

PRE-GRADUATION JUDICIAL INTERNSHIPS

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*In the judicial context, the terms “internship” and “clerkship” are not interchangeable. “Internship” refers to a part-time, unpaid, pre-graduation position that is normally the basis for earning academic credit. In contrast, “clerkship” generally denotes a full-time, paid employment position held by a law school graduate. This pamphlet discusses **pre-graduation judicial internships**.*

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A. General Information

Many Opportunities. Law students at St. Mary’s University may participate in a wide range of pre-graduation judicial internships. The School of Law operates judicial internship programs in conjunction with the following courts:

1. The United States District Court for the Western District of Texas;
2. The United States Magistrate Court for the Western District of Texas;
3. The United States Bankruptcy Court for the Western District of Texas; and
4. The Texas Court of Appeals for the Fourth Judicial District.

All of the above internships are located in San Antonio. These programs are sometimes referred to as St. Mary's University School of Law "field placement programs."

Why Be a Judicial Intern? Judicial internships provide students with an excellent opportunity to enhance their understanding of the court system and to make valuable contributions to the administration of justice. The successful completion of a judicial internship is an important professional credential that adds depth to one's resume. The internship demonstrates that the student has complemented his or her academic studies with experience of the type that almost invariably leads to a more sophisticated understanding of how cases are decided.

Difference Between the Trial and Appellate Levels. In a judicial internship, a law student works a certain minimum number of hours for the court over the course of a semester. The intern is supervised by a judge, a law clerk or briefing attorney to a judge, or a staff attorney for the court. The nature of the work varies according to the needs of the court, but normally includes one or more legal research and writing projects. Interns for appellate courts often spend the majority of their time researching, writing, and editing drafts of opinions or orders that will be used to decide cases or motions pending before the court. In contrast, interns for trial courts may spend less time drafting court documents, and more time assisting the incidental tasks that accompany the trial process, such as composing jury instructions, researching evidentiary questions, or attending settlement conferences. Trial court interns often have a greater opportunity than appellate court interns to observe courtroom proceedings. However, appellate court interns are more likely to participate in the writing of opinions that may be published and become part of the body of legal precedent.

Eligibility of Full-Time and Part-Time Students. Students may apply for any internship that will commence in a semester after the student has completed 29 credit hours of course work. Thus, a first-year, full-time student normally may apply for an internship that will take place in the summer between first and second year, or during any subsequent semester.

Tuition and Academic Credit Limitations. Normally, a judicial intern pays tuition at the usual rate to St. Mary's University. With the exception of the internships with Judge Henry Bemporad and Judge Jason K. Pulliam, students may earn two pass-fail credits, subject to the limitations on "ungraded elective credit hours" stated in the *Law Student Handbook*. Students on academic probation are not eligible to participate in field placement programs.

Courts occasionally allow students to intern for the court on a not-for-credit basis, in which case the student is not required to pay tuition and receives no academic credit, but earns a valuable resume credential. The internship with Judge Jason K. Pulliam is not-for-credit.

Faculty Supervision. Each of the internship programs operated by St. Mary's University is supervised by a faculty advisor from whom additional information about the particular program can be obtained. The faculty advisor may play a role in the intern-selection process (*e.g.*, gathering resumes or recommending candidates) and is responsible for monitoring the educational quality of the program. In consultation with the responsible judge, law clerk, or staff attorney, the faculty member assigns the student's grade for the internship.

Experiential Learning Credit. The internships supervised by Professor Vincent Johnson qualify for experiential learning credit for purposes of graduation. Interns supervised by Professor Johnson who are seeking academic credit (including experiential learning credit) must participate in the TWEN course discussion platform entitled "Judicial Internships Supervised by Professor Johnson."

B. Regular Judicial Internship Opportunities

The terms and availability of judicial internship positions vary with the court in question. The following entries summarize information about the application and selection process, and other relevant matters.

1. United States District Court for the Western District of Texas

Judicial internships are regularly available at the United States District Court for the Western District of Texas with the Honorable Xavier Rodriguez, the Honorable Jason K. Pulliam, and the Honorable David A. Ezra. The judges' chambers are located at the United States Courthouse, 262 W. Nueva St., San Antonio, TX 78207.

Faculty Advisor: Professor Vincent R. Johnson

Number of Positions:

- With Judge Rodriguez: two internship positions each semester during fall and spring;
- With Judge Pulliam: one or more positions each semester during summer and fall; and
- With Judge Ezra: one or more positions each semester during the summer, fall, and spring.

