

BUSINESS LAW TODAY

Training for Tomorrow

Business Law Section Diversity Clerkship Program: Exposing Minority Students to Careers in Business Law

By [Vanessa R. Tiradentes](#)

To further its mission “[t]o encourage diversity in the Section by fostering a welcoming environment for all lawyers and promoting full and equal participation by all lawyers, including lawyers of color, women lawyers, gay and lesbian lawyers, and lawyers with disabilities,” the ABA Business Law Section created the Diversity Clerkship Program, which gives law students the opportunity to intern with judges in business courts throughout the country, exposing them to business practices and new areas of law (www.americanbar.org/groups/business_law/initiatives_awards_diversity.html). Both during and after their participation in the program, students are encouraged to forge relationships with business law practitioners and to consider careers in business law. In 2008, I was among the students chosen to participate in the Diversity Clerkship Program, and as result of that experience, I decided to pursue a career in business law.

Minority Participation in Judicial Clerkships

“Judicial law clerks become leaders in the profession, become judges and partners in law firms. They are very visible in the justice system and are role models for law students.” James Podger, *New Diversity Initiatives*, 86-APR A.B.A. J. 97 (2000). According to NALP, each year, about 3,000 law school graduates go on to clerk after graduation. Despite slight increases, minority men and women continue to be

underrepresented among those who pursue judicial clerkships.

In 1998, an article in *USA Today* brought the discussion about minority participation in judicial clerkships to the forefront: of the 394 clerks hired across the collective tenures of the nine Supreme Court Justices up to that point, only seven were African-American, 18 were Asian American, and four were Hispanic. Thereafter, organizations such as the American Bar Association and National Bar Association developed initiatives and taskforces aimed at increasing the number of minorities participating in judicial clerkships: in 2000, the ABA Section of Antitrust Law created an initiative to provide opportunities for minority students to spend eight weeks working for federal judges, and the ABA Commission on Opportunities for Minorities in the Profession created a program for minority law students to network with judges. Likewise, the Task Force to Increase Minority Law Clerk Opportunities in the Judicial System and Judicial Externship Program was created in 2001 by the National Bar Association. Despite such efforts, a 2007 NALP study showed that although the percentage of minority graduates from law schools has increased, minority representation among court clerks had not shown similar growth.

There appear to be several reasons why minorities continue to be underrepresented, including lack of information and misperceptions of the qualifications of and work

performed by judicial clerks. Further, the competitiveness of obtaining clerkships deters many students from even applying. Because minority students are more likely to have fewer financial resources and incur substantial debt during college and law school, many feel pressured to forego clerkships in order to pursue higher-paying jobs. Likewise, lack of mentorship may also contribute to the lack of information and desire to participate in clerkships.

Both the bench and the bar benefit from increased minority participation in judicial clerkships. Learning about how the judicial system works and how judges make their decisions is a valuable tool for aspiring litigators. Additionally, young lawyers develop mentorships with the judges for whom they clerk, who can provide recommendations and contacts for future positions. Further, students who participate in clerkships learn about new areas of law, to which they may not have otherwise been exposed. Thus, increased access to the judiciary and minority participation in judicial clerkships will improve diversity in the workplace and different fields of law.

Likewise, judges benefit as they are exposed to different perspectives and viewpoints as a result of their interaction with diverse judicial clerks. “Judicial clerks have come to be considered essential members of judges’ staff.” Mary Dunnewold et al., *Judicial Clerkships: A Bibliography*, 8 LEGAL COMM. & RHETORIC: JALWD

239, 244 (2011). The clerk's role varies by judge, but in most instances, the bond between the clerk and the judge is one that affects both for the rest of their lives. Thus, increased minority participation in judicial clerkships may expose judges to different beliefs and ideas. As they shape the law, judges are able to encompass and consider experiences different from their own.

My Experience in the Diversity Clerkship Program

When I first began law school, I, like many students, had no conception of what a law clerk did. Working for a judge seemed like a rewarding experience, but I did not understand the duties and responsibilities of a clerk. However, due to the ABA's efforts, I was among one of two first-year law students from my law school chosen to participate in the ABA's Judicial Clerkship Program. In early 2007, I traveled, along with five other Hofstra law students, to attend the ABA Mid-Year Meeting in Miami, Florida, and spent two days networking with students and judges from across the country. From that moment, I knew that I wanted to clerk for a judge at some point in my legal career.

