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# PRE-GRADUATION JUDICIAL INTERNSHIPS

*(and Internships at the United States Attorney's Office)*

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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 the basis for earning academic credit. In contrast, "clerkship" denotes a full-time, paid employment position held by a law school graduate. This pamphlet discusses **pre-graduation** judicial internships.*

Law students at St. Mary's University may participate in a wide range of pre-graduation judicial internships. These 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 a good 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.

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 31 hours of course work. Thus, a first-year full-time student may apply for an internship that will take place in the summer between first and second year, or during any subsequent semester. A first-year part-time student may applying for a judicial internship that commences in spring of the student's second year or later.

**St. Mary's University School of Law operates** judicial internship programs in conjunction with the following courts:

- The United States Court of Appeals for the Fifth Circuit;
- The United States District Court for the Western District of Texas;
- The United States Magistrate Court for the Western District of Texas;
- The United States Bankruptcy Court for the Western District of Texas;
- The Texas Court of Criminal Appeals; and
- The Texas Court of Appeals for the Fourth Judicial District.

All of the above internships, as well as the internship program with the United States Attorney's Office (discussed below), are located in San Antonio, with the exception of the Texas Court of Criminal Appeals internship, which operates in Austin during the summer. These programs (plus the internship program with the United States Attorney's Office) are sometimes referred to as the St. Mary's University School of Law Field Placement Programs. The faculty's statement of "Educational Objectives" for Field Placement programs is reproduced in Appendix A.

In addition to the internship programs operated by St. Mary's University School of Law, students from St. Mary's University often participate in three judicial internship programs in Austin that are **operated under the supervision of the University of Texas**. Those internships are with:

- The Texas Supreme Court;
- The Texas Court of Criminal Appeals (note that this program is separate and distinct from the St. Mary's program operated with the same court); and
- The Texas Court of Appeals for the Third Judicial District.

## TUITION AND ACADEMIC CREDIT LIMITATIONS

For internship programs operated by St. Mary's University:

- The student pays tuition at the usual rate to St. Mary's University for two or four credit hours, depending on the structure of the internship.
- If the credits are awarded on a pass-fail basis, as is typically the case, the credits are subject to the normal limitations on "ungraded elective credit hours" stated in the *Student Handbook*. (The *2008-09 St. Mary's University School of Law Student Handbook* provides at page 8 that students "may not count toward graduation more than eight ungraded *elective* credit hours earned at any law school.")
- No more than four credit hours from field placements will be counted toward the 90 credit hours required for graduation.
- Students on academic probation are not eligible to participate in field placement programs.

If the judicial internship program is operated by the University of Texas:

- The student pays tuition to the University of Texas at the UT tuition rate for two or four credit hours, depending on the structure of the internship.
- The student typically may enroll for additional classes at the University of Texas, for which UT tuition must be paid.
- All credits earned through the University of Texas (including internship credits and other credits) are then transferred back to St. Mary's University subject to the terms stated in the *St. Mary's University School of Law Student Handbook*. Three limitations deserve particular mention:
  - (1) **Limitation on Ungraded Elective Credit Hours.** Credits earned on a pass/fail basis are subject to the eight-credit limitation on ungraded elective credit hours noted above (*see 2008-09 Student Handbook*, p. 8);
  - (2) **Limitation on Transient Hours.** "A student accepted in an Austin internship program is allowed to count a maximum of fifteen transient hours (eleven in addition to the four-credit internship) toward fulfillment of the ninety-hour graduation requirement." (*See 2008-09 Student Handbook*, p 43.) Amplifying this provision, the *Handbook* explains in part that "[i]f an intern has previously earned summer transient hours, the number of earned summer transient hours reduces the number of hours that can be earned while attending the University of Texas School of Law during the semester of the internship").
  - (3) **Calculation of Grade Point Average.** "Grades earned at other law schools while a student is in transient status are not used in calculating the student's cumulative grade-point average. A transient-status course is listed on the student's transcript with a grade of 'CR' (credit) assuming the

grade was a passing one. Credit hours earned in transient-status courses count toward the 90-credit-hour requirement for graduation, but do not count against the limit on “ungraded elective credit hours” (that is, the pass/fail hours limitation), if the student received a letter grade or a numerical grade (rather than a generic “pass”) in the transient-status course.” (2008-09 Student Handbook, pp. 30.)

