

# Louisiana Law Review

---

Volume 52 | Number 6

July 1992

---

## A Splendid Relationship - Judge and Law Clerk

Laura B. Bartell

---

### Repository Citation

Laura B. Bartell, *A Splendid Relationship - Judge and Law Clerk*, 52 La. L. Rev. (1992)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol52/iss6/13>

This Article is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact [kreed25@lsu.edu](mailto:kreed25@lsu.edu).

## A Splendid Relationship—Judge and Law Clerk

Laura B. Bartell\*

“The partnership between a federal judge and the judge’s clerk can be a splendid and mutually rewarding relationship.” So began the preface to the *Law Clerk Handbook* (Federal Judicial Center rev. ed. 1989), co-authored by Alvin B. Rubin and his 1978-79 law clerk (and author of this article), Laura B. Bartell. These words “partnership” and “relationship” were chosen advisedly. The magic that happened between Judge Rubin and his clerks was something that went far beyond an employer-employee status. It was a personal relationship, a quasi-familial partnership, that shaped their lives and his and made both far richer for the experience.

The success of Judge Rubin’s clerkship program was in part attributable to his personality traits—his self-effacing manner, his curiosity about people, his patience with those who worked for him, his love of teaching, his sense of humor. But many other factors that made these 24 years of judicial clerkships so rewarding could be used by judges and clerks of whatever demeanor and character in federal and state courts around the country. These reflections on Judge Rubin’s techniques are intended to provide helpful suggestions to those who would like to be better clerks *and* better employers of clerks.

### I. MAKING THE RIGHT MATCH

Judge Rubin, like most members of the federal bench, was blessed annually with an abundant supply of resumes and transcripts from prospective clerks attending schools around the country. Each of these supplicants would prevail on one or more of that school’s best and brightest professors to write letters of recommendation. After reviewing this mountain of paper Judge Rubin selected a handful of students to interview.

The decision to interview only a few students distinguished Judge Rubin from many of his colleagues, who might interview 20-30 students to fill two or three positions. Judge Rubin’s selectivity was in part self-

---

Copyright 1992, by LOUISIANA LAW REVIEW.

\* Partner in the New York office of Shearman & Sterling; graduate of Stanford University and Harvard Law School; editor of the *Harvard Law Review*; clerk for the Honorable Alvin B. Rubin of the United States Court of Appeals for the Fifth Circuit from 1978-79; co-author (with Alvin B. Rubin) of the *Law Clerk Handbook* (1989), a publication of the Federal Judicial Center, reprinted by West Publishing Company.

protective. The interview process took several hours out of his day and that of his clerks, and he saw no reason to subject his office to that disruption more often than absolutely necessary. However, he also viewed the decision to limit his interviews as beneficial to the candidates. Unlike those on the bench whose chambers are in large cities where many other judges also reside, Judge Rubin was located in Baton Rouge, Louisiana, a city somewhat off the beaten track for clerkship applicants. Even if a student were interviewing with other judges on the Court of Appeals for the Fifth Circuit, he or she would have to travel to or from such cities as New Orleans, Dallas, Houston, or Jackson—each a lengthy and expensive jaunt. Judge Rubin thought it unfair to an applicant to subject him or her to that expense and trouble unless there was a realistic possibility of securing a job offer.

In rare situations involving extreme hardship (financial or time pressure), Judge Rubin would interview a prospective candidate by telephone, but he generally disliked doing this. He believed that he could ascertain what he needed to know about a student only by sitting down with that person side by side, watching the responses to the questions as well as listening to them, letting the current clerks and secretaries react to the candidate and, on occasion, even taking the candidate home or out to dinner with his wife to judge better whether he would be compatible with the candidate during the clerkship.

When selecting a clerk, Judge Rubin looked first for academic achievement. Given the quality of his applicants, he generally had no problem selecting those with grades and/or law review experience qualifying them for the intellectual challenges of a federal clerkship. In this regard, he always checked a student's references, especially if the applicant listed a professor with whom Judge Rubin was personally acquainted. He would place a call to chat with that professor informally, and he often got far more valuable information (both favorable and unfavorable) through those chats than the recommendation letters could ever provide.

Nor did Judge Rubin rely only on the views of others when judging whether a candidate had the brainpower for the job. One of the most important parts of the interview was the hypothetical case he would pose (generally based on one of the matters he currently had under advisement or had recently written on), asking students how they would look for authority and how they would analyze the issues. These discussions could be quite lively, and Judge Rubin took particular delight in the give-and-take when the student appeared to disagree with Judge Rubin's own analysis of the case.

