

# Motions and Emotions

## Clerkships Give Students a Taste for How the Law Works

Bacon & Wilson weighs in below

By GEORGE O'BRIEN

“Flattering and terrifying at the same time, but mostly terrifying.” That’s how one clerk now working at an area law firm described what it’s like to be handed a case file and told to file a motion. This is the essence of clerking for a firm — a year-long experience, in most cases, which provides an invaluable line on a resume, but, more importantly, forms a bridge between the classroom and the courtroom.

**B**eth Lux had no idea just how “messy” life can get. “It’s been really eye-opening and interesting to see how people treat each other and to see how business is actually conducted in the real world,” she told *BusinessWest*. “It’s amazing; you’ll be reading, and say to yourself, ‘wow ... she said what?’ and ‘he did what?’ It’s really messy out there.”

Gaining an appreciation for this dark side of society has been just one of many learning experiences Lux has taken home — and will soon take to her profession — from her work as a law clerk at the Springfield firm Bacon &



*Law Clerk Kendra Berardi and Paul Rothschild, who directs the clerking program for the Springfield firm Bacon & Wilson.*

Wilson and involvement with litigation involving everything from business disputes to property borderline squabbles.

Beyond the large dose of reality, she’s also acquired a real taste of what it’s like to be a lawyer, something she said a textbook, as well-written as it may be, simply can’t provide.

“It’s definitely different than being in the classroom; I learned how to formulate a strategy and attack a problem,” she said, adding that she’s learned by doing, and also watching and listening. “I spent a lot of time sitting in attorneys’ offices listening to them talk to the clients on the phone. It gave me a chance to observe how to talk to clients, handle certain situations, and learn which questions to ask. It was ... incredible.”

That’s a word you hear often

from those who have clerked on their way to entering the legal profession, a step described by most as an effective bridge between the classroom and the courtroom, a much-needed conveyance from the theoretical world to the real one.

“It’s interesting and fun to see how the law is applied,” said Spencer Stone, who is three months into a clerkship at the Springfield-based firm Hendel & Collins, which specializes in bankruptcy work. “It’s great to go to court and see how the attorneys argue a case. In law school, you essentially sit there and stare at a textbook, reading the end result of a case; you never see how it actually gets to that point.”

Clerkships are essentially part-time jobs (full-time in many cases during the summer months) that bring practical benefits to

both the employee and the employer. The former, as already described, gets some real-world experience and an important — and valuable — line on a resume. And sometimes he or she gets a job with the firm they clerked with. As for the latter, they get some talented, energetic, and fairly low-cost (\$13 to \$20 per hour is the range locally) help that can make a dent in a workload and perhaps offer some insight into the latest developments in some aspects of the law. And sometimes, they get an associate out of the deal.

“One of my partners, George Roumeliotis, started as a clerk here,” said Joe Collins, one of the founding partners of Hendel & Collins, who said the firm has had a law student in its office on an almost constant basis since it opened 25 years ago.

“We talk to a lot of really good candidates, but they have no practical experience whatsoever,” he told *BusinessWest*, referring to interviews conducted prior to hiring clerks for a summer or school year. “The practice of law isn’t really knowing the law; it’s knowing how to make things work, knowing how to draft a pleading, and knowing how to persuade someone to do what your clients wants done. And that’s the part they learn here.”

Layla Taylor has been through two clerkships. The first was at Springfield-based Sullivan, Hayes & Quinn, and it eventually led to a job at the firm, which specializes in employment law. The second was a short stint at the Brattleboro-based Kramer Law Offices, a required step toward becoming licensed in Vermont. She described both as valuable learning experiences that have given her a more in-depth under-

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standing of the law and specific aspects of it.

“When you go into a clerkship situation, you learn very fast the difference between a theoretical understanding of the law and the practice of law,” she said. “This is your first experience in a legal setting; it enables you to get your foot in the door and test the waters.”

### A Case of Extreme Enthusiasm

Kendra Berardi called it a “problem,” but then quickly retracted that comment, realizing instantly that this wasn’t the right word.

Through two years of law school at Western New England College, she has been expecting to encounter some subject matter, some area of the law that simply didn’t appeal to her so she could draw an imaginary line through it and thus narrow her focus to those things she does like.

But those expectations haven’t been met. “I haven’t met a part of the law that I can’t see myself doing someday.”

Which is most definitely *not* a problem, because Berardi wants to be a litigator, and such individuals need to be well-versed — and fairly proficient — in most all aspects of the law. “Litigators don’t have to pick what areas to get into,” she said, adding that this is one of many reasons she expects to thoroughly enjoy the next step — a clerkship with Bacon & Wilson — in the process of realizing a career ambition she first set down at age 8.

Berardi started her clerkship only two weeks before she spoke with *BusinessWest*, but already she was gauging the thoroughness of the experience, and using many of the same words Lux used weeks after her tour of duty ended.

“An attorney will ask you a question because they don’t know the answer, and they’ll send you off to do the research and report back — which is at all times flattering but also terrifying, because



*Layla Taylor, an associate with the Springfield firm Sullivan, Hayes & Quinn, says clerking helps people quickly learn the difference between theory and practical application of the law.*

they’re going to rely on your research,” she said. “So you’d better do it right.