***Not-for-Credit.*** State courts (such as the Texas Court of Appeals for the Fourth Judicial District) 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 and benefits from the experience.

## INTERNSHIP PROGRAMS OPERATED BY ST. MARY’S UNIVERSITY

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 often plays a role in the intern-selection process and is always 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.

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

### *United States Court of Appeals*

Internships are available with two judges, Judge Emilio M. Garza and Judge Edward C. Prado.

#### *Honorable Emilio M. Garza*

***Location:*** Chambers of the Honorable Emilio M. Garza, 501 Fountainhead Bldg., 8200 IH-10 West, San Antonio, 78230, 210-525-2950

***Faculty Advisor:*** Professor Vincent R. Johnson

***Number of Positions:*** Normally two interns are selected for each semester (summer, fall, and spring).

***Academic Credit:*** Interns earn four credit hours, on a pass/fail or graded basis, in exchange for a minimum 240 hours of work. The intern’s work schedule must allow for intensive supervision and feedback. (For example, a typical schedule might consist of four hours of work per day, five days per week, over twelve weeks of the semester.)

***Application and Selection Process:*** A selection process is conducted once each year, usually in February or March, to fill positions for the following summer, fall, and spring semesters. (The same process is used to fill the United States District Court internship positions discussed below.) Students are notified about the program through announcements in the *Witan* and law school e-mail. Candidates are asked to submit a resume and, if possible, a writing sample. In consultation with other members of the faculty, the faculty advisor recommends candidates to the Judge, which the Judge may or may not adhere to in offering internship positions. Decisions are typically made no later than April, and successful students are notified by law school e-mail.

***Special Notes:*** Demonstrated academic ability and strong writing skills are essential. The Judge and his clerks will forward a detailed written memorandum to the faculty advisor at the end of the semester, which becomes the principal basis for the student's grade. Students *should not* apply directly to the Judge's chambers; the Judge forwards such applications back to the faculty advisor for initial review.

**Honorable Edward C. Prado**

***Location:*** Chambers of the Honorable Edward C. Prado, 755 E. Mulberry St., Suite 350, San Antonio, Texas 78212, 210-472-4060

***Faculty Advisor:*** Professor Vincent R. Johnson

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

***Academic Credit:*** Interns earn two pass/fail credit hours, in exchange for a minimum 120 hours of work. The intern's work schedule must allow for intensive supervision and feedback. (For example, a typical schedule might consist of two hours of work per day, five days per week, over twelve weeks of the semester.)

***Application and Selection Process:*** A selection process is conducted once each year, usually in February or March, to fill positions for the following summer, fall, and spring semesters. (The same process is used to fill the United States District Court internship positions discussed below.) Students are notified about the program through announcements in the *Witan* and law school e-mail. Candidates are asked to submit a resume. In consultation with other members of the faculty, the faculty advisor recommends candidates to the Judge, which the Judge may or may not adhere to in offering internship positions. Decisions are typically made no later than April, and successful students are notified by law school e-mail.

***Special Notes:*** Demonstrated academic ability and strong writing skills are essential. The Judge and his clerks will forward a detailed written memorandum to the faculty advisor at the end of the semester, which becomes the principal basis for the student's grade. Students *should not* apply directly to the Judge's chambers; the Judge forwards such applications back to the faculty advisor for initial review.

### *United States District Court*

**Location:** Chambers of the Honorable Xavier Rodriguez and Honorable Fred Biery at the John Wood Federal Court House in Hemisfare Plaza, 655 E. Durango, San Antonio, 78206, (telephone: Rodriguez, 210-472-6575; Biery, 210-472-6505)

**Faculty Advisor:** Professor Vincent R. Johnson

**Number of Positions:** Approximately two to four interns (one or two for each of the two court) are selected for each semester (summer, fall, and spring).

**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:** A selection process is conducted once each year, usually in February or March, to fill positions for the following summer, fall, and spring semesters. (The same process is used to fill the United States Court of Appeals internship positions discussed above.) Students are notified about the program through announcements in the *Witan* and law school e-mail. In consultation with other members of the faculty, the faculty advisor recommends candidates to the Judge, which the Judge may or may not adhere to in offering internship positions. Decisions are typically made no later than April or May, and successful students are notified by e-mail, campus mail, or U.S. mail.

