

## General Tips for Interview Preparation...

1

Focus on your strengths and how to best present them — use concrete examples from your life, work, academic, and volunteer experiences to best illustrate these strengths

2

If you are required to prepare a case for the interview, know it well

3

Know the details of your CV, cover letter, and writing sample thoroughly

4

Before the interview, take time for self-reflection and consider what your responses could be to questions like “what motivated you to go to law school?”, “what do you enjoy most about law school?”, “what cases/legal issues excite you most?”, and “where does a clerkship fit into your career trajectory?”

5

If your interview will include a discussion of a case, take notes to keep you on track during your preparation, and review those notes before going into the interview room. It is crucial to know the details of the case and be able to identify the issues of core importance and why you identify them as such. It is also wise to know the opposing position of the case and take a stance as to whether you side with the majority or the dissent if there is one. Think about the bigger impact of the decision and the merits of the outcome of the decision. Your stance should be deferential, but principled.

## Thoughts on the Interview...

1

Some Courts will give you a brief tour of the Court — this will generally take place at the end of the interview

2

Be prepared to speak about why you wish to clerk at that Court specifically

3

One on one interviews vary broadly in style and the format is driven by the judge who conducts the interview — some judges will be more conversational in their interviewing style while others will stick to asking questions about your CV, writing

4

Most Courts will ask you questions about your own background — prepare for questions about your law school and undergraduate experiences, as well as questions about your work and volunteer experiences

5

Expect more pointed questions (about your writing sample for example) for the more substantive and formal interviews (ex. Superior Court of Justice, Ontario Court of Appeal, Supreme Court

## Clerkship Interview Perspectives & Experiences...

### Federal Court (FC)

Kevin Gray, JD Class 2020

“ The FC interview was all conversational. One thing to note about this interview was that I was interviewed in French for at least half of the interview (this could partially be because I did my PhD at Laval). ”

### Tax Court of Canada (TCC)

Vivian Grinfeld, JD Class 2020

“ I interviewed with two justices at the FC, two justices at the Federal Court of Appeal (FCA), a panel of justices at the TCC, and another panel of judges of the Superior Court of Justice. The FC/FCA interviews were fairly conversational, whereas the TCC and SCJ were more substantive. I'm happy to be a reference for future students if they're curious about a specific court.

The most accurate information I have would be from the TCC as I managed to secure a clerkship with them. The TCC interview has three components. First is a written exam for 45 minutes. You are given a TCC case that no one has heard about and is currently on appeal, and asked to create a factum on the case. Second, is a panel interview that lasts about an hour during which you will discuss another tax case that you were asked to preselect and prepare a presentation about. Beware, you WILL be interrupted and asked questions that directly contradict the points you are making. Just stay calm and stick to your opinions but at the same time show deference to the panel. Something I did not expect them to do is talk to me about the case I had just finished reading for the written exam during the oral interview part. They also asked three situational/behavioural questions during this second stage. The third component of the interview is a tour with the current clerks. They say it has no bearing on your candidacy and that you can be frank with the clerks. However, I think it is still safer to treat it as a continuation of the interview. The TCC gives out offers before any other level of court—including the Supreme Court of Canada! They phoned me two days later and then emailed me a letter of offer the following week. ”

## Tax Court of Canada (TCC) JD Student, Class 2020

“ The written exam consisted of reading a short 10 page case and then answering two questions about it. The first question required me to summarize the case and the second question asked for your opinion about it. After that, you interview with three judges. ”

## Tax Court of Canada (TCC) Ali Asrani, JD Class 2021

“ Students tend to clerk at this court after both graduation and articling. You have to submit three reference letters, at least one of which has to be from a professor who taught you a course in tax law. The interviews were held in Ottawa. We had to make our own travel arrangements, but were reimbursed. Students coming in from Toronto were strongly encouraged to fly in and out the same day, though we could also get re-imbursement for taking Via Rail. Taking Greyhound was allowed but discouraged. There was no reimbursement for driving there. Taxis to/from the airport, both here and in Ottawa, were reimbursed. A meal allowance was also given. Barring exceptional circumstances, hotel rooms were not reimbursed for travelers from Toronto. If you think bad weather will get in your way, you are supposed to call them ahead of time and ask for an approval for a pricier ticket change and hotel room. I was not aware of this rule and because of the bad whether, my flight was cancelled so I had to do the interview remotely.