Academic Credit:

- Interns with Judge Rodriguez and Judge Ezra may earn two credit hours on a pass/fail basis in exchange for a minimum of 120 hours of work for the court, for which tuition must be paid.
- Interns with Judge Pulliam do not earn academic credit, but may list the internship on their resume, and no tuition is charged. With Judge Pulliam, summer internships are four weeks long, and there are two summer sessions.

Application and Selection Process: A selection process is normally conducted once each year, usually in March, to fill positions for the following summer, fall, and spring semesters. Students are notified about the program through announcements in *The Witan* and Law School e-mail. Candidates are asked to submit required application materials to the faculty advisor (see "Materials to submit," below). Each judge decides who will be offered a position. Decisions are typically made no later than April. Successful students are notified by e-mail. Unsuccessful candidates normally do not hear anything.

Special Notes: Strong academic standing and writing ability are important. Judicial internships are sometimes available with two other federal district court judges in San Antonio. The Honorable Fred Biery and the Honorable Orlando Garcia (chief judge) have hired interns in the past and it may be useful for students to write directly to those judges. Judge Biery is a graduate of Texas Lutheran University and has often had law student interns who were alums of TLU. Students who are invited to intern for Judges Biery or Garcia should contact Professor Vincent Johnson to arrange for academic credit.

Materials to submit:

- For Judge Rodriguez: A resume and law school transcript (unofficial)
- For Judge Pulliam: A cover letter and resume; a writing sample is optional.
- For Judge Ezra: A cover letter and resume.

2. United States Magistrate Court for the Western District of Texas

Judicial internships are regularly available with the Honorable Henry Bemporad at the United States Magistrate Court for the Western District of Texas. The judge's chambers are located at the United States Courthouse, 262 W. Nueva St., San Antonio, 78207.

Faculty Advisor: Professor Vincent R. Johnson

Number of Positions: Normally one intern each semester (summer, fall, and spring).

Academic Credit: Interns earn four graded credit hours in exchange for a minimum of 240 hours of work. This internship is designed to be *especially demanding* and to provide for *intensive supervision of the intern's research and writing*. This internship can be an especially valuable credential and *steppingstone to a post-graduation judicial clerkship*.

Application and Selection Process: Judge Bemporad sometimes selects interns from the course that he teaches at the law school. Students may be notified about other openings through announcements in *The Witan* and Law School e-mail.

Materials to Submit: Candidates are asked to submit to the faculty advisor a cover letter addressed to the judge, a resume, *and a writing sample*.

Special Notes: Strong academic standing and writing ability are essential for this internship. The judge decides who will be offered a position. Successful students are notified by e-mail. Unsuccessful candidates normally do not hear anything.

3. United States Bankruptcy Court for the Western District of Texas

Judicial internships are available at the United States Bankruptcy Court for the Western District of Texas with the Honorable Craig A. Gargotta. The judge's chambers are located in the Hipolito F. Garcia Federal Building and United States Courthouse, which is near the Alamo.

Faculty Advisor: Professor Vincent R. Johnson

Number of Positions: One or more positions for summer 2022.

Academic Credit: Interns earn two credit hours on a pass/fail basis in exchange for a minimum of 120 hours of work.

Application and Selection Process: Students selected for positions should contact the faculty advisor in advance of the relevant semester.

Special Notes: It is useful for applicants to have taken the course in Bankruptcy, but that is not essential.

Materials to Submit: cover letter, resume, and writing sample.

4. Texas Court of Appeals for the Fourth Judicial District

Internships are available each semester with justices of the Texas Court of Appeals for the Fourth Judicial District.

Location: Chambers of the Fourth Court of Appeals, 3200 Bexar County Justice Center, 300 Dolorosa St., San Antonio, 78205-3037

Faculty Advisor: Professor Vincent R. Johnson

Number of positions: *One or more* interns are selected for each semester (summer, fall, and spring).

Academic Credit: Interns may earn two credit hours on a pass/fail basis in exchange for a minimum of 120 hours of work or may work on a not-for-credit basis.

Application and Selection Process: Students are notified about the program through announcements in *The Witan* or posted through the Career Strategy Office of the Law School, typically during the middle of the semester preceding the internship. Applicants apply directly to the court. A writing sample is normally required. Once a student has been selected, the student should contact the faculty advisor to register for course credit.

