating [office politics](#) and employ a different work style than clerks. While a clerkship may give you excellent skills, it is not the same as working in a law firm. [The skills needed to be a good advocate](#) and law firm attorney are very different. When working to produce profit for a law firm and the best results possible for a client, the pressures and demands are entirely different than in a clerkship.

Clerking is primarily an "academic" exercise--most clerkships involve lots of reasoned thinking, deliberation, and research. In contrast, most law firms are far more practical and deadline-driven and not necessarily academic. Countless clerks take positions in law firms after clerkships and do not do well at all. Your ability to mesh with a single judge is unrelated to your ability to mesh with numerous people working within a law firm. The pace, demands, and work styles are entirely different in a clerkship than in a law firm. The jobs are so different that I have heard many high performing shops like Wachtel and Cravath, for example, actively discourage their summer associates from taking clerkships. These law firms believe you are likely to develop more by working for them than for a District or Federal Appellate Judge (who likely did not even have the qualifications to work at a place like that when they were law students).

When you have experience in a well-known law firm before your clerkship, the law firm knows your training. The clerkship is a "bonus" that gives you a different perspective on practicing law. Attorneys with prior experience tend to be the most valued.

When I work with clerks who spent a year or more in a law firm, they are likely to get more interviews and be more marketable than those who do not. (I'm working with one now who had seven years' experience before clerking and is getting multiple interviews.) Working in a law firm before doing a clerkship is a sign you are committed to practicing law in a law firm and makes you more marketable.

See also:

[How to Easily Determine the Best Attorneys and Law Firms: The Five Prestige Levels of Attorneys and Law Firms](#)

## Having Been a Summer Associate in a Major Law Firm Before Clerking is Better than Not Having Worked in a Law Firm at All

Getting a position as a [summer associate](#) inside a major [law firm](#) means you met the screening criteria [necessary to get a job with these firms and were motivated to do so in law school](#). Accordingly, you are much more marketable as a clerk than if you did not work in a law firm in the summer between your second and third year of law school.

Worse, if you do not have this on your [resume](#), they will assume you were not interested in working for one.

Law firms want to hire people who show a history of wanting to work in law firms. Why wouldn't they? If you were hiring someone, you would want to hire someone who knows what they are getting into, has done that work before, was hired and approved of, and whose interest lies in that direction. If you are unable to show you are interested in working in a law firm, the firm is taking a considerable risk that you will eventually do something different with your career. Or that you do not want to be in a law firm at all. Law firms frequently make this mistake. Hiring someone that does not want to be there, or who is uninterested in it, means they are unlikely to commit. Uncommitted attorneys hurt the law firm because they will not work as hard, will be looking for a position all the time, and undermine the firm and its other associates through their words, thoughts, and actions.

Many clerks who did not summer at a significant law firm did [things like work at public interest organizations, work for the government](#), work for professors in their law schools, and other similar non-law firm tasks. Law

firms do not like this because if you show interest in practice settings unrelated to working inside a law firm, they know that you are not likely to be interested in the law firm. Moreover, if you were unable to get a position in the summer before your clerkship, this says you were not marketable, and they may not be interested in taking a chance on you. There are plenty of people out there they can hire in your place.

**See also:**

[Summer Associate Positions at Top Law Firms Are Open Now](#)

[What Your Summers Say about You](#)

## The Hiring Criteria of Judges Differs Across the Board and Having Prior Experience Makes You More Marketable

Early in my career, I worked with a girl who graduated from [the University of Minnesota Law School](#) with a "C" average. She got a [federal clerkship](#) on the Sixth Circuit Court of Appeals right out of law school. I am currently working with several federal appellate clerks who finished in the bottom half of their classes at a variety of law schools - some top law schools and some not. In general, however, the hiring criteria of getting a federal appellate court clerkship is the highest of most clerkships, and the law students who do these clerkships are outstanding.

It is much harder for an attorney to get appointed to the United States Court of Appeals than it is for them to get a District Court Judgeship. While not always the case, the quality of attorneys who become federal appellate judges is generally better - they have more robust academic and other qualifications. There are also fewer appellate judges than district court and magistrate judges. Therefore, law firms prefer appellate clerks over district court clerks because the presumption is that the attorneys working for them get better training. This is not always the case. Not all appellate judges are rocket scientists.

