

Chamber Law Clerk Qualification Standard

Qualifications

1. To qualify for the position of law clerk on the personal staff of a federal judge, a person must be a law school graduate (or be certified as having completed all law school studies and requirements and merely awaiting conferment of degree) from a law school of recognized standing, and have one or more of the following attributes:

- Standing within the upper third of the law school class from a law school on the approved list of either the American Bar Association or the Association of American Law Schools;
- Experience on the editorial board of a law review of such a school;
- Graduation from such a school with an LLM degree; or
- Demonstrated proficiency in legal studies, which in the opinion of the judge, is the equivalent of one of the above.

Some examples of criteria which are considered to be acceptable as equivalent include:

- Publication of a noteworthy article in a law school student publication or other scholarly publication;
- Special high-level honors for academic excellence in law school, such as election to the Order of the Coif;
- Winning of a moot court competition or membership on a moot court team that represents the law school in competition with other law schools;
- Participation in the legal aid or other law school clinical program sanctioned by the law school;* or
- Summer experience as a law clerk to a state or local judge or law clerk experience on a continuing basis in a private firm while attending school (i.e., working one's way through college).*

* In order to receive credit, participation and experience could not have been for academic credit.

This list is not all-inclusive; the determination of an acceptable equivalence rests with the appointing judge.

The table below shows the number of years of legal work experience required to qualify for appointment as a law clerk at the applicable Judiciary Salary Plan (JSP) grade levels. Please note that appointment to JSP-12 or above requires that the candidate be a member of the bar of a state, territory, or federal court of general jurisdiction.

JSP Grade Level	Years of Legal Work Experience	Bar* Membership Required
11	0	No
12	1	Yes
13	2	Yes
14**	3	Yes

** Two years of federal chambers law clerk, staff attorney, pro se law clerk, bankruptcy appellate panel law clerk, or death penalty law clerk experience is required in order to be appointed at or promoted to JSP-14. **Note: only one JSP 14 law clerk is permitted for each Judges’ chambers.**

Legal Work Experience

Legal work experience is progressively responsible experience in the practice of law, in legal research, legal administration, or equivalent experience received after graduation from law school. Major or substantial legal activities while on military duty may be credited, on a month-for-month basis whether before or after graduation, but not to exceed one year if before graduation from law school.

Due to the nature of the work of the Court of Appeals for the Federal Circuit, other professional work experience in a field of the court’s jurisdiction such as engineering, science, or technology, may be substituted for the required legal work experience (whether pre- or post-Juris Doctor) on a year-for-year basis, at the appointing judge’s discretion. This experience may not, however, be substituted for the prior federal clerkship experience required for appointment or promotion to the JSP-14.

Crediting of Bar Examination Preparation Course

In crediting work experience subsequent to graduation from law school, it has been the practice of the Judiciary, when so informed, to count as work experience courses taken for purposes of passing the bar examination. The time credited is either the actual duration of the bar examination preparatory course or a maximum of six weeks, whichever is less. This credit presumes full-time study in such a preparatory course. Part-time study while engaged in full-time employment is not counted. Thus, when counting credit for bar review courses, such credit cannot run concurrently with any credit given for work experience. In crediting the six weeks or less, the maximum allowable credit may not always be realized if the time falls between pay periods, since promotions are effective at the beginning of the next pay period after the Administrative Office is informed that the candidate has met the eligibility criteria, and the appointing officer has approved the request for a promotion.

At its March 2009 session, the Judicial Conference approved discontinuation of the practice of crediting the time spent in a bar examination preparatory course toward the one year of legal work experience required for law clerks. This change is effective August 31, 2009. This means that:

- **A law clerk appointed on or after September 1, 2009, may not receive credit for taking the bar review course.**
- With regard to promotions, credit for a bar review course may only be applied in those cases where it allows the individual to meet promotion eligibility requirements for promotions effective on August 31, 2009, or earlier. For example:
 - If an employee's promotion anniversary date is October 12, 2009 (i.e., meets the 52 weeks experience requirement) and s/he has six weeks of credit for a bar review course, then credit may be granted because it would back the promotion eligibility date up to August 31, 2009. In such a case, granting the credit would be contingent on the court submitting the promotion action timely for an effective date of August 31, 2009.
 - If an employee's promotion anniversary date is October 12, 2009 (i.e., meets the 52 weeks experience requirement) and s/he has less than six weeks of credit for a bar review course, then credit may not be granted because it would back the promotion eligibility date up to a date after August 31, 2009 (i.e., after the effective date of the March 2009 Judicial Conference decision). The anniversary date minus the creditable weeks for the bar review course must result in the employee meeting the promotion eligibility requirements no later than August 31, 2009.
 - If an employee's promotion anniversary date is October 13, 2009, or later, credit may not be granted because it would back the promotion eligibility date up to a date after August 31, 2009 (i.e., after the effective date of the March 2009 Judicial Conference decision).