

# Judicial Clerkships: Federal Staff Attorney Positions

by Elizabeth Armand and Malini Nangia

After the initial hiring frenzy for federal judicial law clerks is over, there may be a line of disappointed applicants at the counselor's door asking "What's next?" Fortunately, other options are available, including clerkship opportunities with newly appointed federal judges, magistrate judges, state court judges, and specialty court judges. One clerkship opportunity that is often overlooked is the staff attorney position within the federal circuits. Staff attorneys are also referred to as "staff counsel" or "staff law clerks" but for consistency are referred to as staff attorneys throughout this article.

Staff attorney positions are a great way to get an overview of, and experience with, federal appellate practice. For brevity, this article exclusively examines U.S. federal staff attorney positions. A number of U.S. state courts also have staff attorney positions.

## The Role & Responsibilities of a Staff Attorney

The caseloads of the federal appellate courts have steadily increased in the last 15 years, but the number of appellate judges has remained relatively flat. Staff attorney offices have played an integral role in helping the circuit courts manage the growing number of pending appeals. All 13 judicial circuits have staff attorney offices of varying sizes (from 4 to over 50 attorneys).

The responsibilities of staff attorneys vary from circuit to circuit; however, they generally consist of reviewing the lower court or agency record, re-

searching all of the active issues, and providing written and oral recommendations to supervising attorneys and judges for disposition of the cases. Staff attorneys work primarily with senior or supervising staff attorneys and have less interaction with circuit judges than elbow clerks do. However, as with elbow clerks, staff attorneys spend a significant amount of time researching legal issues and drafting bench and disposition memoranda. Depending on the circuit, the docket may include cases related to criminal law, §1983 civil rights matters, immigration and asylum cases, and employment discrimination cases. As a result, staff attorneys often develop an expertise in federal appellate civil and criminal procedure, habeas corpus, immigration, and pro se appeals.

## Why Should Someone Consider a Staff Attorney Position?

First, staff attorneys are exposed to a wide variety of judicial styles, philosophies, and ideologies. Staff attorneys work for the court (and its judges) as a whole rather than for individual judges. Indeed, this perspective enhances marketability with prospective employers because staff attorneys often have first-hand exposure to many of the judges within their circuit. Second, staff attorneys can hone their legal research, analytical, and writing skills in a highly collegial environment with other recent law school graduates and with more experienced supervising attorneys. In some circuits, staff attorneys may be assigned to spend a period of time working in a particular judge's chambers on a special project and essentially step into the shoes of the judge's elbow clerk. Third, a staff at-

torney's pay rate is comparable to, if not the same as, that of an elbow clerk.

## Securing a Staff Attorney Position: Strategies & Tips

The accompanying table summarizes the opportunities available to 3Ls and law graduates in the staff attorney offices throughout the country to help interested candidates identify possible opportunities and hiring timeframes. As with other clerkship applications, applicants should highlight their legal research and writing skills. Indeed, involvement with moot court, clinical work, journals, and judicial externships are examples of relevant experiences that should be included on a résumé. Additionally, coursework and/or work experience that demonstrate substantive knowledge in civil rights, post-conviction remedies including habeas corpus, criminal law, employment law, and immigration law should be highlighted.

With respect to writing samples, applicants should submit their best self-edited work so that their writing and analytical skills can be properly evaluated. In preparation for interviews, applicants should familiarize themselves with the circuit's docket and the responsibilities of that circuit's staff attorney office since there are variations from one circuit to the next. This information is usually available on published job postings but also can be located by contacting the office directly. Additionally, applicants should be aware that they may be asked to complete a writing exercise as part of the interview process.

## Opportunity Knocks: Post-Staff Attorney Positions

Staff attorneys typically spend two years honing their legal research, writing, and analytical skills in a federal appellate court setting. As a result, former staff attorneys are able to leverage their experiences into jobs across all sectors of the legal job market. Alumni can be found at law firms of all sizes, government departments and agencies, public interest organizations, corporations (as in-house counsel), and district and circuit courts (as elbow clerks to judges). Of course, some staff attorneys become permanent members of the office as senior or supervising staff attorneys.