At the district court level, there is generally a wider variety of legal talent that gets judgeships. Some have good backgrounds, and others do not. There are some district judges who did not do well in law school, never practiced law, and never had competitive positions before becoming judges. Also, there are far more federal district judges than appellate judges.

While federal appellate judges and federal district judges are appointed for life by the President of the United States and consequently undergo a grueling confirmation process, the same is not valid for federal tax, bankruptcy, and magistrate judges. Attorneys typically apply for these positions and serve terms. The quality varies tremendously.

At the state level, judges are often elected irrespective of their legal qualifications. The governor may appoint them. In these instances, the quality varies tremendously as well--even more so than at the federal level.

Because judges' quality differs so much, law firms often may not be able to discern anything about your legal training. You may have spent a year or two with a judge who has terrible work habits and taught you poorly, and this could affect you negatively. Moreover, because many judges will seemingly hire anyone, a clerkship is not always the badge of honor it appears to be. I have seen countless examples of judges hiring people from fourth-tier law schools with average grades, or people that did not belong in a large law firm--which is ok. A judge can employ anyone they want, and law firms know this.

In contrast, there is a high bar to getting a position in most competitive law firms. Because so many people are interested in working there, they can hire people with the best grades and who seem the most motivated to do this as a career. The better the law firm, the more stringent the hiring criteria are likely to be.

**See also:**

## Judicial Clerkships: Not All Are Equal But Not All Need to Be Certain Clerkships Are More Marketable Than Others

Typically, the most competitive positions to get are federal appellate clerkships, followed by federal district court clerkships, followed by clerking for a federal magistrate judge.

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Also, some individual judges are well-known and highly regarded and more competitive than others. Some very famous appellate judges are feeders to supreme court justices and extremely prestigious.

Certain areas like New York, Chicago, and Los Angeles are considered more prestigious to clerk in than other markets because it is more difficult to get clerkships. Getting a position working for a federal magistrate in New York City may be just as competitive as clerking for a federal district judge in a less populated region of the United States.

Certain state supreme court clerkships may be marketable - and as marketable as a federal district court clerkship--if it is from a major state. Most state court clerkships, however, are not that marketable.

If you want to be a bankruptcy attorney, a bankruptcy clerkship is a good thing, but it is not necessary if you want to do general commercial litigation with a major law firm. A tax clerkship is a good thing if you want to be a tax attorney, but it is also unnecessary if you're going to do something other than tax.

See also:

[25 Recent Supreme Court Clerks Now Working in Law Firms](#)

## How to Get a Law Firm Position When You Are Coming Out of a Clerkship

Countless law firms across the country pride themselves on the number of clerks working there. Also, having clerks on staff looks useful to clients--especially when working in the same area where your judge sits.

When I am marketing clerks, I find they are most marketable in the city and region where they are clerking. If you are clerking in Cleveland, Ohio, you will be most marketable in Cleveland, followed by other cities in Ohio (largest to smallest). Law firms like to believe that they have attorneys working for them that may have ingratiated themselves with the judges to whom the law firm has appeared before. Also, the law firm is likely to be familiar with your judge's work quality and may have had good experiences hiring clerks from that judge before.

The second region where clerks are most likely to be marketable is (1) the city where they worked as a summer associate, and/or (2) the city where they grew up. For example, if you grew up in Minneapolis and are clerking in Chicago, the smartest places to apply would be (1) Chicago and then (2) Minneapolis.

Most law firms you are interviewing with will want you to have worked in that market or have some connection there. The reason law firms do not like it when you do not have a connection in the market is that you are more likely to leave. Mailing out resumes to firms in a given geographic area with which you have no contact is less likely to work than in markets where you have a link. Nevertheless, you should be applying to the markets you are interested in. Preferably, while not always needed, you should also have the bar in the region to which you are applying.

