



Law Students Get a Summer Taste of Clerking in University of Minnesota Law School's Judicial Externship

[by Erica Winter]

The judicial externship course at the University of Minnesota Law School is so popular that 60 students are participating this summer. "The online registration closes after about five minutes," says Professor Carol Chomsky, who teaches the externship course. "Summer is big," she says. "The demand is very high. Word has spread."

The judicial externship, which also runs during the academic year, places University of Minnesota Law School students with federal, state, and tribal judges for the summer. Most placements are in Minnesota, with a few outside the state.

In her state-court judicial externship this summer, Minnesota Law student Ashley Ewald finds she is "impressed with the legal system," seeing that judges really do care about applying the law correctly and that people in their courtrooms are treated fairly.

In addition to seeing how a courtroom really works, Dave Nardolillo, another Minnesota Law student, says the judicial externship could give a student a leg up with getting a future clerking job. He is working with a federal judge this summer through the externship course and hopes to be a federal prosecutor. Nardolillo has heard that "having a federal clerkship is very helpful" for those with plans for careers in prosecution.

The externship process starts with the sign-up in April. There are no academic prerequisites to take the course, but students must be attending Minnesota Law. Chomsky decides on placements based on the students' interests and the judge's input. Most students are placed with state trial court judges. This summer, two students are working at the Minnesota Court of Appeals. Also, a few students are working for federal district court judges and federal magistrate judges. In Minnesota, magistrates serve seven-year terms and are named by the chief judge of the local federal district court.

Once students start working with judges, some do the same work that judicial clerks

do, working directly with the judges. Others assist clerks in their work, having less direct contact. Students generally do research and writing in their externships and also observe court proceedings, both in their courtrooms and in others.

Overall, student work is "based on what the judge needs to know," says Chomsky. Students "do similar work to what clerks do." She suggests the students split their time between research/ writing and observation, but the exact work a student will see varies by judge and by the type of court to which the student has been assigned.

For example, in a family court, there may be less research and writing and more observation because family law is often more fact-driven and the issues are resolved by applying legal rules to those facts, says Chomsky. On the other hand, there are other types of cases, especially civil cases, which involve more legal research because there are more issues of law to be explored.

Some students are assigned to tribal courts, with the Lower Sioux, for example. Some tribes have lawyers acting as judges, and some have lay-judges. The tribal system "is very interesting and very different from state or federal court," says Chomsky. Students may go to hearings on the reservations and do their legal research elsewhere. And although tribal courts may be seemingly simpler and smaller, the complicated judicial process of cases heard by tribal courts, such as jurisdictional issues, makes this a "great, difficult area of law," says Chomsky.

Federal judges can look at student resumes

before placement and choose their externs, says Chomsky, who does the state-level placements. So many students request federal court externships, she says, it is better for judges to make the choice of students they want in their courts.

Federal judges are generally more demanding of their clerks, with more research and writing duties than are usually found at the state level, says Chomsky. As a result, federal judges usually take second- or third-years. Also, one participating federal judge, for example, looks for students who intend to practice law for their careers, not work in academia or business. "It's important for the judges to be happy too," says Chomsky.

Sometimes, this judicial externship can lead to clerkships after graduation. In the course of this past spring semester, one federal judge chose his Minnesota Law extern to be his next clerk. Segueing from extern to clerk is "occasional, but it does happen," says Chomsky.

More than that, however, the experience can also show them whether clerking—or even litigation—is the right road for them. One student, for example, was assigned to extern with a judge in criminal court and enjoyed the experience, but also learned that he would not want to do criminal work as a career.

Students "learn a broad range of things," about the legal system and the process, says Chomsky. A wide range of people comes to the courts, and students learn how the system can and cannot help with their problems. Students comment on it in their course journals, says Chomsky, talking about the racial



divide in the courts between the defendants and juries.

Overall, the judicial externship teaches students intensive legal skills. "They learn a huge amount, substantively," says Chomsky.