

8 Waldo Avenue
Somerville, MA 02143
February 19, 1986

The Hon. Thurgood Marshall
Associate Justice
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Marshall:

I am applying for a judicial clerkship for the 1987 Term. I am currently the Supervising Editor of the Harvard Law Review and will spend the coming year clerking for the Honorable Abner J. Mikva of the District of Columbia Circuit.

Enclosed please find a resume, transcript, and writing sample. You will also receive letters of recommendation from Professors Abram Chayes (617-495-3122), Frank Michelman (617-495-4628), and Charles Nesson (617-495-4609) of the Harvard Law School.

Thank you very much for your consideration. I would be honored to serve as your clerk.

Sincerely,

Elena Kagan

Elena Kagan

RECEIVED FEB 24 1986

ANSWERED FEB 24 1986

ELENA KAGAN

Current Address:

8 Waldo Avenue
Somerville, MA 02143
(617) 625-6592

Permanent Address:

320 West End Avenue
New York, NY 10023
(212) 362-0630

EDUCATION:

HARVARD LAW SCHOOL J.D. Expected, June 1986

Activities: Supervising Editor, *Harvard Law Review*
Principal editorial assistant to the President. Edit
or supervise the editing of all articles, notes,
and reviews.
Legal Methods Instructor

WORCESTER COLLEGE

OXFORD UNIVERSITY M.Phil. Politics, July 1983

Activities: Captain, Worcester women's crew.

PRINCETON UNIVERSITY A.B. History, June 1981

Honors: Summa Cum Laude; Phi Beta Kappa; Recipient, Daniel
M. Sachs Graduating Scholarship for two years of study
at Oxford.

Activities: Editorial Chairman, *The Daily Princetonian*; Resident
Adviser.

LEGAL

EXPERIENCE:

1986 - 87

Judicial Clerk

Hon. Abner J. Mikva
U.S. Court of Appeals, District of Columbia Circuit

Summer 1985

Summer Associate

Paul, Weiss, Rifkind, Wharton & Garrison
Worked in litigation department, writing brief and memoranda.

Summer 1984

Summer Associate

Fried, Frank, Harris, Shriver & Jacobson
Worked in corporate and litigation departments, researching issues
and writing memoranda. Aided in drafting litigation papers and
partnership agreement.

PUBLICATION:

Note, *Certifying Classes and Subclasses in Title VII Suits*, 99 *Harv. L. Rev.* 619
(1986).

REFERENCES:

Professor Abram Chayes
Professor Frank Michelman
Professor Charles Nesson

HARVARD LAW SCHOOL
Cambridge, Massachusetts 02138

Record of Kagan, Elena

Other Degrees: A.B. Princeton Univ. 1981

Degree received _____

Entrance Status: First

Section <u>1</u>	FIRST YEAR			SECOND YEAR			THIRD YEAR		
	Law School Credits	Date	Mark	Law School Credits	Date	Mark	Law School Credits	Date	Mark
Criminal Law (Fall)	5	1/84	B	Accounting A1	11/84	P	1	Corporations A1	12/85
Legal Method (Fall)	—	1/84	Cr.	Antitrust Law A2	12/84	A-	3	Criminal Process	12/85
Torts (Fall)	5	1/84	B-	Evidence A1	12/84	A-	3	Federal Courts A2	12/85
Civil Procedure (Year)	6	5/84	A	Taxation A2	12/84	A	4	Copyright	1/85
Contracts (Year)	6	5/84	A	(W.W.P.) WRITTEN WORK A. Chayes	1/85	A	2		
Property (Spring)	5	5/84	A	Administrative Law B2	5/85	B+	4		
Intro. to Federalism	3	5/84	A-	Constitutional Law B2	5/85	A	5		
				Local Government Law B	5/85	A	3		
				Other Credits				Other Credits	
								GSAS - Lit & Arts A-22	1/86 WD