Of course, the hypothetical question elicited evidence of more than analytical ability. It tended to demonstrate whether the students could think quickly on their feet, could express themselves well, and would stand up for their beliefs, even to Judge Rubin himself. The judge liked

a certain degree of feistiness in his clerks, a willingness to challenge themselves and him.

He looked for other personal qualities as well. He wanted clerks who were interesting people, who read books and attended theater. He looked for clerks who liked to travel and thought about issues outside the law. He himself had a strong sense of family, and appreciated the same attribute in his applicants. Indeed he often spent a great deal of time attempting to assist his clerks in finding employment for their spouses for the year in Baton Rouge. He tried to find clerks who would work cooperatively with each other and with the remaining office personnel, and whose personalities would mesh well. He tried to find clerks who would be happy in the job, considering the lifestyle afforded by Baton Rouge and the type of work he would be giving them.

Finally, Judge Rubin looked for clerks with diverse backgrounds. He wanted clerks from different schools and different social and economic environments, both to assure that he was likely to be challenged by various viewpoints and to improve his own visibility at schools around the country to attract qualified candidates in the future. Nevertheless, he felt a loyalty to Louisiana, and tried (to the extent he could without sacrificing quality) to offer one of his clerkships to a student from a Louisiana law school or a student originally from Louisiana who had ventured out of state for a legal education.

## II. ESTABLISHING EXPECTATIONS

Any relationship, whether personal or professional, tends to operate more successfully if each party understands what is expected of him or her and can behave accordingly. Judge Rubin ensured that no students beginning a clerkship with him would approach the experience without a thorough understanding of the city, the job itself, and Judge Rubin's own idiosyncracies in working with his clerks.

First, Judge Rubin created a lengthy disclosure memorandum that might have satisfied all requirements of the Securities and Exchange Commission, entitled "Summary of Duties of Judge Rubin's Law Clerks," a copy of which (from 1987) is attached as Annex 1 to this article. He sent this work product to all prospective clerks in whom he had an interest, to permit them to analyze the attractiveness of the position with a more complete understanding of its demands. The memorandum covered such areas as the term and pay of the position; his own background as a judge, practitioner and law professor; information about Baton Rouge and New Orleans; a brief description of the Fifth Circuit and the nature of its docket; the types of dispositions (screening, regular oral argument, en bancs, habeas corpus death penalty appeals) on which Judge Rubin acted; the location and number of sittings; and the duties of a law clerk (including bench memos, writing opinions, cite-checking,

library filing, reproduction and errands). Judge Rubin emphasized that not all the work was glamorous, and that the clerk was as likely to be called upon to proofread slip opinions or pick up an emergency motion from the bus station upon arrival from the clerk's office in New Orleans as writing a first draft of a significant decision. He did not want any clerk to be disappointed at the menial nature of some of the clerkship tasks.

Second, Judge Rubin asked all his prospective clerks to become familiar with his opinions. Unlike many judges whose opinions vary in style from year to year as clerks come and go, Judge Rubin felt strongly that his opinions should bear the stamp of his personal style no matter what clerk worked with him on the drafting. Therefore, he asked that the clerks review his past opinions to understand his organization and structure so that they could conform their own style to his.

Writing style itself was of paramount importance to Judge Rubin. He did not request a writing sample of his applicants (which surprised many who knew the reverence in which he held the English language), but he did suggest that his prospective clerks equip themselves with the tools of a legal wordsmith. These included not only legal citation references, like *A Uniform System of Citation* (Harvard Law Review Association), but also a dictionary, a thesaurus, and at least one style book, such as *A Manual of Style* (U. of Chi. Press) or W. Strunk, *The Elements of Style* (E. White 3d ed. 1979).

He also suggested a reading list to assist the prospective clerk in better understanding the judicial process and the requirements of a federal judicial clerk. These included the Law Clerk Handbook; articles by other judges, such as Aldisert, *Philosophy, Jurisprudence and Jurisprudential Temperament of Federal Judges*, 20 Ind. L. Rev. 453 (1987) and Coffin, *The Ways of a Judge: Reflections from the Federal Appellate Bench*, 80 Mich. L. Rev. 579 (1982); and the Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure, as well as any local rules of court and related procedures.