Prior to the interview, we were given a list of 20 cases and were asked to select one to discuss. The first part of the interview was an exam — we were given a case which was not on the list and had roughly 90 minutes to summarize and comment on it. Then we had an interview with a panel of 3 justices. In addition to the standard interview questions, we were asked about both the case we had prepared, and the case we made a comment on. We were also asked questions to test our knowledge about the court, its role, and its procedures. Questions required demonstration of a level of technical understanding significantly beyond which was demonstrated in course materials. ”

## British Columbia Courts JD Student, Class 2020

“ My first interview with the BC Courts was with one of the legal counsel for the BCCA, and it was very behavioural in nature. My interviewer had a list of situational questions to ask me, and she wrote down my answers which they use to evaluate against other candidate’s answers later on. There were a few questions relating to the law, but they didn’t require me to show any real substantive knowledge to answer.

My second interview was with a panel of four BCCA judges, and that interview was more conversational/resume-based. They asked me about the work I did at my firm last summer, where I was spending my 2L summer, and about various things mentioned in my letters of reference and resume. There were also a couple of substantive questions, including questions about a recent SCC case that I was not asked to prepare for.

One note I did receive was that the judges appreciated that I flew out to do my second interview in person. Flights were quite expensive due to the short turn-around from interview offer to interview (less than a week), but if future students are debating whether or not to fly out for the interview I would really encourage them to make the trip. ”

## British Columbia Courts Mariam Sheikh, Class 2020

“ The BC Courts held 2 rounds of interviews. The first one was conducted by a lawyer, and it was behavioural and ethical in nature. The second one was conducted by judges and one lawyer. There they asked me more about myself, including favourite courses and experiences at law school, which then turned into more substantive conversations.

## Ontario Superior Court of Justice (OSCJ) Mariam Sheikh, Class 2020

“ I found that the Toronto interview was the most conversational. I was still asked one or two behavioural questions, but was mostly asked about my resume.

Brampton was far more substantive. They asked me their list of ethical and behavioural questions, including how I would go about researching and discussing new areas of the law.

## Ontario Superior Court of Justice (OS CJ) JD Student, Class 2020

“ My interview with the Toronto Superior Court was held at Osgoode Hall in a boardroom just off of the Judge’s Reception Room. Before you can go in, you need to clear security. The Judge’s Reception Room is kind of tucked away, but security will point you in the right direction if you ask. At the Reception Room you can check in with the person behind the desk, and then you just wait for your interview. I arrived 20 minutes before my interview and found that it was helpful to be able to get my bearings and relax, but there is no real benefit to being more than 10 or 15 minutes early. No one sits with you or is really even keeping track of your presence, so do whatever works best for you.

When it is time for your interview, a member of your panel will come to greet you. Your panel will be comprised of two judges and the clerkship program organizer. When I went into the boardroom, two people were seated across the table from me, and another was sitting next to me. It was set up to feel more like a conversation than an interview. I could see that they all had my application materials in front of them with different things highlighted and flagged, so they were well prepared to interview me specifically. The interview lasted almost precisely 30 minutes, after which I was greeted by a current clerk who gave me a tour.

In terms of the substance of the interview, it was not very structured. The interview felt a bit like a conversation where I also had to try to communicate my skills and career goals. To that end, I would recommend that you look for moments where you can connect the conversation to your experience, or even just to something that demonstrates you are thoughtful or knowledgeable (but be careful not to interrupt anyone!). For instance, one of the judges discussed the issue of self-represented litigants. I was currently in the midst of an intensive program, and I noted how that was an issue in my placement as well. Having raised that, I was then asked some questions about the intensive program and my experience there. There were also moments that just felt like I was chatting, and my advice would be not to underestimate the importance of this. My sense is that the judges are looking for people that they can spend time with and bounce ideas off of, so being able to carry on a conversation with them is important.

The first question I was asked was why I was interested in clerking, and in answering I explained what attracted me to the position and how it fit in with my broader career goals. I was also asked some questions about my resume, including my non-legal experience. In preparing for the interview, then, my advice would be to try to establish a connection between your past experience and the skills required for a clerkship. Be prepared to make this connection for any and every item in your application materials. Although I was posed a few direct questions, the interview was more so comprised of ‘prompts’ that allowed me to speak to my skills and experience. We also discussed the interests I listed on my resume and where I grew up, since I had these things in common with one of the judges. I was only asked one behavioural question. The scenario is that a judge has asked you to do ‘light edits’ on one of their judgements to be released the next day. While working on the judgement, you notice that there are grammatical and style issues throughout. You are unable to reach the judge before the edits are due, so what do you do?

