

# **JUDICIAL EXTERNSHIPS**

## **THE CLINIC INSIDE THE COURTHOUSE**

**THIRD EDITION**

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## **DEDICATIONS**

To my co-clerks,  
Marquerite Lloyd  
Julie Bauer



## PREFACE

Many of my judicial extern students have noted for themselves that a judicial externship placement requires them to synthesize skills and knowledge from their entire law school curriculum. The process is never dull. Each week students report that their judge's needs and the demands imposed by a busy court's docket accelerate the rate at which they acquire knowledge in new areas of the law, as well as new analysis, research, and writing skills.

Some common discussion themes emerge: statutory interpretation; the organization, operation and roles of the courts; judicial selection, socialization and ethics. In addition, students explore the roles of the extern/clerk, analysis of research techniques, the reasoning and rhetoric of judicial opinions and other topics. The materials in this book are designed to provoke discussion, provide exercises and questions, and to provide selected bibliographies for further reading and study. The materials do not attempt to cover all possible issues which can arise during a judicial externship, but those which may most benefit law students.

The materials are ordered as I tended to follow them in my own class, but inevitably the topics are riddled with cross-references. The instructor may take them in any order and I have made some effort to make cross-references expressly in the notes. Some materials have been edited; footnotes have been eliminated, but where they survive, they have retained their original numbers.

The materials may serve as a focus for classroom discussion, as background reading, as material to be responded to in journal entries, as the starting point for more in-depth study or research on a topic. Students and instructors will and should use more than is contained in these printed pages. Instructors have used movies, works of fiction, trial and deposition transcripts, field trips, guest speakers, mock trials, and a number of other methods in the classroom component. The exercises suggested at the end of each chapter are first steps toward involving students in a number of in-class experiences. The simple act of tearing apart a poorly reasoned and written opinion, for example, *United States v. DiFrancesco*, is an engaging classroom exercise, when the students themselves are struggling daily with researching and drafting memoranda or draft opinions.

My students keep journals throughout the judicial externship placement. I pull journal entries together anonymously in handouts at the start and the end of the term. Students' observations, which appear below, remind me again of the educational benefits of the judicial externship program.

“Working on the cases for the judge pulls together stuff from all these courses: research and writing, civil procedure, torts, contracts. You use all that knowledge at once and you have to use it QUICKLY.”

“Working on and seeing actual cases is more fun, but also more frustrating and frightening than law school courses.”

“I think that to be a good lawyer, you have got to put yourself in the judge’s shoes. You need argue in a way that permits the court to rule easily in your favor. It’s based on the law, yes, but also on the way you frame, order and argue the issues.”

“I have gained confidence from observing the docket call and watching the attorneys in my judge’s courtroom. I will not be as intimidated when I walk into court for the first time as an attorney.”



# TABLE OF CONTENTS

<b>Acknowledgments</b> .....	iii
<b>Dedications</b> .....	v
<b>Preface</b> .....	vii
<b>Chapter One: THE ROLE OF THE JUDICIAL CLERK OR INTERN</b> .....	1
A. Judicial Clerks .....	1
B. Historical Development .....	2
J. Daniel Mahoney, <i>Foreword Law Clerks: For Better     or Worse?</i> , 54 BROOK. L. REV. 321 (1988) .....	3
Notes .....	5
C. Qualifications and Selection .....	6
Clerkships .....	6
Notes .....	7
D. Responsibilities .....	8
J. Daniel Mahoney, <i>Foreword Law Clerks: For Better     or Worse?</i> , 54 BROOK. L. REV. 321 (1988) .....	8
Notes .....	9
E. Ethical Considerations .....	10
1. Confidentiality of Chambers .....	11
John Paul Jones, <i>Some Ethical Considerations for Judicial         Clerks</i> , 4 GEO. J. LEGAL ETHICS 771 (1991) .....	11
Notes .....	12
a. Public Comment on Court Proceedings .....	12
Ethics for Federal Judicial Law Clerks .....	12
<i>In re Corrugated Container Antitrust Litigation</i> , 614 F.2d 958 (5th Cir. 1980) .....	13
Notes .....	14
b. Judicial Privilege .....	15
<i>In the Matter of Certain Complaints Under Investigation             by an Investigating Committee of the Judicial             Council of the Eleventh Circuit</i> , 783 F.2d 1488 (11th Cir. 1986) .....	15
Notes .....	18
2. Conflict of Interests .....	19
a. Employment and Family Relations .....	19
John Paul Jones, <i>Some Ethical Considerations for             Judicial Clerks</i> , 4 GEO. J. LEGAL ETHICS 771 (1991) ...	19
<i>Deyling v. Flowers</i> , No. 39345 (8th Dist.), 1979 Ohio App. LEXIS 12242 .....	22