ISSUED TO STUDENT
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attended from September 1, 1983 to June 1, 1984
September 4, 1984 to May 31, 1985
September 3, 1985 to Present Date
 _____ to _____
 _____ to _____

(Signed) Charlotte M. Robinson
 Charlotte M. Robinson, Registrar

Dated 1985 FEB 19



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

February 25, 1986

Justice Thurgood Marshall
1 First Street, N.E.
Washington, D.C. 20543

Dear Justice Marshall:

I am writing in behalf of Ms. Elena Kagan, currently a third year law student at the Harvard Law School. She will be clerking for Judge Mikva of the D.C. Circuit next year, is an applicant for a clerkship with you in the following year, 1987-88.

I have known Elena since she entered the Law School. I taught her in Civil Procedure. In the last two years, she has been a teaching assistant working under my supervision in the Legal Methods program (this in addition to her responsibilities first as editor and then as second in command at the Law Review). And I supervised her written work requirement, which later appeared as a note in the Law Review on class representation problems in Title VII case after Falcone.

I have no hesitation in saying she is one of the very finest students I have ever had -- not in her class alone, but among the handful of outstanding people in a decade.

Her background and education is beautiful, including an undergraduate degree at Princeton and an M.Phil. at Oxford, which lend a depth and sophistication to what is innately a very powerful mind. She is soft-spoken and delightful to be with, but razor-sharp and iron-hard in intellectual give and take. Her limpid writing ability and keen editorial skills have made her a mainstay at the Review. In fact, she was runner-up in the presidential election. She works enormously hard, as is evidenced by the load she has carried here, but she doesn't take herself too seriously.

I believe she will number among your finest law clerks.

Sincerely,

Abram Chayes
Professor of Law



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

February 26, 1986

Justice Thurgood Marshall
1 First Street, N.E.
Washington, D.C. 20543

Dear Justice Marshall:

I write to recommend Elena Kagan for a clerkship. I worked with her closely during the editing of an article I published in the May, 1985 issue of the Harvard Law Review.

I give her my very highest recommendation. She understood my arguments extremely well, pointed out weaknesses with precision and tact, suggested specific ways to remedy them, pushed me to say what I wanted to express, and helped me express it. She is fast and fluent, understands organization, sentence structure, and the importance of getting the job done. Indeed, I thought she was fabulous in every aspect of writing right down to spelling. I cannot give a higher recommendation.

Sincerely,

Charles R. Nesson
Professor of Law

CRN:sa

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8 Waldo Avenue
Somerville, MA 02143
March 3, 1986

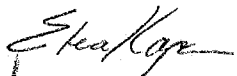
The Hon. Thurgood Marshall
Associate Justice
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Marshall:

I recently applied to you for a judicial clerkship for the 1987 Term. Enclosed please find an updated transcript to replace the one I then submitted.

Thank you again for your consideration.

Sincerely,


Elena Kagan

Record of Kagan, Elena

Degree received _____

Entrance Status: First

Section	FIRST YEAR			SECOND YEAR			THIRD YEAR					
	Law School Credits	Date	Mark	Cred.	Law School Credits	Date	Mark	Cred.	Law School Credits	Date	Mark	Cred.
Criminal Law (Fall)		1/84	B	5	Accounting A1	11/84	P	1	Corporations A1	12/85	A+	4
Legal Method (Fall)		1/84	Cr.	—	Antitrust Law A2	12/84	A-	3	Criminal Process	12/85	A	3
Torts (Fall)		1/84	B-	5	Evidence A1	12/84	A-	3	Federal Courts A2	12/85	A-	3
Civil Procedure (Year)		5/84	A	6	Taxation A2	12/84	A	4	Copyright	1/86	Cr.	3
Contracts (Year)		5/84	A	6	(W.W.P. WRITTEN WORK) A. Chayes	1/85	A	2				
Property (Spring)		5/84	A	5	Administrative Law B2	5/85	B+	4				
Intro. to Federalism		5/84	A-	3	Constitutional Law B2	5/85	A	5				
					Local Government Law B	5/85	A	3				
					Other Credits							
					Other Credits				GSAS - Lit & Arts A-22	1/86	WD	2

