

# NEW MEXICO'S DIVERSITY CLERKSHIP PROGRAM and Lessons From the ABA Judicial Clerkship Program Graduates



By Justice David K. Thomson, Associate Justice, New Mexico Supreme Court, ABA/Judicial Division/Appellate Judges Conference

When I joined the ABA's Judicial Division as a Trial Court Judge, one of the first programs I participated in was the Judicial Clerkship Program (JCP). Now, as a Justice on the New Mexico Supreme Court, and inspired by my experience with the JCP, I have begun an initiative that mentors, educates, and creates externship opportunities for minority and disadvantaged students. Information on the program can be found at: [www.nmbar.org/judicial-clerkship](http://www.nmbar.org/judicial-clerkship).

The New Mexico Judicial Clerkship Program provides opportunities to students who are members of traditionally underrepresented groups in the legal profession, particularly in the judiciary. These groups include, but are not limited to, members of racial or ethnic minorities, women, those who identify as LGBTQIA+, students with disabilities, and students who are economically disadvantaged.

I work with two talented lawyers, who are both graduates of the ABA program. I sat down with them to discuss how their experiences informed their life decisions, and how New Mexico's program might improve diversity in clerking, appellate practice and the judiciary. I interviewed Ms. Denise Chanez, who continues her work with the State Bar's Committee on Diversity in the Legal Profession and Ms. Roshanna Toya who is a law clerk with our Court of Appeals.

**Justice David Thomson:** Ms. Chanez and Ms. Toya, thank you for sharing your experience with me today. Let's start with an introduction. When did you participate in the ABA's Judicial Clerkship Program and what are you doing now?

**Denise Chanez:** I participated in the ABA Judicial Clerkship Program in February 2005 in Salt Lake City, Utah. I was in my second year of law school. After graduating from law school, I clerked for Justice Ed Chavez at the New Mexico Supreme Court. Fifteen years after attending the clerkship program, I am now a director/shareholder at the Rodey Law Firm. My practice is primarily focused on defending healthcare providers in medical malpractice cases. I am also the co-chair of the State Bar of New Mexico's Committee on Diversity in the Legal Profession.

**Roshanna Toya:** Although the ABA typically invites only ABA-accredited law schools and students to participate in the JCP, the ABA has extended the opportunity to the Pre-Law Summer Institute for American Indians and Alaska Natives (PLSI) and its students. Housed at the University of New Mexico School of Law, PLSI prepares Indian law students for the rigors of law school by simulating the first year in an eight-week program. PLSI annually invites about three Indian students to participate in the JCP. During my 2L year, in 2018, I was selected by the PLSI Judicial Clerkship Committee to attend.

In addition to raising a family, I am currently clerking at the New Mexico Court of Appeals with Judge Shammara H. Henderson. I also serve as an Appellate Judge for the Pueblo of Isleta Appellate Court. I keep busy with volunteering on various boards, including the Task Force on Research on Violence Against American Indian and Alaska Native Women for the U.S. Department of Justice; the Juvenile Justice Advisory Committee of New Mexico, and; this year, I serve as President of the New Mexico Chapter of the Federal Bar Association.

**JDT:** Ms. Chanez, tell me what you learned through the ABA program that helped you or made you prepared for your clerkship with Justice Chavez.

**DC:** More than anything, the ABA program erased any doubt in my mind about applying for a clerkship. I remember listening to law clerks of color speaking about their experiences and encouraging us to apply. While I was already interested in clerking, hearing them speak solidified my desire to pursue a clerkship. Being the first in my family to graduate from college, and then, of course, law school, I had never known anyone who had clerked before. Seeing lawyers of color who were clerking for state and federal judges helped me see that I could do it, too. I was also really inspired by the fact that there was an entire program dedicated to increasing the number of diverse students applying for clerkships.

**JDT:** Ms. Toya, you are a more recent graduate. In fact, you and I met at this program. Can you tell members of the Judicial Division how you benefited from the ABA program and what prepared you for your clerkship?