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*(see chart on the following pages)*

## Staff Attorneys by Circuit

Circuit and Contact Information	Hires 3Ls?	Hiring Timeline	Application Characteristics/ Docket Information
<p><b>1st Circuit</b> Contact Information: Senior Staff Attorney Office of the Staff Attorneys U.S. Courthouse One Courthouse Way, Suite 5402 Boston, MA 02210</p>	<p>No; post-JD graduate legal experience is required.</p>	<p>Hire on an as needed basis. Check Massachusetts Lawyers' Weekly (online) for positions.</p>	<p>1st Circuit hires for one- to two-year staff attorney positions with the possibility of extensions.</p> <p>Applicants should send résumé, law school transcript, unedited writing sample, and references.</p> <p>Prefer two years post-law school legal experience or one year of clerkship experience.</p>
<p><b>2nd Circuit</b> Contact Information: Elizabeth Cronin Director and Senior Staff Attorney Office of Legal Affairs Thurgood Marshall United States Courthouse New York, NY 10007</p>	<p>Yes the office hires 3Ls and law graduates.</p>	<p>Beginning of October.</p>	<p>2nd Circuit has two offices: General Office and Immigration and Asylum Unit.</p> <p>General Staff Attorney Office hires for two-year terms. Immigration and Asylum Section hires for one-year terms (which are renewable for a second year).</p> <p>Writing samples must be self-edited. Applicants are also given a writing exercise to complete.</p> <p>Work on criminal law, habeas corpus, §1983, and prisoner rights cases.</p> <p>The Staff Attorneys' Office assists the Court by conducting research into specific areas of law as determined by the Court and drafting written memoranda of law. This work encompasses both substantive and procedural issues. Staff Attorney Law Clerks work on all substantive motions and pro se appeals. All procedural motions go through the Office of Legal Affairs.</p> <p>Staff Attorneys develop substantial expertise in the areas of habeas corpus, prisoners' rights, constitutional law, civil rights, and employment discrimination. Staff Attorneys are appointed for a two-year term period. Depending on performance they can be asked to stay for yearly appointments up to five years.</p>
<p><b>3rd Circuit</b> Contact Information: Marisa J.G. Watson Chief Deputy Office of the Clerk, Legal Division United States Court of Appeals for the Third Circuit 600 Arch Street William J. Green, Jr. Federal Bldg, Room 4416 Philadelphia, PA 19106</p>	<p>Yes</p>	<p>Beginning of October.</p>	<p>Paper and online applications accepted.</p> <p>Writing sample must be self-edited and submission of published written product is discouraged.</p> <p>Staff attorneys will develop substantial expertise in civil rights law and in federal appellate, civil, and criminal procedure.</p> <p>Two-year term.</p>
<p><b>4th Circuit</b> Contact Information: Carolyn S. Neal Personnel Officer Office of Staff Counsel United States Court of Appeals for the Fourth Circuit 600 E. Main Street, Suite 2200 Richmond, VA 23219</p>	<p>Yes</p>	<p>Beginning of October.</p>	<p>Paper and online applications accepted.</p> <p>Applicants must be in the top 20% of graduating class and have law review or similar legal publication experience.</p> <p>50% of the cases are prisoner civil rights and post-conviction relief appeals.</p> <p>25% are criminal convictions in federal district courts.</p> <p>25% are appeals from federal civil judgments and final decisions by various federal agencies.</p> <p>Two-year term.</p>