Special Notes: Preference may be given to students entering their third year of studies. The student's pass /fail grade is submitted by the faculty advisor based on a report received from the court. Law students need to be concerned about conflicts of interest. A student cannot serve as a judicial intern at the Fourth Court while simultaneously serving as a law clerk for a law firm with a case pending before the Fourth Court without disclosing that fact to the court. The court will then determine whether the student must relinquish the internship.

C. Special Judicial Internship Opportunities

1. Texas State Appellate Courts

Other judicial internships are regularly available with: The Texas Supreme Court; The Texas Court of Criminal Appeals, and Other Texas Courts of Appeals, such as the First Court of Appeals (Houston), the Third Court of Appeals (Austin), the Thirteenth Court of Appeals (Corpus Christi), and the Fourteenth Court of Appeals (Houston)

Information about these opportunities is available through the Law School's Career Strategy Office, in *The Witan*, or on the Web, or by contacting the court directly. A student who is offered an internship by one of these courts can contact Professor Vincent R. Johnson to discuss the terms and availability of course credit. The normal arrangement is two pass/fail hours in exchange for 120 hours of work for the court.

2. Other Courts

From time to time, various courts not mentioned above seek the assistance of law student interns. These positions provide students with valuable professional experience, and students are encouraged to explore these options. Announcements of such opportunities can be found in the Career Strategy Office or *The Witan*. The *Student Handbook* states:

Independent Study Internship

A student who is offered an unpaid internship, with a non-profit or government agency, not on the

“approved” list of experiential learning internships or part of the Externship Program may receive up to three (3) credits through the Independent Study structure.

- A student may receive up to three credit hours on a pass/fail basis through Independent Study Internship.
- A student must work at least 60 hours per credit hour received. Students must maintain accurate time accounting and submit paperwork to the supervising faculty.
- A student is not permitted to receive payment for the internship.
- Students may seek approval for reimbursement of reasonable out-of-pocket expenses from an employing entity or third party as long as student provides an accurate accounting and demonstrates expenses were incurred as result of employment.
- Independent Study Internship hours will not count against the student’s 3-hour Independent Study limit.
- Independent Study Internship hours will not count against the faculty 3-hour Independent Study Limit.
- Any full-time faculty member may supervise an Independent Study Internship. Normally a student should find a faculty member with some expertise in the area to supervise the internship.

Before enrollment, the student must meet with the faculty sponsor to discuss the internship placement and requirements using Independent Study Faculty Summary Form. The student, supervising attorney, and sponsoring faculty member must complete and sign the Independent Study Internship Agreement Form and submit it with the Independent Study Registration Form to the registrar during the registration period.

At the start of the internship, the student must complete and submit to the sponsoring faculty member a Learning Plan created in coordination with the supervising attorney. The Learning Plan ensures that the goals and opportunities for practice include substantial legal duties in addition to oversight. The sponsoring faculty member must review the student’s Learning Plan and maintain regular contact with the student and supervising attorney.

During the semester, the student must complete the minimum hours based on the enrolled credit and all requirements outlined in the Independent Study Internship Agreement Form as designated by the sponsoring faculty member including, but not limited to, attending classes, meetings, discussion forums, and/or submitting any writing assignments. Throughout the semester, student must keep careful time accounting and provide a final time record to the sponsoring faculty member and meet all requirements outlined in the Independent Study Internship Agreement Form.

At the termination of the internship, the faculty member must complete the Independent Study Faculty Summary memorializing and reviewing the requirements, evaluated material, method/frequency of contact made with the student and supervising attorney, and time records to certify completion and that all relevant ABA Standards were met. All records associated with the internship must be retained for ABA site visit inspections.

D. Cover Letters and Interviews

If an internship applicant is required to submit a cover letter, the letter should be well written and should strive to be interesting and make an excellent first impression. Normally, the tone should be confident, restrained, and professional. The candidate should set forth the facts that establish that he or she is well qualified, rather than simply assert that conclusion. Sample cover letters may be available in the Career Strategy Office. The applicant should sign the cover letter; the signature space should not be left blank.

Internship candidates are not normally invited to interview for positions. Most decisions are based on the written materials submitted by the candidate.

