Delaware Supreme Court Externship Gives Katherine Childers Invaluable Experience

By Gary Libman

DURING HER EXTERNSHIP at the Delaware Supreme Court, Katherine Childers, JD ’10, often wrote memos on such varied areas of law as workers’ compensation, corporate governance, or criminal law.

Her corporate judicial externship, one of the first offered through the law school, was new territory for Childers. “In law school you’re used to taking a whole semester to master a subject,” she says. “But every week at the court, you’re having to learn a new field of law and doing it quickly and efficiently. And you need to be able to do so in a manner that you’re able to talk intelligently about it to a supreme court justice.”

When she first started the job, the rapid pace of the clerkship created some anxiety, Childers admits. “Even today sometimes I’ll get a subject matter and I’ll say, ‘I don’t even know where to begin.’ But I’ve been doing this for a while now, and it has gotten much easier.”

Childers’ adaptability not only has helped her performance, but also has impressed her boss. After graduating from the law school last May, she arrived in Delaware to work as an unpaid extern from September through December. Childers is the first extern in the new Corporate Judicial Field Placement established by Hillary A. Sale, the Walter D. Coles Professor of Law and professor of management.

But within a few weeks, Childers’ boss, Delaware Supreme Court Justice Randy J. Holland, offered to extend her stay until the end of the summer of 2011. “I was converted into a real law clerk—meaning that I was getting paid,” she says, happily.

Childers says the work is preparing her well “for what I’m going to be doing the rest of my career.” This fall, she will join the general litigation practice at Alston & Bird LLP in Atlanta.

Childers’ assignments with Holland begin when he asks her to review a case appealed to the Delaware Supreme Court. Childers then reads the lower court opinion and the briefs filed by opposing attorneys before writing a detailed memo for the justice. Sometimes an issue of law is unclear or Holland wants a legal question answered so Childers conducts further research.

“The type of writing we do is very interesting,” Childers says. “Often in law school, you want to make arguments based on fairness—what seems right in your mind. However, most times you’re told not to do that because ‘fairness’ is not really a legal argument. But at the appellate level, the judges do hear those fairness arguments, and sometimes they make a difference. … The writing’s a little more nuanced.”

Although she loves hearing the attorneys’ oral arguments and the justices’ pointed questions in court, Childers says her favorite part of the clerkship is interacting with Holland himself. Appointed to the Delaware Supreme Court in 1986, Holland is the youngest person ever to sit on the court, as well as the longest serving Supreme Court justice in Delaware’s history.

“It’s a very easy interaction,” Childers says. “First and foremost, he’s a teacher. He takes time to explain very complicated issues that might not make much sense when you first read them. But after listening to him for five minutes, they make perfect sense.”