



## **State Court Clerks Discuss Their Experiences**

Robert Falconi '11

Robert M. Falconi is an associate at Blankingship & Keith, PC . Prior to joining the firm, he served as law clerk to the Honorable Jane Marum Roush of the Fairfax Circuit Court.

**Ruth Payne:** Hi Bob. Thanks so much for doing this. I'll jump right in with the first question: Can you tell me a little bit about your clerkship?

**Robert Falconi:** Sure thing. I was a law clerk for Judge Roush of the Fairfax Circuit Court in Virginia from 2011-2012. The work varied pretty widely. I would split it up into 3 different categories: The first category would be preparing the judge for motions day and drafting letter opinions. Second, we dealt with a tremendous number of orders that went before a judge without a hearing, so a lot of my time was spent checking to make sure those complied with the law. That took up maybe another third of my time. Finally, a lot of the job was just dealing with the public and lawyers in general. As a law clerk, you're the voice of the judge when she's not on the bench in some respects, and so there is a lot of time spent putting out fires.

**Ruth Payne:** Thanks. Two part question: Was there anything about the clerkship that surprised you? What was the most important thing you would say you learned from the clerkship?

**Robert Falconi:** Well, it's an overwhelming experience at first, but I think the most surprising aspect was how difficult some of the issues before the court were. We weren't exactly the Supreme Court, but we encountered several matters that were honestly very tough and required an extensive amount of research. The most important thing is a tougher question. I can honestly say I probably learned more in my year of clerking about the practice of law than I did in law school (no offense to UVA intended, I had a great time). I think the most important thing in terms of advocacy would probably be the importance of getting everything right - when an attorney mischaracterized the holding of case - that was usually a sign that his argument was flawed. The importance of getting everything right extended down to simply getting spelling and grammar correct – if the brief was filled with spelling and grammatical errors, then the substantive argument in the brief probably wasn't very good either. It may seem like a minor thing, but it really wasn't. Usually the attorneys who had minor mistakes also tended to have bigger mistakes too.

**Ruth Payne:** Can you tell us a little bit about your current job? Also, what things did you bring from your clerkship that have helped most with your current practice?

**Robert Falconi:** Sure, I work at a mid-sized firm in Fairfax, right across the street from the court, called Blankingship & Keith. I worked here as a summer associate and they wanted me to clerk. Specifically, they wanted me to clerk in Fairfax Circuit Court. My practice is "education

law," but I do a little bit of everything - employment law, advice and counsel for school districts that don't have in house counsel, administrative hearings, government contracting, etc. I actually spend very little time in the Fairfax Circuit Court, but the clerkship helped me nonetheless because it made me a better writer. You see a lot of attorneys' briefs come across your desk and you really start to learn what works and what does not work in terms of advocacy.

**Ruth Payne:** This has been really helpful, Bob. Do you have any parting wisdom you would want to give to current students who maybe feel a little bit hesitant to look at state court clerkships?

**Robert Falconi:** I worked full time before law school for 6 years so I think I have some authority on this, and I can honestly say my year of clerking was the best year of work I have ever had. It was incredibly rewarding on just about every level. I met 15 different judges who like me and know I'm an honest, good person, and I know the local procedures inside and out. I came into the experience not wanting to clerk, but it was sort of pushed on me. Now, I can't imagine practicing as a lawyer without clerking. It was useful in just about every respect. If any students are considering clerking in a state court, I would encourage them to contact me via email at [rfalconi@bklawva.com](mailto:rfalconi@bklawva.com) or by phone at 703-691-1235.

**Ruth Payne:** Thanks so much -- I really appreciate you taking the time!