

### **Clerking for the Supreme Court**

The New Jersey Supreme Court is the State's highest appellate court. It is composed of a Chief Justice and six associate justices. The Justices have their individual chambers in Cherry Hill, Fairfield, Morristown, Newark and Trenton and hold conferences and oral argument in Trenton. The Supreme Court is a court of discretionary jurisdiction. Most litigants must request that the Court hear their matter by filing either a petition for certification or a motion for leave to appeal. In very limited circumstances, such as where a judge in the Appellate Division files a dissenting opinion, a party may appeal to the Supreme Court as of right. In deciding the cases that come before it, the Court interprets the New Jersey and the United States Constitution, New Jersey statutes, administrative regulations of the State's governmental agencies, as well as the body of common law and other relevant legal authority. In addition to written briefs, the parties present their legal arguments to the Court at oral argument, during which the parties articulate their positions and respond to questions from the members of the Court. Each Supreme Court justice has three law clerks. Law clerks are primarily responsible for performing legal research, preparing written memoranda on novel issues of law, and assisting the Justices in the preparation of opinions.

### **Clerking for the Appellate Division of Superior Court**

The Appellate Division is New Jersey's unified intermediate appellate court. It is composed of 32 judges who sit on four-judge panels. The panel assignments change each year. The judges' chambers are located throughout the state.

Each Appellate Division judge has two clerks. The clerks have various responsibilities, including:

- preparing weekly memos for the use of all of the judges assigned to a specific case. This entails reading and analyzing the briefs and appendices submitted by the parties, presenting the facts, and discussing the pertinent legal issues in applying the applicable case law.
- editing the opinions authored by their judge and other judges assigned to the part, including precedential cases for publication.
- periodically handling emergent applications.
- preparing summer research memos for cases on the following term's fall calendar.
- assisting the judge on additional research projects and other assignments as requested.

Appellate Division clerks must be skilled at writing and editing and have knowledge of the Bluebook rules. Clerks will work on a wide variety of cases including civil, criminal, and family

matters, municipal and Tax Court appeals, and state agency appeals. Clerks will have the opportunity to observe oral argument. Applicants who have or will have clerked in the trial court are eligible to be considered for a successive appellate clerkship.

### **Tax Court**

New Jersey Tax Court clerkships are an excellent way to gain real-world legal experience on judicial tax challenges. Tax clerks will work directly with practicing judges.

The court hears appeals on local property taxes and Division of Taxation decisions on gross income, sales and business taxes, and homestead rebates.

We are a small court focused exclusively on these issues. Our work provides quicker and more effective judicial review of tax cases. It has resulted in a consistent, uniform body of law for taxpayers and tax administrators to follow. It has also helped promote the development of a qualified and informed state and local tax bar.

As a law clerk for the tax court, you will:

- Review and process motions filed with the court.
- Conduct legal research to inform a judge's options and motions.
- Draft case management orders and other legal documents.
- Manage the motion calendar.
- Perform case management functions in eCourts and the Tax Court Management System.
- Assist with or act as a moderator for remote proceedings (generally Zoom or MS Teams).
- Communicate directly with attorneys, self-represented litigants, other external customers, and the management office staff.
- Put theory into practice with hands-on experience.

Judges' chambers are located in Newark and Trenton. Some Tax Court judges are also temporarily assigned to assist with civil matters in certain Superior Court vicinages. Their chambers are in the courthouse where they are assigned.

### **Clerking for an Assignment Judge**

Assignment Judges are in a unique position within our courts. They are the judicial head of the vicinage to which they are assigned. Their duties vary as the respective assignment judge determines the types of matters they wish to handle, which may cover multiple divisions. Some of the matters that come before the judge are mandated by statute or court rule. In addition, assignment judges deal with a considerable variety of administrative duties that may require a law clerk's assistance. Therefore, potential law clerks, during an interview, may wish to inquire

as to a particular assignment judge's docket types and other tasks that they may be required to perform. Clerks will be conducting research, preparing legal memos, managing the judge's docket, and regularly communicating with counsel as well as courthouse staff.

### **Family Division**

The family division handles some of the most complex cases in Superior Court. The judges resolve disputes involving children, youth, spouses, and domestic partners. As such, family division law clerks can gain experience on a wide range of legal issues and casework.

There are no jury trials in the Family Division. Judges are responsible for making all decisions. Some cases will involve attorneys, including assigned counsel. Many cases involve self-represented litigants who need frequent contact with law clerks. You will work directly with judges, lawyers, and litigants. Your efforts will have a direct impact on the lives of families in New Jersey.

Judges are generally assigned to one or more specific docket types:

- FA – Adoption
- FC – Child Placement Review
- FD – Non-Dissolution
- FF – Juvenile Family Crisis
- FG – Termination of Parental Rights
- FJ – Juvenile Delinquency
- FL – Kinship & Legal Guardianship
- FM – Dissolution
- FN – Child Abuse / Neglect
- FO – Quasi - Criminal
- FV – Domestic Violence / Sexual Assault Survivor Protection Act (SASPA)

As a Family Division law clerk, you will:

- Conduct legal research for the judge's opinions and motions.
- Assist with (and in some cases conduct) remote proceedings.
- Communicate with self-represented litigants, attorneys, and internal staff.
- Assist the judge in drafting legal opinions and orders.
- Manage adjournment requests, with the judge's input.
- Handle emergent applications.

