

# **BRITISH COLUMBIA JUDICIAL LAW CLERK PROGRAM**

The Judicial Law Clerk Program at the B.C. Court of Appeal and the B.C. Supreme Court provides a unique learning experience for recent law school graduates. Established in 1973, the clerking program continues to build a tradition of excellence, and offers an opportunity for outstanding students to develop skills in legal research, writing and advocacy.

## **The Law Clerk Experience**

Each law clerk's experience differs according to the court and judges to whom the clerk is assigned, the cases before the courts, and the law clerk's own level of curiosity and initiative. A clerking year affords a unique opportunity to learn about the judicial process. Law clerks develop an appreciation of the range of questions that concern judges in dealing with legal issues. Law clerks can augment their recent academic legal training with the experience of those who have earned the respect of the legal profession, both as senior members of the bar and as sitting judges. Law clerks also learn valuable lessons in the art of advocacy by reviewing written materials and watching counsel in court.

The primary role of law clerks, at both the Court of Appeal and the Supreme Court, is to provide assistance to judges in a variety of ways, including conducting legal research, preparing written memoranda, discussing matters with their judges, and editing and proofreading draft judgments. As time and workloads permit, law clerks are encouraged to observe court proceedings - including trials, appeals and chambers hearings. Law clerks have the unique opportunity to engage in discussion with judges about cases they are hearing, developments in the law, aspects of the trial or appellate process, and the judicial process in general.

The law clerk experience is a rewarding one, not only from an educational point of view, but also from the point of view of the collegial and supportive environment it offers and the lasting friendships that are made. Invariably, the law clerk experience is enriching and memorable.

## **Law Clerk Positions**

For the 2013-2014 term, 29 full-time law clerks will be hired for the two superior courts. The Court of Appeal will employ 12 law clerks. The Supreme Court will employ 17 law clerks - 2 law clerks will be located in Victoria, 2 law clerks in New Westminster, and 13 law clerks will be located in Vancouver.

## **Qualifications**

Applicants must hold a law degree from an accredited Canadian or foreign law school, be of good character and be fit to become members of the bar of British Columbia. A criminal records check will be conducted at the commencement of the clerkship term; a satisfactory report is a condition of continued employment. Emphasis in hiring is placed on academic excellence, legal research and writing

skills, general motivation and work experience. The ability to manage multiple projects and to produce high quality work under strict deadlines is required.

Applications are not accepted from candidates who have been admitted to the practice of law in any jurisdiction.

### **Term**

The first day of the 2013-2014 clerkship term in both courts is September 3, 2013. In the Supreme Court, all clerkships are for a term of 12 months. In the Court of Appeal, clerkships may be for a term of 10, 11 or 12 months.

### **Articling**

The time spent as a law clerk partially fulfills the articling requirements for call and admission to the Law Society of B.C. After completing the clerkship, students must apply to the Law Society for a reduction of the articling period. Law clerks typically complete their articling requirements with a law firm, the Ministry of the Attorney General or the Department of Justice. All of these employers support participation in the Judicial Law Clerk Program. Generally speaking, the time frame for admission to the bar for students who have been law clerks in B.C. is 18 to 22 ½ months following graduation from law school.

If you plan to be called to the bar in a jurisdiction other than British Columbia, you should contact the law society of that jurisdiction to obtain more specific information about how a clerkship may affect your articles or admission to practice.

### **Salary**

Law clerks with the British Columbia courts are auxiliary employees of the provincial Ministry of the Attorney General. The salary for the law clerk position is comparable to the salary of articling students with the Ministry, and includes a payment in lieu of benefits.

### **Educational Programs**

Throughout the clerkship term, judges and other judicial officers conduct informal seminars on topics of the law clerks' choice. There is a chambers program in which law clerks may attend Supreme Court Masters' and Judges' chambers. The law clerks are given instruction in Supreme Court and Court of Appeal Registry procedures and visits to the Provincial Court are arranged for those interested. Law clerks also organize several educational events with the assistance of the court's Law Officers.

### **Other Terms and Conditions**

Once offered a position as a law clerk, candidates will be sent a letter confirming an offer of employment. In the period between hiring and commencement of the clerkship, candidates are expected to maintain law school grades comparable to

those achieved when hired. As final grades become available at the end of each term, candidates are required to submit unofficial copies of transcripts to show their continued academic standing. A formal official transcript is required only at the completion of 3<sup>rd</sup> year and prior to commencement of clerkship.

At the commencement of employment in September, in addition to the criminal records check, clerks are required to accept the terms and conditions of employment with the public service of the Province of British Columbia. This includes the swearing or affirming of the standard form public service employment oath. Clerks are also required to accept the Courts' "*Conflicts and Confidentiality Policy*".

During the clerkship term, clerks are required to devote their time to their work for the courts. Outside engagement, whether or not remunerated, is not permitted. In addition, law clerks are discouraged from publishing papers of any sort, other than as part of their approved work for the courts. Papers submitted for publication before the commencement of clerkship are permissible, but the authorial credit should not indicate that the author will be a law clerk.

There are some other restrictions on outside involvement, that are best discussed on a case-by-case basis with the law officers and the Executive Director and Senior Counsel – Superior Courts Judiciary, as needed. These restrictions reflect the need for law clerks to act in a manner consistent with the impartiality of the judiciary and the need to uphold public confidence in the courts.

### **Applications to Other Courts for Clerkships and Alternates Lists**

Many candidates for clerkships at the B.C. courts also apply to other courts (e.g. Supreme Court of Canada, Ontario Court of Appeal, Federal Court). The interview and hiring cycles of the various courts do not often coincide. It is generally expected that if a candidate is offered a position with the B.C. Court of Appeal or B.C. Supreme Court, the candidate will accept the position and stand by the acceptance even if made another offer later by another court.

However, in recognition of the special status of Supreme Court of Canada, the policy of the B.C. Courts Law Clerk program is to release such candidates from their acceptance, so as to permit them to take the clerkship at the Supreme Court of Canada. Accordingly, the law officers of the Court of Appeal and B.C. Supreme Court maintain an "alternates list". Candidates on the alternates list are called if another candidate withdraws or declines an offer. Typically, 1-2 alternates are called on each year as the clerkship offers are made from various courts across Canada.