**RT:** I benefited from the ABA JCP by interacting with judges representing different courts and geographic areas across the country. A main learning point was that judges do care about strengthening diversity in the courts. Judges encouraged each of us—representing very diverse backgrounds—to apply to a clerkship position. The JCP facilitated opportunities for students to connect in small groups with judges. We worked through exercises designed to challenge our research and writing skills and were able to receive feedback on our work from the judges.

The program ultimately energized my clerkship application because multiple judges directly reviewed and commented on my cover letter and resume. The process pushed me to highlight or reframe aspects of my life or credentials.

Also, forming and maintaining meaningful connections with judges across the federal and state judiciaries is a key part of the JCP, just like the one you and I formed, Justice Thomson. We had to travel all the way to Chicago, Illinois, from New Mexico, to be able to meet in person. Without the JCP, I'm not sure I would have had the opportunity to reach out to a New Mexico Supreme Court Justice to serve as a mentor.

**JDT:** This summer we are starting our state program described at the beginning of the article. I would benefit from your thoughts about what parts of this program you think are essential to increasing opportunities for minority and disadvantaged students.

**DC:** My husband is an appellate lawyer, and we have often talked about the lack of diversity in the appellate bar. Having a program that is specifically designed to offer opportunities to diverse law students to get exposure to appellate courts is a fantastic way to encourage more diversity in the appellate bar both in terms of lawyers and judges. The program is special in that it does not consider students' grades in the selection process. Applicants have to submit a written statement that will provide insight into their writing ability, but grades are not a factor. I think this is crucial because some students might otherwise weed themselves out based on a false belief that their grades are not good enough. The point of the program is to give diverse and disadvantaged students an opportunity that they might not otherwise have had, regardless of their academic achievement. This really opens up the opportunity for more students to get exposure to the appellate courts, boost their confidence and inspire them to pursue clerkships.

**RT:** I think that the very existence of the program is fundamental to unlocking opportunities for minority and disadvantaged students. We are often the first ones to self-eliminate from prestigious positions like clerkships because we don't think we fit the mold for those opportunities. Carving out an opportunity like this for people of color really pushes us to strive toward the opportunity, because it is a special place reserved and intended for us. So many people of color and disadvantaged students have such important life experiences that can benefit any chambers we may be selected for. Incorporating the talent of those students will benefit the judiciary and the nation as a whole, because the result will be diverse contributions to shaping and upholding the law.

In my experience, it has often been just one person, or one program, that really pushed me to set aside the instinct to stop self-eliminating and apply! I am so happy that this program can be one of those programs that unlocks so many opportunities for students. This program can also partner with existing programs such as the PLSI Judicial Clerkship Program, to combine resources and make sure there are strong candidates who apply, that might not otherwise do so.

**JDT:** Do you see any benefit to broader diversity goals including a pipeline to the judiciary?

**DC:** Absolutely! There are a lot of different paths to the judiciary, and clerking is certainly one of them. The more that diverse students get started on the clerkship path, the more they will consider judicial positions as they progress in their careers. Just being exposed to the appellate courts, working with judges and sharing ideas with them helps to build confidence in young lawyers, and it helps them to see that being a judge is something that is actually attainable for them. I have mentored several diverse women attorneys whose confidence grew immeasurably after they clerked and who have aspirations of becoming judges someday.

**RT:** I definitely see clerking as a pipeline to the judiciary. I think having a clerkship humanizes the people of the judiciary, and especially the bench, when you get a glimpse of what happens "behind the scenes." It helped me to realize that all the judges I've worked with were once in my shoes and are still people just like me. They have families, hobbies, and get things wrong once in a while, just like the rest of us. Humanizing the judges and the role of the judiciary is an important step in being able to envision opportunities for ourselves as people of color. In the court that I clerk for—the New Mexico Court of Appeals—four of the ten judges are women of color. Being able to see that and work among these accomplished women help me to set similar career ambitions for myself. In fact, it makes me even more motivated to reach for those levels, because in a state where American Indians so significantly shape the culture of our state, there has never been one who has served on a high state court. A similar sentiment is true for federal courts. So few American Indian men, and only one American Indian woman have sat on a federal district court.