Although Judge Rubin did not require his clerks to have followed any particular course of study in law school, he encouraged them to take courses in federal practice and procedure, evidence, criminal procedure, and constitutional law. He was also delighted if a clerk had completed a course in admiralty law or employment discrimination, areas that generated a significant number of cases in his court. Upon commencement of their service, he expected his clerks to participate in the orientation programs sponsored by the Fifth Circuit to familiarize themselves with the physical layout of the court in New Orleans, and the support services provided by the clerk's office and other court personnel at the home office.

Perhaps the best educational sources of all were predecessor law clerks. Judge Rubin not only provided prospective law clerks with the

names of his current law clerks so that they could ask questions about their responsibilities, he also made sure that his incoming law clerks staggered their arrival times so that each could have the benefit of learning from someone at least marginally more experienced about what to expect on the job. No memorandum or handbook or periodical could approach in value the opportunity to drink in the lore of a past year's professional and personal experiences as Judge Rubin's clerk. After a month of hands-on instruction both from the judge and the retiring clerks, new law clerks understood not only the obligations of the job, but the character of Judge Rubin. As a result, they could more readily meet the challenges of the professional expectations, and enjoy the pleasures of personal ones.

### III. FINDING THE RIGHT WORKING RELATIONSHIP

Once a clerkship began, Judge Rubin would begin to explore the working relationship, searching for the best way to use the talents of each clerk. Some clerks found it easy to write, and could readily conform their writing styles to that of the judge. Judge Rubin would quickly assign to those clerks responsibility for preparing initial drafts of opinions, whether after oral argument or on screeners (decisions rendered without oral argument) for which he was the initiating judge. He would review and revise the initial draft and another clerk would do a substantive cite-check on the finished product. Other clerks found writing more difficult, or were unable to write quickly enough to meet Judge Rubin's schedule. With those clerks, Judge Rubin would prepare an initial draft of an opinion and turn it over to the clerk to fill in citations and edit. He would then polish the revised product.

Judge Rubin expected all clerks to handle an equitable share of the work, but if certain clerks proved to be more efficient than others, he would reallocate responsibilities so the work would get done on time. Especially in the case of bench memoranda, the inexorable approach of the date for the sitting limited the judge's ability to tolerate poor work habits.

Although the work of the court was of paramount importance to Judge Rubin, the need for productivity was carefully balanced with the desire to make the clerkship an educational experience. Judge Rubin taught at Louisiana State University Law School for more than 40 years, and he was a natural educator with extraordinary patience for his students and clerks. Each clerk received the equivalent of a personal tutorial in substantive law, research techniques, legal analysis and legal writing, litigation strategy, as well as oral advocacy skills in defending a position to the judge and other clerks.

But Judge Rubin did not want his clerks to feel overly constrained by rules so he provided his clerks with as much autonomy as possible.

He expected his clerks to understand the demands of the job and accomplish their tasks by the deadline provided, and he did not clock them in and out of the office. He permitted clerks to allocate among themselves the responsibility for cases scheduled for each sitting, and to decide whether to attend oral arguments. In sum, he treated each clerk as a professional, and expected the clerk to behave accordingly. He respected each clerk's private life, often adjusting his own schedule to enable his clerks to spend time with their families or make out-of-town interview trips.

#### IV. INSTILLING LOYALTY AND AFFECTION

The efforts Judge Rubin made to ensure that the clerkship was a good working relationship made the partnership between judge and clerk a "mutually rewarding" one. But the efforts he made to establish a strong personal bond between his clerks and himself made the partnership "splendid." Judge Rubin strongly believed that a successful friendship made the most successful working relationship, and he cultivated that friendship in every way possible, during office hours, over lunch and during his free time.

Because Judge Rubin selected clerks with whom he felt personally compatible, developing a relationship that extended beyond intellectual boundaries was not difficult. Judge Rubin found his clerks to be interesting people, and he was naturally curious about them. Without being intrusive, he attempted to share in their lives, learning about their spouses and children and outside interests and making suggestions about how those interests could be pursued in Baton Rouge. Like a good host entertaining out-of-town guests, he would propose weekend trips, including places to stay, restaurants to enjoy, and special activities. He also assisted in the more mundane requirements of living, like finding a place to live, a doctor, a house of worship, a special service provider or retailing establishment.

He ate lunch with his clerks several times a week, often at small local establishments the clerks would never have tried without his recommendation. Those meals were perfect occasions for sharing thoughts about politics, literature, movies, or sports; giving and getting advice; and trying out the latest joke—often a bit off-color—he had heard at the tennis club.