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*Around the 15 minute mark I was given a bit more information about how the clerkship would function. I was then asked if I had any questions for the panel, so be aware that you may have to fill about 10 minutes with questions. In my case, I only had time to get one question in (I asked about any past clerks that stood out in their memories). Both judges and the program organizer answered, and this filled the rest of the 30 minutes. On my way out of the room, the program organizer let me know when decisions would be made.*

*I was then met by a current clerk who took me on a tour. This is absolutely part of the interview, and while it is less formal than when you are sitting with the judges, keep in mind that they will almost certainly be sharing this with the panel after you leave. I asked questions that I was genuinely interested in, like the work load, the dress code, what they found interesting, where they were going to work next, and other things like that. You will have an opportunity to meet all the other clerks during the tour, so try your best to be engaging. At the end, the clerk escorted me to the elevator and I left. The whole process took almost exactly an hour.*

*One thing to keep in mind is that you might not be given a ton of warning or time to prepare before your interview. I have heard from some people that they were invited to interview 2-3 weeks ahead of time. I got my call on a Thursday and interviewed the next Wednesday, and that felt like a very tight timeline. The upside is that the interview is more behavioural and conversational than substantive, so you don't need to spend a ton of time brushing up on your legal analysis. Still, depending on how much time you feel you need to prepare, you may want to start thinking about the interview before you are called.* ”

## **Ontario Superior Court of Justice (OSCJ) Mariam Sheikh, Class 2020**

“ *I found the Toronto interview was the most conversational. I was still asked one or two behavioural questions, but was mostly asked about my resume.*

*Brampton was far more substantive. They asked me their list of ethical and behavioural questions, including how I would go about researching and discussing new areas of the law.* ”

## **Ontario Superior Court of Justice (OSCJ) — Divisional Court Kevin Gray, JD Class 2020**

“ *The Ontario Divisional Court was mostly conversational but there was one behavioural question. I think basically they just want to know if they want to see your face every day for a year.* ”

## Ontario Court of Appeal (OCA) Caitlin Sharawy, Class 2017

*The OCA Interview Process:*

“ When you arrive at the court, you are greeted by a current clerk. They take you on a 10-15 minute tour, and answer any questions you may have about either the interview process or clerking in general. They are there to be supportive and help you to de-stress a bit. When it is time for your interview, they will walk you to the interview room.

You are interviewed by a panel of 4 or 5 people . There are 2 judges, a current clerk, and I believe someone who is in an administrative role at the court — there may have been a 5th person, but I can't remember. The judges were the only two people who did the interviewing. The rest of the panel just took notes.

The interview started off with basic questions about my law school experience and stuff on my resume. It was very friendly and conversational. If you have worked at a law firm previously, or if you have done any extra curricular activities in school, be prepared to talk about that.

After that, I was asked about my writing sample. I was asked about why I chose the topic to write about, why it was important to me, and why I found it interesting. I remember being asked specific questions about various points I had made in my essay. It was clear to me that Justice Epstein had read my essay and taken detailed notes about it in preparation for the interview.

Next, the judges asked about the case I prepared (you have a choice between a criminal law case and a civil law case). The first thing I was asked was: do you agree with the majority or the dissent? The case discussion is like a back and forth conversation with you and the judges. You start by talking about the case, what you found interesting about it, what you liked about the majority or dissent etc., and then the judges will stop you and ask some follow up questions.

I think the entire interview lasted about 20 to 30 minutes — it went by very quickly. The judges are super friendly and they know you are nervous, so they really try to make you feel comfortable. They want to see that you are genuinely interested in the law and that you are enthusiastic about discussing challenging legal issues.”

*Tips for the Case Discussion:*

“ If there is a majority / dissent, pick a side that you agree with and prepare your reasons as to why. Don't be concerned if the judges challenge you on what you are saying. They are not going to agree with everything you say. They will try to push you to think about alternate viewpoints. They want to see how you defend your position and if you are open to considering other perspectives. I think it is important to find the right balance between being confident in your position and being able to acknowledge the weaknesses in your arguments.

