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A Chance To View Things From The Bench

By Brian S. Jablon, Esq.

Why would one, after having suffered three or four lean years in law school, pass up a law firm associateship to accept a job paying thousands of dollars a year less? The answer is that the latter job is a judicial clerkship. Each year in Maryland, numerous law school graduates choose to accept appointments for a year (two years in the United States District Court) working for judges. The usual reaction among fellow attorneys is that taking a clerkship is the thing to do. Non-attorney friends wonder why.

A judicial clerkship offers to lawyers what no other profession can offer to its novices — a start at the highest point in the profession. The judicial clerk, fresh from law school, is spectator and participant in the resolution of disputes, and the application and formulation of law. For the appellate clerk, those cases studied in law school which formed the basis for legal education are now cases which he or she has a hand

in researching and writing. For the trial court clerk, those theoretical problems in law school class become real-life conflicts which the clerk encounters each day.

Judicial clerks find themselves at the center of all areas of law as they review pleadings or briefs, attend trials or oral arguments, and draft memoranda or opinions. Judicial clerks hone skills both in theoretical matters, as they observe arguments and discuss approaches to resolving issues with their judges, and in practical matters, as they familiarize themselves with rules of procedure and observe the writing and arguing styles of attorneys.

It is, however, the clerk's continual discourse with his or her judge which lies at the heart of the clerkship, and from which the pieces of gold that compensate for the year lost in private practice may be gained several times fold. The clerk experiences first-hand the judge's decision-making processes and, at the same time, gains the ben-

efit of the experience and view of a seasoned-former attorney turned jurist. Most clerks agree that the one-on-one experience is what makes the year or two worthwhile.

Former clerks complain that the beginning of private practice following a clerkship is somewhat of a let down. No longer does one have the privilege of viewing cases from the bench. Even though the former clerk is not in that position anymore, he or she is nevertheless familiar with that perspective, and that gives the former clerk the edge — of having viewed things from the bench's eyes.

Brian S. Jablon clerked with the Honorable Harry A. Cole in the Court of Appeals of Maryland from 1985-86. He is now an associate with the law firm of Smith, Somerville & Case.

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