Appendix A: Educational Objectives

St. Mary's University School of Law Statement of Educational Objectives for Faculty-Approved Judicial Internships Adopted by the Faculty February 27, 2017

This statement applies to the following faculty-approved judicial internship programs: (1) U.S. Court of Appeals for the Fifth Circuit; (2) U.S. District Court for the Western District of Texas; (3) U.S. Magistrate Court for the Western District of Texas; (4) Texas Supreme Court; and (5) Fourth Texas Court of Appeals.

This statement does not apply to internships that are part of the St. Mary's University School of Law Externship Program.

I. Analysis, Reasoning, Writing, and Expression

A primary goal of these field placement programs operated by St. Mary's University School of Law is to improve the skills of the participants with regard to legal analysis, critical reasoning, legal writing, and oral expression.

II. Professional Responsibility

It is expected that participation in these field placement programs will increase the student's awareness of issues of professional responsibility, particularly with regard to confidentiality and the disciplinary rules that govern the conduct of lawyers and judges.

III. Application of the Law to Facts

It is also an objective of these field placement programs to improve the student's understanding of substantive law as it relates to the problems that must be addressed by judges on courts and lawyers in practice. The opportunity to engage in intensive research and writing in some area of law, prompted by an actual legal case, is a valuable educational opportunity.

IV. Legal Process and Procedure

These field placement programs should help students gain a fuller understanding of the legal process and rules of procedure.

Appendix B: Rules for Supervision

St. Mary's University School of Law Rules for Supervision of Faculty-Approved Judicial Internships Adopted by the Faculty February 27, 2017

These rules apply to the following faculty-approved judicial internship programs: (1) U.S. Court of Appeals for the Fifth Circuit; (2) U.S. District Court for the Western District of Texas; (3) U.S. Magistrate Court for the Western District of Texas; (4) Texas Supreme Court; and (5) Fourth Texas Court of Appeals.

These rules do not apply to internships that are part of the St. Mary's University School of Law Externship Program.

I. Duties of the Faculty Member

The faculty member responsible for supervising a field placement program shall be designated by the dean. Because the primary supervision of the law student is performed by the on-site supervisor at the court or agency where the student works, faculty supervision of field placement programs is ordinarily not regarded as equivalent to teaching a course or supervising an in-house clinic for purposes of determining teaching loads for faculty members, but may be counted as service to the law school.

The duties of the faculty member include:

- A. Providing notice to students about the opportunity to participate in the program and information about any prerequisites and the selection process.
- B. Selecting or recommending students for the program or otherwise cooperating with the on-site supervisor with regard to selection.
- C. Providing to the on-site supervisor annually copies of the faculty-adopted "Statement of Educational Objectives for Field Placement Programs" and "Rules for Supervision of Field Placement Programs."
- D. Maintaining regular contact with the on-site supervisor through in-person visits or other methods of communication that assure the quality of the student educational experience.
- E. Monitoring the educational value of the field placement program and, as necessary, implementing or recommending changes.
- F. Establishing "a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection."¹
- G. Consulting with students or the on-site supervisor about issues that arise during the field placement program.

¹ ABA Standard 304(c)(2)(v).

- H. Receiving from the student and reviewing, with the permission of the on-site supervisor and consistent with applicable law and principles of confidentiality, samples of the student's written work product in the field placement program.
- I. Assigning grades after consultation with the on-site supervisor.
- J. Maintaining records that document compliance with these rules.

II. Duties of the On-Site Supervisor

The on-site supervisor is normally a judge or attorney chosen by the dean or by the responsible faculty member in consultation with the dean. The duties of the on-site supervisor include:

- A. Assigning educationally valuable work to the student taking into account the faculty's statement of "Educational Objectives for Field Placement Programs" and the American Bar Association's requirement that field placement programs provide a "substantial lawyering experience and opportunities for performance, feedback and self-evaluation."²
- B. Supervising the student's work.
- C. Providing critical feedback to students about the quality of their work and opportunities for student self-evaluation.
- D. Discussing with the student ethical issues that arise related to their work, the relevant court or agency, or the legal system generally.
- E. Setting high professional standards of conduct for the student.
- F. Submitting to the faculty member, at the end of the placement, a report indicating that the student completed the required number of hours of work and performed satisfactorily in light of the educational objectives of the program. If the placement is graded, rather than pass-fail, the on-site supervisor shall recommend a grade and explain in writing the basis for that recommendation.

² ABA Standard 304(c)(2)(iii).