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*Be familiar with the area of law that your case deals with. Know any relevant legislation and know a few other cases (on top of the one you were asked to prepare) that are important in that particular field. For example, my case was about sentencing so I did a fair bit of research about sentencing generally, and I looked at other sentencing cases in addition to the one I was asked to prepare. The more information you have about the case law or legislation in that area, the more confident you will feel going into the interview.*

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*General Tips:*

““ *Be familiar with everything on your resume (big or small), because they could ask you about anything on it.*

*Read over your writing sample and be very familiar with the arguments you made and why. This was the second biggest part of my interview (next to the case discussion).*

*Have an answer prepared as to why you want to clerk specifically at the OCA. They will ask you if you are interviewing at other courts. Be able to explain why the OCA is where you want to end up.*

*This may seem obvious, but it is important. Have an answer prepared as to what clerking is and why you want to do it.*

*Try to relax and be yourself. Think about the interview as an amazing experience in and of itself. You get a chance to discuss Legal issues with two Court of Appeal judges—that is incredibly cool! Try to enjoy the experience as much as possible.*

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Ontario Court of Appeal (OCA)  
Abdalla Barwawi, Class of 2017

“ When I first arrived at the court I had to go through security. Once that was done, I called the clerk who initially scheduled my interview. They then took me to a small conference room in the Court’s library to wait for the interview. This was a great time to chat with the clerk about any issues of interest. Once the judges are ready for the interview, the clerk will escort you to the conference room where the interview will be held. In this room there will be two judges, one staff member, and the clerk. Only the judges will ask questions during the interview. Everyone else will be listening and, presumably, taking notes. Once you are done with the interview, you will be escorted by a different clerk who will take you to get a picture and then for a tour of the Court. This, in a nutshell, is the interview process.

The interview lasted between 20 and 30 minutes. Don’t be alarmed if your interview is shorter or longer than this timeframe — mine was 35 minutes in length. Having said that, there will be back-to-back interviews and the judges are aware and conscious of the time element in each interview.

As to the substance of the interview, it seems that the questions are standardized in order to facilitate the comparative process. The first question I was asked was to give a brief background about myself, why I want to clerk, and how clerking for the Court fits into my larger career plans. In preparing for the interviews, I spent some time thinking about the question of where I was, where I am right now, and where I am going. I think these reflection exercises are of crucial importance. My sense is that the judges are not only interested in individuals who have analytical rigour—they want to know about you and your personality to make sure that everyone they hire will fit into their institutional dynamics. That is not to say they are looking for uniformity in personalities. On the contrary, I think they are interested in the unique experiences of their applicants and I had a great conversation with the judges about some unique aspects in my life.

A related ancillary question that I received was related to a specific work experience that I had listed on my resume and had discussed in my cover letter. The judges asked me to talk about some of the reflections that I had about the work experience and some of the conclusions that I had drawn from it. So it is important to be very familiar with what you have in your resume and cover letter and be able to discuss those elements.

The second type of question I was asked was to discuss one of the cases that I was offered to discuss when the interview was scheduled. It is crucial here that you know the facts, the relevant law, and to have thought critically about the case. The judges will ask you to take a position on the case — do you agree or disagree, and why? In the case I chose, there was a majority and a minority opinion. The judges asked me with which side I agreed and why. They will also ask you questions about the case and will try to push you on the answers you give. The process is not adversarial in any way. It is best, from my experience, to think about it as an engaging brainstorming exercise. They may ask a lot of questions, but don’t take that as a sign that you are not doing well. It is a natural part of the exercise.

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*I did not receive any questions about the writing sample that I submitted, but that may not be the case all the time.*

*I want to end this by giving some general advice that may be helpful to you:*

- 1. It is inevitable that you are going to have some nervousness going into the interview. I think this is healthy to a certain extent. Some level of nervousness will push you to better, but too much of it will have a detrimental effect. For me, I made sure I was well relaxed before the interview. I got there early to remove any unnecessary anxiety about being late because of traffic. Once I got to the court, I spent a few minutes outside to place my mind at the right level before I went in. For me, taking this time was necessary before I went into the building where I knew it would have been more difficult to place my mind in the right place.*
- 2. It is crucial that you are prepared for the case and the surrounding law. I discussed **R v. Hutchinson** in my interview. This case involved, to some extent, the statutory interpretation of a Criminal Code provision. The Supreme Court relied on previous decisions that were related somewhat to the issue in this case. My preparation involved reading the cases that were relied upon by the Supreme Court and how the majority and minority relied on them. I also pulled the Hansard for the relevant provision to see what the parliamentary debates had to say about the issue. In this case, there was an amendment to the Criminal Code in the early 1980s that introduced the relevant provision. Another part of the preparation that I did was discuss the case with professors who are specialized in the area. This will allow you to test-run your thoughts and arguments on a knowledgeable person without the worry of the interview process.*
- 3. Reflect on the question of where you were, where you are now, and where are you heading in the future. Why do you want to clerk at the ONCA? How does the clerkship fit into your career plans? An important element here is knowing your resume and having some thoughts on what you have done in the past.*
- 4. Be yourself. Yes, the judges want to make sure you can fit in with the institutional dynamics, but as I mentioned above they are not looking for uniformity in personalities.*
- 5. Enjoy yourself. Of course the interviewing process is a bit stressful and takes time to prepare for, but think about it as a kind of reward for all of the hard work you have put into your studies and an acknowledgement that you have the skills and dedication to be able to perform the difficult tasks that you will be expected to do. I viewed the interview as a conversation about the law and an exercise in thinking about some tough legal issues with talented and fantastic people. To me, that helped me to enjoy the process.*
- 6. Try not to keep thinking about the interview after you are done. I am personally terrible at doing this and I think it is very much easier said than done. But if you can give yourself some space afterwards from thinking about the interview and possible outcome, it will better contribute to your wellbeing.* ”