In addition to humanizing the judiciary, clerking creates a set of skills in attorneys that will last a lifetime. Clerking greatly increases the confidence and competence of attorneys. It builds confidence when you know that you have done diligent research, sifted through the hundreds or thousands of pages of briefing and records proper, and then carefully crafted written pieces which the judges can use in their final opinions. Clerkships also build competence because they expose you to such high levels of written and oral advocacy that you can't help but be pushed to interpreting and articulating the law and analyses in a similarly competent way.

I think those three things combined, a humanized view of the judiciary, confidence, and competence, will lead more people of color back to serve as judges in the future. A judgeship, like a clerkship, is also an attainable career ambition, but will never be such if we self-eliminate.

**JDT:** You are speaking to hundreds of judges and justices across this country at all levels, areas of jurisdiction, and experience. What would each of you tell them is the most important thing to consider when evaluating a law student's clerkship application.

**DC:** As with any legal job, I think it is easy to get caught up in GPAs, class rank, law-school ranking, and other data points that do not always reflect the full picture of what an applicant brings to the table. Of course, these metrics can be helpful in getting a sense of how well a student performed in law school and of a student's writing ability. However, I respectfully submit that clerkships are not just about writing opinions and analyzing facts and law. When I encourage law students to apply for clerkships, I do so because I think they will gain an invaluable experience seeing how the justice system works from the inside and also developing a lifelong bond with the judge for whom they clerked. I do not remember all of the opinions that I helped write as a law clerk, but I absolutely cherish the memories I have of working through those opinions with Justice Chavez and learning from him. My admiration for him has only grown over the years, and I am really blessed to know that I can still call him to this day for advice and support. So, I would encourage judges to look beyond the GPAs and class rank to see the story behind the students' applications, particularly those who have overcome adversity, who have demonstrated a commitment to hard work, and those who show a passion for growing and learning. I suspect that those are the clerks who will never let you down, and the ones who will be your friends for years to come.

**RT:** The most important thing to consider is an applicant's reason for seeking a clerkship. I believe that if judges inquire into the reason an applicant is seeking a clerkship as part of their selection process, they will be enlightened by the answers. There are many reasons why people chose clerkships. Oftentimes when it comes to people of color, we seek clerkships as a way to develop our skills so that we may work toward being the most competent and confident attorney, before going on to serve our communities and people of color. American Indian people often have public service at the heart of our mission as attorneys.

**JDT:** You are speaking to law students across this country, what would you tell them about participating in the ABA program or the program started by the New Mexico Bar:

**DC:** I would encourage diverse law students to keep an open mind about their legal careers. Even if a law student already knows what he or she wants to do, sometimes special opportunities come your way, and it opens up a whole new door to something that he or she may not have known would inspire them. If a diverse law student has an opportunity to participate in one of these programs, I say take it! It will only give them a chance to see another side of the law and develop great relationships with judges. Whether or not the law student ends up clerking or becoming a judge, having the experience is well worth it.

**RT:** Participating in the ABA Judicial Clerkship Program provides the opportunity to open doors that you did not even realize were worth opening. If you are curious about a clerkship, or think you may have an interest in a clerkship, it would be worth your time to attend. If you weren't convinced before you entered the program, you will be convinced that you want a clerkship before you leave. And further, you will have connections, resources, and a polished resume and cover letter to take home with you to begin the process of submitting to courts across the country. You will, most importantly, leave revitalized, knowing that there are judges throughout the country who are committed to seeing diversity in the judiciary, and that it is worth your while to just apply.

**JDT:** Thank you both for taking the time. I think you are a tribute to the ABA Judicial Clerkship Program and to the New Mexico Bar. And thank you for your help in our local efforts to expand opportunity and diversity in our profession. Be safe.

Stay tuned for a corresponding October episode on the *SBNM is Hear* podcast series! Justice David K. Thomson will be chatting further with Roshanna Toya and the YLD Chair, Allison Block-Chavez about their clerkship experience and the value it has had on their careers!