“Sometimes, you get a case file, and some of them are pretty big, and an attorney will say, ‘go write this motion,’ which is also flattering and terrifying, but mostly terrifying,” she continued. “But it’s great, because that’s the closest any of us will come to being a lawyer until we pass the bar and become a lawyer. And it’s far less scary to do it now, when there are so many people to make sure that if you have a question, it gets answered, and if you’re confused, they’ll make sure you’re not.”

This is the essence of clerking, a tradition-laden step in the process of becoming a licensed practitioner of the law. Clerkships come in many varieties — some are with judges, non-profit agencies, or district attorneys — and differ in their lengths, pay scales, and work-

load. All have the same basic mission, though: to provide practical experience for the student and, as Lux said, some insight that can’t be gained in the lecture hall.

Paul Rothschild, a partner with Bacon & Wilson and chair of its litigation department, has been leading the firm’s clerkship program, for lack of a better word, for more than 20 years. He told *BusinessWest* that the clerks are an integral part of the team at the firm, and that he enjoys the work with what he called “newly minted people.”

The firm generally has three or four clerks on duty in the cramped lower level of the State Street offices at any given time, and these individuals will work with most of the firm’s 38 lawyers during their tenure.

Traditionally, the firm has recruited heavily from Western New England College, but has had clerks from other institutions, including UConn, that are

within commuting distance. As at most firms, the clerkships start with full-time work in the summer between the second and third year of law school, and continue on a part-time basis (10 or 12 hours is the norm) for the following school year.

Rothschild said the clerkship program is, among other things, a recruiting tool. The firm rarely hires individuals directly out of law school, he explained, but five lawyers now with the firm, three partners and two associates, first clerked there.

He said the key to making the experience worthwhile for the student and the firm is to give the clerk “meaningful work, not busy work.”

### Case in Point

Collins agreed, and said that his firm, like most, is looking for certain abilities, tangibles, and intangibles when screening and interviewing candidates for clerkships. Above all else, the firm wants individuals who can write and, overall, communicate effectively.

That’s because much of their work involves pleadings, motions, and other documents. But Collins wants his clerks to get what he called a full experience, and not just “sit in a closet and write.”

“We want to give them a sense for how to practice law,” he explained, adding that there are many things that go into this equation. For example, he and other lawyers at the firm take clerks with them to Bankruptcy Court, and he took Stone to a recent program staged by the Boston Bar Assoc. after Stone helped prepare material for it.

“That doesn’t really benefit the firm directly,” he said of his decision to have the clerk attend the event. “But I feel it’s important when a law student comes on board to give him a feel for *everything*. We want them to sit in on client meetings and participate in forming a strategy.”

By doing so, he said, the firm can get a real feel for whether the

clerk in question may be a good candidate for full employment later. “We really need know how individuals think and how they’d respond to certain circumstances, and that’s why we expose them to a lot of different activities.”

Taylor told *BusinessWest* she was exposed to a full range of employment law matters and legal processes — and in very short order — at Sullivan, Hayes & Quinn. The firm wasn’t advertising for a clerk when she sent in her resume in 2003, but it did have a need for someone who could help with some ongoing litigation.

After working on that initial project, the firm gave her a number of other assignments, and it was in the course of handling them that Taylor gained an appreciation for the specialty of employment law and a desire to make it a career.

“This is one of the benefits of clerking. Employment and labor law is very diverse; there’s litigation, collective bargaining, a lot of negotiating, and quite a bit of administrative law work,” she

explained. “And there’s also a lot of counseling of employers to help them comply with the law.

“From very early on, I was able to get a broad range of assignments, and I was able to see projects through to completion, which is important,” she continued. “I didn’t come in here with the expectation of getting a job; I just wanted to get my foot in the door, get some legal experience, and find out if it was something I was interested in — or something I wouldn’t be interested in, because then I would look to other areas of the law.”

Stone started working at Hendel & Collins in March on a part-time basis, and is now in the office full-time for the summer. He said that he learned very quickly that there’s a big difference between writing within an academic setting and the legal community.

“I learned an entirely new way to write, and learned it fast,” he said, adding that he’s spent much of his time to date drafting motions, complaints, answers, and other court documents, while

also analyzing specific cases. “You get a little bit of everything here, and I think it’s really going to help me be a better lawyer.”

Lux was on her way to a job interview with a Brattleboro law firm when she spoke with BusinessWest via cell phone. She said her clerkship will make her better-prepared for her first job — wherever it is — because of the wide range of work she has handled and the number of lawyers she has learned from.

“I learned a lot from observing the lawyers, everything from how they asked questions to how they took notes,” she explained. “And I can pick and choose the things that might work for me in my practice.”

Meanwhile, through her involvement with many different kinds of litigation, she has gained an appreciation for how to do research, or what she called “detective work,” to determine what is important in a legal matter and what isn’t, and get at the issues and evidence that will decide a case.

“Sometimes things will turn

on a word,” she explained. “There’s this moment where you go, ‘aha, that’s what happened,’” she said. “Sometimes a client will say, ‘this is what happened, this is what’s important,’ and it’s not — it’s something else.

“I learned how important it is to be part detective,” she said, “and find out what really went down.”

### Final Remarks

“Scary and empowering.”

Those are two of the adjectives that Lux summoned to capsule her experiences at Bacon & Wilson, adding, again, that these are not emotions one experiences while reading about cases in a textbook.

“Life is not a classroom,” she said, adding that, like others who have clerked, she believes the experience has helped prepare her for both the rigors of a legal career and a real world that is ... well, messy.❖

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