Notes . . . . .	25
<i>Oliva v. Heller</i> , 839 F.2d 37 (2d Cir. 1988) . . . . .	25
Notes . . . . .	28
<i>Simonson v. General Motors Corporation</i> , 425 F. Supp. 574 (E.D. Pa. 1976) . . . . .	29
Notes . . . . .	33
b. Former Clerks and Externs as Counsel . . . . .	34
<i>Fredonia Broadcasting Corp., Inc. v. RCA Corp.</i> , 569 F.2d 251 (5th Cir. 1978) . . . . .	34
<i>Smith v. PepsiCo, Inc.</i> , 434 F. Supp. 524 (S.D. Fla. 1977) . . . . .	35
Notes . . . . .	37
3. Decisionmaking on the Record . . . . .	38
John Paul Jones, <i>Some Ethical Considerations for Judicial Clerks</i> , 4 GEO. J. LEGAL ETHICS 771 (1991) . . . . .	38
<i>Price Brothers Company v. Philadelphia Gear Corporation</i> , 649 F.2d 416 (6th Cir. 1981) . . . . .	40
Note . . . . .	43
Exercises . . . . .	43
Selected Bibliography . . . . .	44
Appendix . . . . .	46
The Clerk or Extern's Court within the Federal or State System . . . . .	46
Structure of the Ohio Judicial System - 2003 . . . . .	47
 <b>Chapter Two: CROWDED COURTS: LIMITING AND DELEGATING JUDICIAL TASKS</b> . . . . .	 49
A. The Perceived "Litigation Explosion" . . . . .	49
Harry T. Edwards, <i>The Rising Work Load and Perceived "Bureaucracy" of the Federal Courts: A Causation-Based Approach to the Search for Appropriate Remedies</i> , 68 IOWA L. REV. 871 (1983) . . . . .	50
Notes . . . . .	58
B. Complex Litigation or "The Big Case" . . . . .	60
<i>In re Boise Cascade Securities Litigation</i> , 420 F. Supp. 99 (W.D. Wash. 1976) . . . . .	60
Notes . . . . .	66
C. Responses to the "Litigation Explosion" . . . . .	69
1. More Courts, More Judges . . . . .	69
2. Limiting Jurisdiction . . . . .	69
<i>Tidewater Oil Co. v. United States</i> , 409 U.S. 151 (1972) . . . . .	69
3. Screening or Summary Disposition Procedures . . . . .	74