**Special Notes:** Strong academic standing and writing ability are important.

### *United States Magistrate Court*

**Location:** Chambers of the Honorable Pamela A. Mathy, John Wood Federal Court House in Hemisfare Plaza, 655 E. Durango, San Antonio, 78206, 210-472-6350

**Faculty Advisor:** Professor Vincent R. Johnson

**Number of Positions:** Judge Mathy takes one intern each semester (summer, fall, and spring).

**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:** A selection process is conducted once each year, in February or March, to fill positions for the following summer, fall, and spring semesters. (The same process is used to fill the United States Court of Appeals and United States District Court internship positions discussed above.) Students are notified about the program through announcements in the *Witan* and law school e-mail. In consultation with other members of the faculty, the faculty advisor recommends candidates to the Judge, which the Judge may or may not adhere to in offering internship positions. Decisions are typically made no later than April or May, and successful students are notified by law school e-mail.

**Special Notes:** Strong academic standing and writing ability are important. During one recent semester, the intern for Judge Mathy worked on a civil rights case, a civil

case relating to real property, an attorney's fee award, and a federal law claim relating to wrongful discharge.

### United States Bankruptcy Court

**Location:** Chambers of the Honorable Leif M. Clark and Ronald B. King, P.O. Box 1439, San Antonio, 78295-1439

**Faculty Advisor:** Professor Richard Flint

**Number of Positions:** Up to two interns (one for each court) are selected for each semester (summer, fall, and spring).

**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:** Interested students should contact the faculty advisor one month before the beginning of each semester. The faculty advisor will then make recommendations to the Judges.

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

### Texas Court of Criminal Appeals

**Location:** Office of the Chief Staff Attorney, Texas Court of Criminal Appeals, Austin

**Faculty Advisor:** Professor John Schmolesky

**Number of Positions:** Up to three interns are selected for each half of the summer.

**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 are notified about the program through announcements in the *Witan*. Applications are accepted in March or April. Interested students should submit a resume and letter of interest. Successful candidates are selected by the faculty advisor in consultation with the Chief Staff Attorney. Decisions are typically made no later than May, and successful students are notified by e-mail, campus mail or U.S. mail.

**Special Notes:** Preference is given to students entering their third year of studies. In contrast to the judicial internship program with the Texas Court of Criminal Appeals that is operated by the University of Texas (*see below*), which accepts applications from students at all Texas law schools, these internship positions in the Office of the Chief Staff Attorney are available only to St. Mary's University law students.

**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:** Roughly three 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 *Professional Pathways*, typically during the middle of the semester preceding the internship. Applicants apply directly to the Court. A writing sample is normally required.

**Special Notes:** Preference may be given to students entering their third year of studies. A 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.

**United States Attorney's Office**

**Location:** Staff Attorney's Office, San Antonio

**Faculty Advisor:** Professor John Schmolesky

**Number of Positions:** Up to three 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.

**Application and Selection Process:** Interested students should contact the faculty advisor several months in advance of the semester for which the position is sought because the applicant must pass an FBI field investigation.

**Special Notes:** Law students need to be concerned about conflicts of interest. Working at the U.S. Attorney's Office will disqualify a student from serving as a federal court intern during the same semester. Depending on the facts and how the rules are interpreted, the student may also be disqualified from working as federal court intern during a subsequent semester.

## JUDICIAL INTERNSHIP PROGRAMS OPERATED BY THE UNIVERSITY OF TEXAS

The latest information relating to the internship programs operated by the University of Texas with the Texas Supreme Court, the Texas Court of Criminal Appeals, and the Texas Court of Appeals for the Third Judicial District in Austin is available through the Career Services Office. Some of that information is posted on the law school website ([law.stmarytx.edu](http://law.stmarytx.edu)) in the “Judicial Internship” section.

## COVERLETTERS AND INTERVIEWS

In some cases, an internship applicant must submit a coverletter expressing interest in the position, as well as a resume. If that is the case, the letter should be well written and should strive to 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. It may be useful to consult the materials on post-graduation judicial clerkships that are available in the Career Services Office, for they may contain sample coverletters.