Of course, his interest in his clerks was professional as well. He counseled them on their future careers, reflecting on the cities they were considering as their homes, the firms with whom they were interviewing, and even providing introductions when requested. For those who wished to seek Supreme Court clerkships, he willingly provided letters of recommendation, although some were more enthusiastic than others. For

those who wished to teach, he would communicate with every law school dean and members of selection committees he knew in an effort to be helpful to his clerk.

This solicitude for his clerks continued long after they left his employ. More than one of his former clerks would call him regularly for advice and, after a long talk, would have an answer to his or her dilemmas. Only after hanging up the telephone would he or she realize that Judge Rubin had never expressed his own opinion, but had merely assisted the clerk in finding the answer.

In all respects Judge Rubin temporarily "adopted" his clerks and their loved ones, making them a part of his extended family. Many clerks, even before they were hired, spent a night at Judge Rubin's home. All clerks were regularly invited to dinner and special holiday celebrations with Judge Rubin, his wife, his two sons and their families. Some of his clerks helped babysit his grandchildren or accompanied the judge on personal errands. Most had occasion to chauffeur the judge (who was a notoriously bad driver, although he thought of himself as merely unlucky). And on more than one occasion, Judge Rubin's clerks would work with him while sitting beside his sick bed, where he reviewed his briefs in his pajamas, recuperating from an operation or an infection or a particularly unpleasant cancer treatment. He felt no embarrassment at his condition, and never felt himself too grand or too remote to share with his clerks his infirmities as well as his pleasures. That openness, that basic honesty, endeared him to all who worked with him.

#### V. CONCLUSION

Judge Rubin was a very effective district and appellate judge. He accomplished his work efficiently, bringing to bear his immense intellectual abilities as well as his stylistic aplomb. And without sacrificing any quality or timeliness in his work, he simultaneously functioned as a teacher, a mentor, an honorary father, and a friend to those fortunate enough to work at his side.

There is no single right way to function as a judge, or as an employer of law clerks. But for each of us who worked for Judge Rubin, his emphasis on selecting the right clerks, communicating about his expectations, finding the appropriate symbiotic working relationship and sharing in our personal lives, made the clerkship as memorable an experience as we are likely to have. He continues to live through us, through our writing and research skills, our analytical abilities, and our loving memories of him. He always will.

## ANNEX 1

## SUMMARY OF DUTIES OF JUDGE RUBIN'S LAW CLERKS—1987

Each circuit judge is allowed three clerks. I ask each clerk to serve for a period of one year although I welcome applicants who are interested in a two-year term. The compensation for this position is presently \$27,172, and this is usually increased annually in October or January by a cost-of-living increase. So that you may better evaluate your interest in clerking for me, this outline will tell you something about myself and describe briefly how my law clerks and I work together.

I was appointed to the federal bench in November, 1966, after practicing law and teaching part-time for twenty years. I served as a district judge in New Orleans from 1966 to 1977, and have been on the Court of Appeals since October, 1977. My office is in Baton Rouge, the state capital, and the home of Louisiana State and Southern Universities. New Orleans is 70 miles from Baton Rouge, a trip requiring about one and a half hours.

The Fifth Circuit now consists of sixteen judges. Nine are from Texas, three from Louisiana, two from Mississippi and there are two vacancies. Each member of the court sits on three-judge oral argument panels for four days seven times during the year. The court also sits en banc (that is, with all judges participating) in New Orleans in September, January, and June. Most of the sittings are in New Orleans, and the judges and the law clerks who accompany them stay in New Orleans during the sitting.

Because this is a circuit court, however, one or more sittings may be in other cities in the circuit. Of course, when a clerk attends a sitting, expenses are reimbursed through allowances by the Administrative Office. No law clerk is required to accompany me to sittings. Although one or more of the law clerks usually wish to make each trip, sometimes clerks prefer for personal reasons not to make all trips. Therefore, travel is optional.

Each of my law clerks performs the same duties and has the same responsibilities. The clerk's tasks necessarily depend on the kinds of cases that require my attention. On the Fifth Circuit, cases reach a judge in one of two ways: They are sent to the judge for "screening"—a determination whether a case deserves oral argument—or they are set for oral argument before a three-judge panel of which the judge is a member. Motions are handled by the same process as "screening."

The Fifth Circuit has a thoroughly varied docket. Civil rights, criminal law, and constitutional law issues together constitute the major portion of our docket. As in all circuit courts, prisoner actions and habeas corpus petitions constitute a sizeable portion of the cases. We also hear a fair number of admiralty appeals, a variety of business-related cases, including

securities and antitrust appeals, and administrative appeals. To handle our sizeable caseload, the Fifth Circuit continues to use the procedure known as the summary calendar, by means of which approximately 55 percent of the cases are decided without oral argument.