<i>Jones v. Superintendent, Virginia State Farm</i> , 465 F.2d 1091 (4th Cir. 1972) . . . . .	74
Notes . . . . .	79
4. Limiting Opinion Publication and Citation . . . . .	80
<i>National Labor Relations Board v. Amalgamated Clothing     Workers of America</i> , 430 F.2d 966 (5th Cir. 1970) . . . . .	80
Notes . . . . .	83
5. Reducing Oral Arguments . . . . .	84
United States Court of Appeals for the Fourth Circuit Rule 34(a) Oral Argument; Pre-Argument Review and Summary Disposition of Appeals; Statement Regarding the Need for Oral Argument . . . . .	84
Notes . . . . .	84
6. Delegating Tasks . . . . .	85
a. To Judicial Clerks . . . . .	85
J. Daniel Mahoney, <i>Foreword Law Clerks: For Better         or Worse?</i> , 54 <i>Brook. L. Rev.</i> 321 (1988) . . . . .	85
b. To Federal Court Magistrates and State Court Masters . . . . .	87
Exercises . . . . .	87
Selected Bibliography . . . . .	88
 <b>Chapter Three: JUDICIAL OPINIONS: DECISIONMAKING AND OPINION DRAFTING</b> . . . . .	
A. Decisionmaking . . . . .	91
Martha L. Minow & Elizabeth V. Spelman, <i>Passion For Justice</i> , 10 <i>CARDOZO L. REV.</i> (1988) . . . . .	93
Notes . . . . .	101
B. “Bureaucratic” Opinion Drafting . . . . .	102
J. Daniel Mahoney, <i>Foreword Law Clerks: For Better or     Worse?</i> , 54 <i>BROOK. L. REV.</i> 321 (1988) . . . . .	102
Charles W. Collier, <i>The Use and Abuse of Humanistic Theory     in Law: Reexamining the Assumptions of Interdisciplinary     Legal Scholarship</i> , 41 <i>DUKE L.J.</i> 191 (1991) . . . . .	103
C. The Opinion Drafting Process . . . . .	106
J. Daniel Mahoney, <i>Foreword Law Clerks: For Better     or Worse?</i> , 54 <i>BROOK. L. REV.</i> 321 (1988) . . . . .	106
Note . . . . .	108
D. Public Perception . . . . .	109
<i>Parker v. Connors Steel Company</i> , 855 F.2d 1510 (11th Cir. 1988) . . . . .	109

Notes . . . . .	113
E. Effective Opinion Drafting . . . . .	115
Note: <i>Concerned Readers a/k/a Lawyers, Law Students, and     Legal Scholars, Plaintiffs/Petitioners v. Judicial Opinion     Writers a/k/a Judges and Judicial Clerks, Defendants/     Respondents</i> , No. 90-00001, University of Michigan Law School Journal of Law Reform Division, Argued October 30, 1989, Decided May 1, 1990 . . . . .	115
Notes . . . . .	124
F. Less Effective Opinion Drafting . . . . .	124
<i>United States v. DiFrancesco</i> , 449 U.S. 117 (1980) . . . . .	124
Notes . . . . .	133
G. Tone in Judicial Opinions . . . . .	133
<i>Denny v. Radar Industries, Inc.</i> , 184 N.W.2d 289 (Mich. Ct. App. 1971) . . . . .	133
<i>Gray v. State</i> , 456 A.2d 1290 (Md. Ct. Spec. App. 1983) . . . . .	134
Note . . . . .	134
H. Opinion Drafting by Committee: Clerks and Central Staff . . .	134
Notes . . . . .	136
Exercises . . . . .	137
Selected Bibliography . . . . .	137

#### **Chapter Four: THE JUDGE AS ADMINISTRATOR IN AN ADVERSARIAL SYSTEM . . . . .**

A. Regulating Civil Discovery . . . . .	142
1. Civil Discovery Reform to Reduce Expense and Delay . . . . .	142
a. The Federal System . . . . .	142
Rule 26. General Provisions Governing Discovery; Duty of Disclosure (1993 Text) . . . . .	143
Notes . . . . .	144
b. The State System . . . . .	145
Discovery Guidelines for State Court . . . . .	146
Notes . . . . .	146
2. Electronic Discovery . . . . .	148
3. The Rocket Docket: Management vs. Litigants' Rights . . . . .	148
<i>Martel v. County of Los Angeles</i> , 21 F.3d 940 (9th Cir. 1994) . . . . .	148
Notes . . . . .	154
4. Alternative Dispute Resolution . . . . .	155
a. Arbitration . . . . .	155
<i>DDI Seamless Cylinder International, Inc. v. General Fire         Extinguisher Corporation</i> , 14 F.3d 1163 (7th Cir. 1994) . . . . .	155