In the fall of 2007, I took my first business law class, Business Organizations, and learned about Delaware's role in the development of corporate law. The cases were fascinating and the concepts intriguing. As the course progressed, the professor announced to the class that there was an opportunity to clerk for a vice chancellor in Delaware's Court of Chancery through the ABA Business Law Section Diversity Clerkship Program. In addition to the opportunity to clerk in a prestigious business court, the program made it financially feasible for me to spend the summer away, providing a stipend to participating students. I eagerly submitted my application and waited. In March, 2008, Vice Chancellor Donald F. Parsons Jr. contacted me himself, and invited me to come spend my summer in Wilmington, Delaware.

Summer could not arrive quickly enough. With the aid of Vice Chancellor Parsons' assistant, I found housing in Delaware and scheduled the start and end dates of my

clerkship. I had never been to Delaware, so all of the assistance, from popular neighborhoods to good restaurants was greatly appreciated. Because of the low cost of living in Wilmington, Delaware, I was able to live in Wilmington for the summer without much financial strain on my family.

When I arrived for my first day at the New Castle County Courthouse, I received a friendly welcome by Vice Chancellor Parsons and his staff. Vice Chancellor Parsons quickly immersed me into his work. He assigned me to work on an opinion relating to a family dispute over the estate of ice cream royalty, and got to do additional research on isolated issues as needed. I put my researching skills to use in assisting Vice Chancellor Parsons with the draft of this opinion, and, once a week, met with him to go over my progress and make sure that I was heading in the right direction. We discussed my research findings and the legal theories that were applicable. Through these discussions, I gained insight into how Vice Chancellor Parsons approached his cases and formulated his opinions.

In addition to helping the Vice Chancellor with his opinions, I listened in on teleconferences and attended hearings and trials. I got to know the court staff well, from the security guards at the courthouse to the court reporters in Chancery. The other clerks were welcoming and good sources of information. They explained the process of obtaining a clerkship after graduation and shared their individual plans following their clerkship. Once a month, Vice Chancellor Parsons scheduled Chambers Lunch, where he would set aside time to go to lunch with the clerks and his staff.

After the Clerkship

The summer passed quickly, and I soon realized I was not quite ready to leave Delaware. Vice Chancellor Parsons urged me to consider Wilmington in my job search, extolling its central location: 30 minutes to Philadelphia, one hour to Baltimore, two hours to New York, and two hours to Washington, D.C. I heeded his advice and submitted my resume to local firms, and left Wilmington with an offer to return as

a Court of Chancery practitioner where I have worked for the past four years. Recently, I had the opportunity to try a case before Vice Chancellor Parsons – an opportunity I would not have received without the Diversity Clerkship Program.

The lessons I learned in my clerkship with Vice Chancellor Parsons have proven to be invaluable to me in the practice of law. I learned the inner workings of the Court of Chancery, and developed relationships with the court staff. I honed my writing skills and had my writing critiqued by Vice Chancellor Parsons and his clerks. Most importantly, I gained a wonderful mentor. Vice Chancellor Parsons was integral to my decision to consider litigation, and Wilmington, and continues to support me as my legal career progresses.

Today, I aim to increase my participation in the Business Law Section and support programs like the Diversity Clerkship Program. Each year, I look forward to the e-mail or call from Vice Chancellor Parsons, advising of the arrival of his ABA Diversity Clerk. I am able to mentor these students and encourage them to consider careers in business law, and in Wilmington, Delaware, much like Vice Chancellor Parsons did for me.

I hope that the Business Law Section continues to support this program. For many students like myself, clerkships are foreign, and students are not well-informed about the value of a clerkship. Today, clerkships are widely coveted and more competitive than ever; however, for some, it is not economically feasible to clerk. With the Section's support, students can have this experience that may change the trajectory of their legal career. It certainly changed my life, and I could not be more thankful.

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