## Supreme Court of Canada (SCC) Abdalla Barwawi, Class of 2017

“ Once again, you will begin by having to go through security. You will then be asked to wait for a clerk to escort you to the upper floors of the courthouse where the interview will be held. You will be asked to wait in the Judges’ Library. There will be other people there who are interviewing and, inevitably, very interesting conversations will come up! When the judges are ready for the interview, a staff person will escort you to the room.

*If you have an interview with a judge alone and another interview with the panel, the dynamics and the atmosphere of these two types of interviews are markedly different. The judge-alone interviews are very personalized and it is very difficult to anticipate what will come up during the interview. The panel interview is much more structured. In my case, there were two judges and two staff-lawyers in the room. The judges asked the questions during the interview. The staff-lawyers did not ask any questions.*

*In panel interviews, it seems that the questions are predetermined to some extent. The first type of question I received was to discuss a recent SCC case that I disagreed with. The judges asked me to pick a different case than the one I initially selected to talk about. The second type of question I received was to discuss a recent challenge that I faced and how I overcame it. The third type of question I received was to discuss why I chose to get into law. I was not asked to discuss my writing samples during any of my interviews.*

*My sense of the interviews is that they are more akin to conversation about your personal experiences and about the law. The judges are interested in who you are and in how you think. The conversation is very friendly and all of the staff at the Court will be with you to make sure you are as comfortable as you can be.*

*Here are some tips and pieces of advice specific to the SCC that may be helpful:*

1. *It is inevitable that you will be nervous — I think this is healthy to a certain extent, but too much nervousness may have a detrimental effect. For me, I made sure I was well relaxed before the interview. I went to Ottawa a day early which was easier for me as my family lives there. But there was also freezing rain in the forecast for the day of my interview, so I wanted to make sure I would not miss the interview due to flight cancellations. On the day of the interview, I arrived early to help remove any anxiety around being late due to traffic. Once I got there, I spent a few minutes outside to help calm myself down.*

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2. *Substantive preparation for SCC interviews is more difficult than the preparation for other Court interviews because you do not know what type of substantive questions you will be asked or which cases you may be asked to talk about. I personally prepared for 3 recent SCC cases. I am glad I did that because, as I mentioned above, the judges asked me to talk about a case other than the one I had initially selected. I know of at least one other person who had this same experience. It would be prudent to prepare for 2 or 3 cases and think about them in a critical way. Do you agree or disagree, and why? I don't think it is a good idea to prepare for an entire area of law such as criminal or contract. The scope is simply too broad for an interview. At the same time, you don't want to be asked to change the case and be stuck without knowing which case to discuss. In this sense, preparing 2 or 3 cases is likely the most ideal option. If you have a judge-alone interview, the judge is more likely to talk about the area with which they have the most expertise. So knowing about 1 or 2 recent cases that judge wrote about will be helpful. In my case, I had an interview with Justice Moldaver whose expertise is in criminal law. I read 2 or 3 cases that he recently wrote before the interview*
3. *Know about the judges that you will be interviewing with. A short biography is published online on the Court's website for each judge. The judges will not ask you about what you know about that, but the biographies will give you more information about where they come from. For example, if you have an interview with a judge alone, the biography may help you to discern their area of expertise or interests. This, in turn, will facilitate your preparation to some extent. Another value of reading the biographies is that it may ease any nervousness you may have because you will have more information about the person sitting in front of you. You will also start to humanize the judges and view them as more than people who have written the judgements you have been reading for the past 3 years.* ” ”