There are approximately 122 Family Division trial judges located throughout 21 counties throughout the state.

## **Civil Division**

The Civil Division is part of the Law Division of the Superior Court and is comprised of the Civil Part and the Special Civil Part. The Civil Division primarily handles disputes in which a plaintiff claims that they have been hurt or injured by the actions of a defendant and is seeking monetary compensation. It is entrusted with the fair and just resolution of these disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.

Civil cases encompass a wide array of subject matters and range in complexity from two party cases to class action and multi-county adjudication impacting numerous individuals. Examples of the types of cases handled include automobile accidents, medical and legal malpractice claims, products liability and toxic torts, complex business litigation disputes, such as contract, tortious interference, and fraud related claims, civil rights actions, employment and other discrimination suits, civil commitments, election law cases, environmental litigation, land use, zoning, and planning, and landlord-tenant disputes.

As a Civil Division law clerk, you will gain practical experience and invaluable insight into the judicial process. Law clerks observe judicial proceedings, attend conferences with attorneys and judges, receive training in mediation, and gain vital writing experience. The Civil Division exposes clerks to a broad range of legal issues, differing styles of practicing attorneys, and judges' responses to different methods of advocacy.

You will get hands-on experience with:

- Preparing bench memoranda for civil motions. Civil motions are typically heard every other week. A bench memorandum generally presents all uncontested facts, a description of the issues presented, a brief summary of each party's position, and an analysis of the law applicable to the issues.
- Preparing bench memoranda for motions in limine related to trials before the judge.
- Reviewing pre-trial memoranda and preparing voir dire and points for charge for matters tried in the Civil Division.
- Performing legal research, interpreting legal questions, and verifying points of law cited by attorneys in memoranda.
- Drafting legal orders.
- Drafting, editing, and proofreading legal correspondence.
- Managing the motion calendar.
- Assisting with drafting legal opinions.
- Assisting with case management functions.
- Communicating on a regular basis with attorneys, members of the public, self-represented litigants, county bar associations and legal services, and court staff.

## **Criminal Division**

The Criminal Division trial judges are responsible for managing cases in which a person has been charged with committing one or more criminal offenses, for example, murder, assault, robbery, or drug distribution, from the time of arrest through the time of disposition or sentencing. In a criminal case, a prosecutor (either from a county prosecutor's office or from the State Division of Criminal Justice) represents the State of New Jersey, and a defense attorney (either an attorney appointed by the Office of the Public Defender or a privately retained attorney) represents the defendant. The judge oversees all proceedings in the case and ensures they are conducted according to the law and the rules of court. Most cases involve numerous types of proceedings, such as an arraignment, case management conferences, and motion hearings.

Not all criminal cases are decided by a trial. Many cases are resolved through a plea agreement where the defendant agrees to plead guilty to a particular offense (usually not the most serious offense charged) and, in return, the prosecutor agrees to recommend to the judge a particular sentence (usually less than the maximum sentence). The judge, however, is not required to agree to the recommendation and may choose to reject it.

There are approximately 110 Criminal Division trial judges assigned to the 15 vicinages throughout the State. Certain judges also preside over the Recovery Court program, offenders who are likely to benefit from treatment and do not pose a risk to public safety. Other judges are assigned added tasks such as expungements, applications for post-conviction relief, Megan's Law cases, gun permit appeals, municipal appeals, and wiretap applications. Additionally, as a result of the Criminal Justice Reform law, most Criminal Division judges are assigned to conduct pretrial detention hearings and release revocation hearings, and some are assigned to conduct proceedings where defendants are released on pretrial conditions.

Criminal Division law clerks are primarily responsible for:

- conducting legal research for the judge's opinions and motions,
- assisting in drafting jury instructions and legal opinions, drafting legal orders and sentencing and other memoranda,
- managing the motion calendar,
- performing case management functions, assisting with (or in some cases conducting) remote proceedings, and communicating with attorneys and internal staff.

### **General Equity (Chancery)**

Chancery division civil trial judges are assigned to general equity or the probate part. General equity and probate part handle cases primarily involving non-monetary relief, such as, protection of trade secrets, enforcing non-compete agreements, foreclosure, or appointing guardians for incapacitated individuals. Currently, twenty-one general equity judges are assigned to 15 vicinage county courthouses. Probate part judges, who handle the probate assignment, in addition to their regular responsibilities, are assigned throughout the State's twenty-one county courthouses. General equity and probate part judges individually case manage their dockets, hear and decide procedural and substantive pretrial applications and conduct bench trials. General equity and probate part law clerks are expected to conduct legal research of substantive and procedural legal matters; review case files, depositions, pleadings, motions, legal briefs, and memoranda of law to prepare bench memoranda that summarize factual allegations and legal issues prior to oral argument or trial; draft orders; proofread judge's orders and opinions; interact with counsel and self-represented litigants regarding case management and procedural issues; and, as allowed by their judge, attend hearings, trials; or settlement conferences. General equity law clerks also assist in the processing emergent temporary restraining order applications.