<b>Circuit and Contact Information</b>	<b>Hires 3Ls?</b>	<b>Hiring Timeline</b>	<b>Application Characteristics/ Docket Information</b>
<p><b>5th Circuit</b>  Contact Information:  Michael Schneider  Senior Staff Attorney  Staff Attorneys' Office  U.S. Court of Appeals, 5th Circuit  600 S. Maestri Place  New Orleans, LA 70130</p>	<p>No; prefer clerkship experience or two years post-JD work experience.</p>	<p>Hire on an as needed basis. Check 5th Circuit website for opportunities.</p>	<p>Staff Attorney positions are initial two-year term appointments with possible conversion to career appointments contingent upon performance and the availability of funding.</p> <p>Staff Attorney Office screens direct criminal appeals, pro se prisoner cases, immigration cases, and Social Security cases.</p> <p>Strong academic background required.</p> <p>Interested applicants should submit a current résumé, a law school transcript, and a self-edited writing sample. The writing sample should reflect only the applicant's writing and analytical skills, and the applicant should be prepared to discuss it if called for an interview. The writing sample should not exceed 15 pages. Law review articles are strongly discouraged.</p> <p>At the end of the interview process, applicants are also given a writing exercise to complete.</p>
<p><b>6th Circuit</b>  Contact Information:  Timothy Schroeder  Senior Staff Attorney  Potter Stewart U.S. Courthouse  100 E. 5th Street  Cincinnati, OH 45202</p>	<p>Open to both 3Ls and law graduates.</p>		<p>Staff Attorneys' office has both term and career positions.</p> <p>Office consists of a staff of 24 attorneys (of which 8-9 positions are term positions).</p> <p>Term length is one year and renewable for up to three years.</p> <p>Cases are primarily prisoner rights cases/criminal cases.</p>
<p><b>7th Circuit</b>  Contact Information:  Michael K. Fridkin  Senior Staff Attorney  Office of Staff Law Clerks  United States Court of Appeals for the Seventh Circuit  219 South Dearborn Street  Chicago, IL 60604</p>	<p>Open to both 3Ls and law graduates.</p>	<p>Beginning of September (open until filled).</p>	<p>Two-year term positions.</p> <p>Staff attorneys are assigned a peer reviewer and also work is reviewed by senior staff attorney.</p> <p>Staff attorneys have interaction with judges and also may have special projects where they step into the shoes of elbow law clerks.</p>
<p><b>8th Circuit</b>  Contact Information:  Kim Jones  Senior Staff Attorney  United States Court of Appeals for the Eighth Circuit  111 South 10th Street, Suite 23.336  St. Louis, MO 63102</p>	<p>Open to both 3Ls and law graduates.</p>	<p>End of October.</p>	<p>Two-year term positions (typically hire 2-4 staff attorney positions). Some career staff attorney positions (don't typically hire unless in limited circumstances).</p> <p>Unique about 8th Circuit is that staff attorneys get exposure to criminal work.</p> <p>Limited interaction with Circuit Judges.</p> <p>Looking for people who are hard-working and have strong writing skills. Additionally, criminal law and procedure would be an asset. Background in public interest is looked upon favorably.</p>
<p><b>9th Circuit</b>  Contact Information:  Human Resources Department  United States Court of Appeals for the Ninth Circuit  95 Seventh Street  San Francisco, CA 94103</p>	<p>No. Minimum of two-year post-JD legal work experience.</p>	<p>Timeframe varies. Consult 9th Circuit website for available positions.</p>	<p>One-year term (renewable for up to five years).</p> <p>Immigration or habeas case experience is desired.</p> <p>Applications should be submitted via e-mail to the HR Department but please consult job posting for additional information.</p>

<b>Circuit and Contact Information</b>	<b>Hires 3Ls?</b>	<b>Hiring Timeline</b>	<b>Application Characteristics/ Docket Information</b>
<p><b>10th Circuit</b> Contact Information: Human Resources Department United States Court of Appeals for the Tenth Circuit Byron White U.S. Court House 1823 Stout Street Denver, CO 80257</p>	<p>No. Minimum one year post-JD legal work experience.</p>	<p>n/a</p>	<p>21 Staff Attorneys but all positions are career positions unlike most Circuits. As a result, positions are only available sporadically. Positions are posted on the Tenth Circuit website.</p>
<p><b>11th Circuit</b> Contact Information: Sara Gilibert Manager for Recruiting, Training &amp; Professional Development Staff Attorneys' Office United States Court of Appeals for the Eleventh Circuit 56 Forsyth Street, NW Atlanta, GA 30303</p>	<p>Yes.</p>	<p>Accept applications all the time. Clerks start every month.</p>	<p>Three specialized units within the Staff Attorneys' Office: Jurisdiction Unit, Issue Tracking Unit, and Motions Unit.</p> <p>Types of cases include: (1) direct criminal appeals involving sentencing guidelines and guilt/innocent issues; (2) pro se appeals; (3) employment discrimination cases; and (4) immigration cases.</p> <p>Two-year term.</p> <p>Writing samples must be self-edited. Applicants are also given writing exercise to complete.</p>
<p><b>DC Circuit</b> Contact Information: Valory Miller Personnel Specialist United States Court of Appeals for the D.C. Circuit 333 Constitution Avenue, NW, Room 5534 Washington, DC 20001</p>	<p>No. Minimum of one year post-JD work experience.</p>	<p>Applications accepted beginning July (open until filled).</p>	<p>The caseload of the D.C. Circuit involves virtually every area of federal law and is unique in the number of cases filed against the executive branch. The Court is highly selective in its hiring.</p> <p>Two-year term.</p>
<p><b>Federal Circuit</b> Contact Information: Staff Attorney Office Howard T. Markey National Courts Bldg 717 Madison Place, NW Washington, DC 20439</p>	<p>Will consider both 3Ls and law graduates for positions.</p>	<p>See Federal Circuit website for vacancies.</p>	<p>The Staff Attorneys' office is small. Only 4 attorneys in the office (of which 2 attorney positions are initially hired as term positions but can become a permanent position). When there is a vacancy, it is advertised on the Federal Circuit website and usajobs.opm.gov.</p> <p>The Staff Attorneys' office primarily focuses on motions work prior to the case being put on the calendar.</p>

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