A few weeks before my own clerkship ended, I decided to work in California instead of New York (where I had planned to go before the clerkship ended). I sent out a ton of resumes to [firms in Los Angeles](#). Despite no [California Bar exam](#) and no contacts in California, I was able to get multiple interviews and jobs in Los Angeles. You should do the same if there is a market you would like to work in.

As a clerk, it is essential to understand that you can apply to any law firm you want. You do not need to just apply to firms with openings. You should be sending your resume to as many firms as possible. Most law firms will be willing to consider you regardless of whether or not they have an opening. [You need to send your resume to every firm you are interested in.](#)

Many clerks make the mistake of just contacting the largest law firms. When there is a recession, in particular, the largest law firms stop hiring altogether--and often lay people off. Also, countless boutique litigation firms are outstanding and pride themselves on the number of clerks there. When I market people, I tend to get a lot of interviews with excellent boutiques and other law firms that many people have not heard of. These clerkships often pay as well as major law firms, often do nothing but litigation, have lots of former clerks, and are far more likely to value your clerkship than many larger law firms.

## Is it a Good Idea to do More than One Clerkship?

Many clerks will do a federal district court clerkship and then a federal appellate court clerkship. Some will clerk for a magistrate judge and then do a district court or appellate court clerkship. Still, others will become staff clerks or career law clerks because they like the position so much.

The longer you clerk and the more clerkships you do, the less marketable you will become to a law firm. While there is nothing wrong with doing a second clerkship if it is better than the first, you should be careful about spending too much time clerking because you will look committed to this and not working in a law firm. It is challenging for someone who has clerked more than three years, for example, to get a position with a law firm.

## When Should a Clerk Begin Looking for a Position?

You should begin looking for a position between three and six months before your clerkship ends. You can start as late as a few months before your clerkship ends, but it is not advisable. You do not want your clerkship to finish and not have a position to go to.

## Is it a Good Idea to Use a Recruiter When Searching for a Position During a Clerkship?

[Recruiters will not represent you unless they have firms with job openings they can submit you to.](#) They can market you to those they know will interview clerks. They will also tend to have a lot of boutiques and other law firms you may not know about. Also, they can do a lot of leg work getting you out to markets and opportunities you might not otherwise know of. However, you should not rely on recruiters 100% to get you a position. You should always supplement their efforts with your own. If there are firms and potential opportunities you know about that a recruiter does not tell you about (for example, firms in a given market), you should apply to those firms without the recruiter.

## Ultimately, is a Clerkship Marketable?

[For most law students, any sort of federal clerkship will make them more marketable than not having the clerkship.](#)

However, if you already have an offer to work for a very well-respected and top law firm following law school, you are likely (1) to be more marketable by not clerking for a federal magistrate judge, or federal tax, or federal bankruptcy, or any type of state court judge following your clerkship and (2) be more marketable if

you clerk for a federal district judge or federal court of appeals judge.

For most attorneys who have less than four or so years of practice, a federal appellate clerkship will almost certainly make them more marketable than not doing a clerkship, provided they are not a handful of the very best law firms.

For most attorneys who have less than four or so years of practice, a federal district court clerkship will not make them more or less marketable than they were before doing the clerkship unless they are not coming from a top law firm and do not have excellent law school credentials--then it can help.

For most practicing attorneys, a state court clerkship will not make them more marketable.

For most practicing attorneys, clerking for a federal magistrate judge will not make them more marketable. For practicing attorneys with less than three or four years of experience--who already practice tax or bankruptcy law--clerking for a federal bankruptcy or federal tax attorney is likely to help them.

In almost all cases, clerking for any judge (except a federal court of appeals judge) will not help you if you have more than five or six years of experience.

In all cases, if your judge has excellent contacts in the legal community and is well-known and respected, clerking for them can help you in the market in which you are seeking a position. For example, clerking for the Alaska Supreme Court would be quite marketable in Alaska and help you if your judge was well regarded and respected.

**See also:**

**[Will Doing a Legal Clerkship Enhance My Marketability as an Attorney?](#)**

**[How attorney Get a Job During and After a Federal Clerkship](#)**

**[How Law Students Can Decide Whether or Not They Should Clerk for a Judge: Should You Do a Clerkship or Not?](#)**