Each judge sits with two other judges on a summary calendar ("screening") panel for one year. Every case is sent initially to such a panel, which determines whether it merits oral argument, and, if so, how long the argument should be. The first judge on the panel to review the case is called the "initiating judge." The judge can determine alone that the case requires oral argument. If the judge does not think the case merits argument, he or she suggests to the other two judges that it does not and prepares a proposed opinion disposing of the case. For a more detailed discussion of this process, see Rubin and Ganucheau, *Appellate Delay and Cost—An Ancient and Common Disease: Is it Intractable?*, 42 Md. La. Rev. 752 (1983).

I handle some summary calendar cases without law clerk assistance. In most, if I decide the case does not warrant oral argument, I prepare a draft opinion and ask a law clerk to review and supplement it. On occasion, I will discuss the proposed disposition of a summary calendar case with a clerk and ask the clerk to prepare a draft opinion for me to review. Those cases on which I require assistance are assigned to each clerk in turn as the cases come in.

If I am not the "initiating judge," I do nothing on a summary calendar case until I receive another judge's proposed opinion. I usually act on this without consulting a law clerk but I will usually ask a clerk to assist me if I think further research or study is required. My task is to decide whether to concur or to exercise my option to direct that the case be scheduled for oral argument. This option is reserved for each of the three screening panel members. In general, cases are disposed of without oral argument only if the decision does not create a precedent and oral argument will not be helpful to the court. Cases thus handled are the "easier" cases.

Another major work category is deciding habeas corpus appeals by petitioners who are under a death sentence. These are handled by a special procedure set forth in our local rules, a copy of which is attached. Clerks are assigned to work on those cases on a rotation schedule separate from the screening rotation.

Although every case, including those we dispose of without oral argument, is important to the litigants, the most important work we do as a precedent-setting court is to decide cases that a member of a screening panel has fixed for oral argument. Calendars for each sitting are arranged six weeks in advance. Approximately twenty cases are docketed for a sitting, and each judge on the panel of three receives briefs and supplemental materials six weeks before the sitting.

When the briefs arrive, my law clerks usually take a quick look at them and divide them by mutual agreement. Each clerk takes primary responsibility for one-third of the cases. In this manner, each clerk can work on some interesting cases, as well as on cases that are less challenging, and each clerk can be assured of getting a fair variety. For practical reasons, a clerk who handles a case in a particularly limited area (such as border search or income tax net worth prosecutions or maritime law), and gains familiarity with that legal niche, often handles subsequent cases that come up involving the same problems. However, we try to avoid subject-matter specialization, and no clerk ends up with all the tax cases or all the consumer credit claims, unless by choice. After making their case selection, the clerks then prepare a list of assignments so that I will know which clerk has primary responsibility for each case.

Next, I read the briefs in each case. On some occasions (unhappily rare), the briefs will be clear, succinct, and focused; and I may not ask the "assigned" law clerk to do any further work beyond reading the briefs so that we can discuss the case. In most cases, however, after reading the briefs, I prepare a short memorandum to the assigned law clerk giving my general reaction to the briefs, indicating potential questions for research, and requesting a memorandum. The assigned law clerk then reads the brief and prepares a "bench memorandum." This memo deals with those issues in the case that I have indicated should be explored and any other issues the clerk thinks it appropriate to consider. The memorandum should include a recommendation for disposition and often will include suggested questions for counsel.

It is the practice of the court to hear oral argument in five cases a day, Monday through Thursday, during each week it sits. I encourage my clerks to attend as many oral arguments as they find helpful. I also encourage them to attend oral arguments before other panels so that they can observe how other judges on the court conduct the hearings or hear unusually important cases if they wish. Because a tape recording is made of each oral argument and is made available to the judge and his law clerks, however, it is never necessary for a clerk to sit in the courtroom.

At the end of each day's arguments, the judges meet to discuss the cases. They then take a provisional vote on each case and the panel's senior judge assigns each opinion to one writing judge. It is my practice, later in the afternoon on each day of a sitting, to review the day's calendar with the clerks, discussing each judge's vote, the court's conclusion, and the reasons for the decision. I like for my clerks to know not only my reasoning but the reasoning of the other judges on the panel as well. If an opinion has been assigned to me as author, I then discuss with the law clerk who has taken responsibility for that case how we will proceed. Out of twenty cases, I will be assigned six or seven opinions (about 1/3 of the total). Because the opinions assigned to me will not necessarily impose relatively equal workloads on the three clerks, we may

reallocate responsibility for some of the cases at this point in order to even the work of each clerk.