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

## UNEXPECTED VACANCIES

After interns have been selected for a program, a vacancy may unexpectedly arise. If you would like to be considered in case such a contingency develops, provide that information to the faculty advisor for the program.

## OTHER COURTS

From time to time, various courts not mentioned above seek the assistance of law student interns. These positions can provide students with valuable professional experience, and students are encouraged to explore these options. Announcements of such opportunities can be found in the Career Services Office or in *Professional Pathways*. However, such *ad hoc* placements will not normally qualify for academic credit. The American Bar Association requires that law schools supervise and monitor the quality of any internships for which they grant credit (*see* Appendix B, which details the duties entailed by “Faculty Supervision of Field Placement Programs”). Because the amount of faculty time available for supervision of judicial internships is limited, the dean and faculty have determined that, except in the limited case of faculty-sponsored independent study, credit will not be granted for participation in internship programs other than the ones discussed above, each of which has been approved by the faculty. This is not necessarily bad news: the student can still earn a valuable resume credential, will not have to pay tuition for the internship,

and can use the credit hours that might have been spent on the internship taking another course that will give the student a broader legal education

In limited cases, a faculty member and student may agree that an internship specially arranged with a court may count toward fulfillment of some or all of the requirements of an independent study project. In that case, the professor sponsoring the independent study will need to advise the judge of the faculty's expectations relating to internships with the judiciary and will be responsible for ensuring compliance with those standards. The rules governing independent studies are set forth in the *Student Handbook*. No student may receive academic credit for work for which the student is paid.

## Appendix A

St. Mary's University School of Law

### **Faculty Statement of Educational Objectives for Field Placement Programs**

Adopted by the Faculty, Fall 1994

The primary goal of the field placement programs at St. Mary's University is to improve the skills of the participants with regard to legal analysis, reasoning, and legal writing. It is expected that participation in a field placement program will increase the student's awareness of issues of professional responsibility, particularly with regard to confidentiality.

It is also an objective of the field placement programs to increase the student's understanding of substantive law in particular areas. The subject matter will be more predictable, at least in general terms, with regard to some field placements (*i.e.*, federal bankruptcy judges, Court of Criminal Appeals) than others. For example, the state district courts, the Fourth Court of Appeals, and federal district and appellate court judges deal with criminal cases and a wide variety of civil cases. Even if the particular area of law is not known in advance, 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.

All placements should help students gain a fuller understanding of the legal process and rules of procedure.

## Appendix B

### FACULTY SUPERVISION OF FIELD PLACEMENT PROGRAMS

Faculty supervisors of field placement programs provide a valuable service to the law school and law students. However, because the primary supervision of the law student is performed by the field supervisor at the court or agency where the student works, supervision of field placement programs is not regarded as equivalent to teaching a course or supervising an in-house law school clinic for purposes of determining teaching loads for faculty members.

The duties of a faculty field placement supervisor include:

- (1) Providing notice to students of the opportunity to participate in the program and any prerequisites or criteria for selection.
- (2) Selecting the students for the program or cooperating with the field supervisors or others at the field placement court or agency in making the selection.
- (3) Conducting periodic meetings with the students during the course of the field placement in order to: advise the students of the likely nature of the work; ensure that work with significant educational value is assigned by the field supervisor or others at the field placement; and to obtain evaluations of the field placement program from the student.
- (4) Acting as a liaison with the field placement court or agency to help solve problems with individual students or with the program generally, and to monitor the conduct of the field placement in order to ensure that the program is providing adequate supervision and an opportunity to participate in work that has significant educational value for the students.
- (5) Reviewing written work produced by the student during the placement and determining, in cooperation with the field supervisor, whether the work is deserving of academic credit (on a pass/fail basis) to the extent permitted by law and principles of confidentiality.
- (6) Evaluating and seeking to improve the field placement program with the assistance of the field supervisor and other personnel at the court or agency as well as the students who participate in the programs. To facilitate communication and to evaluate the field placement, it is recommended that the faculty supervisor make occasional visits to the site of the field placement program, if possible. Faculty supervisors should assess whether the field placement is achieving the educational objectives stated below and how the program could be modified to enhance the attainment of these educational objectives.