ISSUED TO STUDENT
THIS IS A REPRODUCTION

ended from September 1, 1983 to June 1, 1984
September 4, 1984 to May 31, 1985
September 3, 1985 to Present Date
 _____ to _____
 _____ to _____

Charlotte M. Robinson

(Signed) Charlotte M. Robinson, Registrar

Dated 1986 MAR 5



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

April 21, 1986

Justice Thurgood Marshall
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

Dear Justice Marshall:

Elena Kagan, a third-year student at the Harvard Law School, has applied to be one of your law clerks. I recommend her enthusiastically.

Elena is one of the handful of very best students that I have encountered in my four years of teaching at Harvard. I got to know her through my Federal Courts class, in which she was a student. In class, Elena exhibited first-rate analytical capacity with her questions and comments. Her probing was most impressive because of its range. She frequently was able not only to cut to the heart of the issue exhibited in a particular case or doctrinal area, but to connect her questions, concerns, and insights with other cases in other areas of Federal Courts law.

Since the Federal Courts class, I have enlisted Elena to do some work for me as a research assistant. Recognizing the extent of her gifts, I have asked her to give me critical objections and suggestions and to propose changes of structure and organization in a manuscript that I have been working on. Her work has been superb. She has a tough-minded lawyer's sense for the extraneous and the relevant; her critical faculties are good; and she writes clearly and well.

With respect to Elena's other qualities, two stand out. First, she has extraordinary energy. She has held one of the most demanding jobs on the Law Review (and, I am told, done it very well) yet, at the same time, maintained her school work at a high level. Second, as I can testify from experience, her temperament and personality make it a pleasure to work with her. She takes criticism and suggestions very well, and she has a gift for registering her intellectual questions and disagreements gently.

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I have no doubt that Elena would be a truly excellent law clerk.

Yours sincerely,

A handwritten signature in cursive script that reads "Richard Fallon".

Richard Fallon
Assistant Professor of Law



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

June 5, 1986

Justice Thurgood Marshall
United States Supreme Court
1 First Street, NE
Washington, D.C. 20543

Dear Justice Marshall:

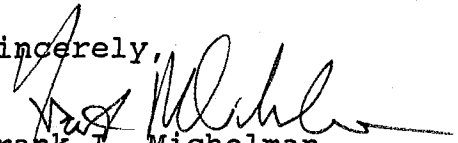
I write in connection with Elena Kagan's application for a clerkship.

I got to know Ms. Kagan as a student during her first year here, as the Property professor for her first-year section. That was one of our so-called "experimental" sections, which meant that I was in steady contact with the group from September to May, and got to form quite distinct impressions of many of the students in it, including Elena, not only through participation in large-class discussions, but in smaller section settings and other, more informal contacts. Although she hasn't since taken any course from me, I've seen enough of Elena over the past two years to keep fresh my perceptions of her and her abilities.

The abilities and the person are both impressive. From the very first exchange through the rest of that first year, Elena struck me as a student of outstanding calibre. I am looking at her transcript as I write, and there's just no doubt that her first-year spring-term grades (including those in the "year" courses), not the fall-term ones, are the true reflection of her capacity and her learning. Whatever was in her way on those fall term exams, it wasn't affecting her class performance even during the fall, and evidently was gone by exam time in May.

During that year I learned to like as well as respect Ms. Kagan (not meaning that liking her is anything but easy to learn). She has about her the qualities both of seriousness and warmth, genuine and evident though not ebullient or obtrusive. Though I can't testify on the basis of any actual close working experience, I'd fully expect her to be an assistant loyal, candid, discrete, pleasant, hard-working, and productive, as well as a gifted one who sets herself high standards and takes pride in meeting them.