Notes . . . . .	160
b. Summary Jury Trials . . . . .	161
<i>In re NLO, Inc.</i> , 5 F.3d 154 (6th Cir. 1993) . . . . .	161
Notes . . . . .	167
B. Technology in Docket Management . . . . .	168
1. CD-ROM Briefs . . . . .	168
2. Washington State's Access to Justice Technology Principles . . . . .	169
C. Managing Shrinking Budgets . . . . .	169
D. Managing Trials . . . . .	170
Exercises . . . . .	171
Selected Bibliography . . . . .	171
<b>Chapter Five: JUDICIAL QUALIFICATIONS, SELECTION, AND TRAINING . . . . .</b>	<b>175</b>
A. Qualifications . . . . .	175
1. Evaluation Criteria . . . . .	176
2. A Judicial Resumé . . . . .	177
Note . . . . .	180
3. Page's Ohio Revised Code Annotated § 2301.01 Courts of common pleas . . . . .	180
§ 2501.02 Qualifications and term of judge, jurisdiction . . . . .	180
§ 2503.01 Judges of supreme court . . . . .	181
Notes . . . . .	181
B. Judicial Selection Methods . . . . .	181
1. Standards for State Judicial Selection . . . . .	181
Notes . . . . .	187
2. Federal Courts . . . . .	188
Note . . . . .	195
C. The Results of the Judicial Selection Processes . . . . .	195
The United States Judicial System: Federal & State . . . . .	195
Notes . . . . .	196
D. Education and Training . . . . .	196
Exercises . . . . .	197
Selected Bibliography . . . . .	197
<b>Chapter Six: JUDICIAL ETHICS . . . . .</b>	<b>203</b>
A. Roots of Regulating Judicial Conduct . . . . .	204
Draft Changes for ABA Model Code of Judicial Conduct (2005) . . . . .	204
B. Recusal: A Reasonable Question of Impartiality . . . . .	205

28 U.S.C. § 455. Disqualification of justice, judge, or magistrate .....	205
<i>United States v. Murphy</i> , 768 F.2d 1518 (7th Cir. 1985) .....	207
Notes .....	217
<i>Cheney v. U.S. District Court for the District of Columbia</i> , 124 S. Ct. 1391 (2004) .....	219
Notes .....	230
<i>Swann v. Charlotte-Mecklenburg Bd. of Educ.</i> , 431 F.2d 135 (4th Cir. 1970) .....	230
Notes .....	233
<i>In re Complaint as to the Conduct of the Honorable</i> <i>Ronald D. Shenck</i> , 870 P.2d 185 (Or. 1944) .....	234
Notes .....	240
Exercises .....	244
Selected Bibliography .....	246
 <b>Chapter Seven: JURISPRUDENCE: LEGAL PHILOSOPHY</b>	
<b>IN ACTION</b> .....	249
A. Theories of Statutory Construction .....	249
Uniform Statute and Rule Construction Act (1993) .....	250
Commentary to Section 19 .....	252
A Proposal for Federal Rules of Statutory Interpretation (2002) .....	254
A Proposal for a Restatement of Statutory Interpretation (2004) .....	254
Exercises .....	255
B. Judicial Philosophy in Criminal Sentencing .....	256
<i>Mistretta v. United States</i> , 488 U.S. 361 (1989) .....	257
Note .....	265
Stanley A. Weigel, <i>The Sentencing Reform Act of 1984:</i> <i>A Practical Appraisal</i> , 36 UCLA L. REV. 83 (1988) .....	265
<i>Smylie v. Indiana</i> , 823 N.E. 2d 679 (Ind. 2005) .....	279
Exercises .....	290
Selected Bibliography .....	291
 Index .....	 I-1