When we return to chambers in Baton Rouge, we start writing opinions. In many instances, I prepare a draft opinion, and ask the assigned law clerk to review it, comment on it, and supplement it. In other instances, particularly if the opinion will be succinct, I may attempt, at the first writing, to prepare an "almost final" draft and then ask the law clerk merely to edit and complete it. In other cases, however, I will ask the law clerk to prepare a draft of the proposed opinion for me to review and edit. Customarily, the drafts, whether initiated by me or the clerk, are traded back and forth between us until we are both fully satisfied. The amount of time each opinion takes depends on the nature of the case, the research required, and the scheduling of our work to fit in with other tasks.

When a case is assigned to another judge for writing, I usually merely await receipt of the draft opinion from that judge although, occasionally, if I think I am likely to dissent, the assigned law clerk and I may do further research while waiting. When the draft opinion arrives, I review it, and then ask the assigned law clerk to study it in the light of the preliminary research done for the bench memo and any other discussions we may have had. I may decide to concur in the opinion, or to write a special concurrence or dissent. If I decide to write, the process is the same as that for drafting opinions.

In run-of-the-mill cases, I work almost exclusively with the assigned law clerk. Some cases are especially significant and interesting, however, and we all discuss these. In every case, I like for my clerks to question my preliminary judgment and to suggest their own ideas for my consideration. While, needless to say, my primary interest must be the work product of the clerk and its assistance to me in the judicial process, I think the period of clerkship should be a significant experience for the clerk and should serve to broaden his or her own background and abilities.

Miscellaneous duties of all clerks include the following:

1. Proofreading slip opinions of which I am the author when they arrive from West Publishing Co. and maintain a decision file.
2. Reading all Fifth Circuit slip opinions to become familiar with the court's judges and jurisprudence. Decisions are then indexed in a temporary file until the cases are reported.

Each week one of the three clerks also assumes responsibility for one of the three office administrative details. These assignments are rotated so that no one is required to spend too much time on any one task. The "duty clerk" for the week is responsible for a variety of minor jobs, including personal errands and details of office administration. The "xerox clerk" is called upon to aid when an overly burdensome copying job

needs to be done. The "library clerk" for the week sees that new books are properly shelved and files our loose-leaf services and pocket parts. Although each clerk performs these ministerial tasks, I look upon my clerks as lawyers, and not as bailiffs or personal attendants.

If this does not already tell you more than you want to know, you may be interested in looking at a voluminous book entitled *Law Clerk Handbook* which I prepared together with one of my former clerks, Anthony DiLeo. A copy should be available through your law school placement office or library.

My law clerks usually become much more to me than temporary employees. During the year we often develop a close personal relationship. We eat lunch together several times a week; trade thoughts, advice, and bad jokes; and share our ideas about national politics, books, movies, and sports. Our objective is to have a happy as well as productive office, and my two secretaries try to work harmoniously with the law clerks to those ends. In short, this clerkship is not just a job; and, as much as I rely on an applicant's academic credentials, I also choose my clerks based on intangible factors like personal compatibility.

You will find below the names of my present clerks. I encourage you to telephone one of them (or write and ask that clerk to telephone you over the federal telephone service line) and discuss freely your interest in a clerkship as well as what that clerk thinks of the appeals court and of the pros and cons of working with me. A clerkship can be a most rewarding experience if it is mutually satisfactory and helpful to the clerk and to the judge. It can, of course, be almost a wasted year if it is not. Therefore, my present clerks are encouraged to talk with you in complete confidence, to answer any questions you may have, and to tell me nothing about the interview. I do, however, ask my clerks to assist me in making the final selection.

When a law clerk and I make a final commitment, the next matter to be arranged is the date for starting work. I will usually ask one of the three clerks to try to report earlier than the others, on about July 1, so that at least one will have the chance to work with the "experienced" law clerks, who can show the newly appointed clerk something about our procedures. The other two "new" clerks will be asked to start work on about August 1 and August 15, respectively.

My present clerks are:

Peter Chatfield

Yale Law School, 1986

Frances Rauer

Stanford Law School, 1986

David Orentlicher

Harvard Law School, 1986

Each of them may be reached at my chambers, telephone 504-389-0521.