Sincerely,


Frank I. Michelman

8 Waldo Avenue
Somerville, MA 02143
June 9, 1986

The Hon. Thurgood Marshall
Associate Justice
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Marshall:

Earlier this year I applied to you for a position as a judicial clerk. I now enclose a copy of my final law school transcript. Thank you again for your consideration.

Sincerely,



Elena Kagan

HARVARD LAW SCHOOL
Cambridge, Massachusetts 02138

Record of Kagan, Elena Other Degrees: A.B. Princeton Univ. 1981

Degree received J.D. 1986 JUN 5

magna cum laude

Entrance Status: First

Section	FIRST YEAR			SECOND YEAR			THIRD YEAR					
	Law School Credits	Date	Mark	Cred.	Law School Credits	Date	Mark	Cred.	Law School Credits	Date	Mark	Cred.
Criminal Law (Fall)		1/84	B	5	Accounting A1	11/84	P	1	Corporations A1	12/85	A+	4
Legal Method (Fall)		1/84	Cr.	—	Antitrust Law A2	12/84	A-	3	Criminal Process	12/85	A	3
Torts (Fall)		1/84	B-	5	Evidence A1	12/84	A-	3	Federal Courts A2	12/85	A-	3
Civil Procedure (Year)		5/84	A	6	Taxation A2	12/84	A	4	Copyright	1/85	Cr.	3
Contracts (Year)		5/84	A	6	(W.W.P.) WRITTEN WORK	1/85	A	2	Commercial Transactions B2	5/86	A	3
Property (Spring)		5/84	A	5	Administrative Law B2	5/85	B+	4	Labor Law B	5/86	A+	3
Intro. to Federalism		5/84	A-	3	Constitutional Law B2	5/85	A	5	Legal Profession B2	5/86	B+	3
					Local Government Law B	5/85	A	3	OPTIONAL PAPER	5/86	A	1
									Race, Racism & American Law	5/86	A+	4
					Other Credits				Other Credits			
									GSAS - Lit & Arts A-22	1/86	WD	2

ISSUED TO STUDENT
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HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

June 19th, 1986

Justice Thurgood Marshall
Supreme Court of the United States
Washington, D.C. 20543

Dear Justice Marshall,

I am writing to support Elena Kagan's application for a clerkship. She was a student in my course on race and constitutional law and received an A+. Her examination paper was among the finest in a large class of highly motivated students. I have also had occasion to observe closely Ms. Kagan's analytic abilities through her role as a supervising editor at the Harvard Law Review. I was most impressed by the way in which she supervised and improved upon the editing of an article I wrote for the Review in the spring. Finally, in addition to her insight and diligence, Ms. Kagan is a polite, respectful person with whom it would be a pleasure to work. I recommend her unreservedly.

I hope that you are well and in good spirits. Please give my fond regards to Mrs. Marshall.

Sincerely,

Randall Kennedy

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 27, 1986

Dear Ms. Kagan:

This will confirm your selection as one of my law clerks for the 1987-1988 Term of the Supreme Court. The current salary is \$31,619.

I have selected as your colleagues Michael Doss of the University of Pennsylvania Law School, Harry Litman of the University of California School of Law, and Carol Steiker of Harvard Law School. We haven't been able to reach them as yet to advise them but we hope to be able to hear from them today.

Please complete the enclosed Personnel Qualifications Statement at your convenience and mail it to Miss Connie Ferguson, Room 6 of the Supreme Court.

We look forward to having you with us next year.

Sincerely,

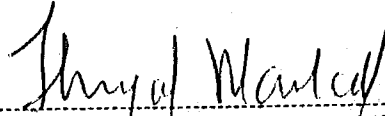


Ms. Elena Kagan
8 Waldo Avenue
Somerville, Mass. 02143

Supreme Court of the United States
Washington, D. C.

June 3, 1987.

Elena Kagan is hereby designated and
appointed to serve as my Law Clerk
from the 13th day of July, 1987
at a salary of \$32,567, per annum.



Associate Justice of the Supreme Court of the United States.

Approved:



Chief Justice of the United States.