

Syllabus
“Legal Writing for Law Clerks”
Professor Robert Luther III
Fall 2025
Tuesdays @ 4 pm–6 pm in Rm. TBD

Course Description and Learning Outcomes: Students enrolled in this course will learn to think like a judicial law clerk. Students will accomplish this goal by taking a critical look at pleadings, briefs, and judicial opinions filed within the last few years through the eyes of a neutral but engaged observer whose responsibility is to assist a Judge. Students will also be required to draft a bench memo, deliver an oral presentation on that bench memo, and draft a final judicial opinion from their bench memo. Students will be provided with briefing on both sides of an undecided case pending in the U.S. Court of Appeals. By **September 14, 2025**, students must turn in a bench memo for that case. The week of **September 15, 2025**, in lieu of group class, students will individually discuss their bench memo with me in 30-minute blocks as if they are conferencing with their Judge prior to the oral argument. Students will then watch/listen to that oral argument in real time when it is argued the week of **September 22, 2025**. A final judicial opinion drawn from the bench memo is due on **October 15, 2025**.

Grading: This course will be letter graded (i.e., on an A+* to F scale). Students will have the opportunity to earn up to 100 points and grades will be determined by the scores earned on the following assignments: bench memo (25 points); oral presentation of bench memo (20 points); final judicial opinion (45 points); and class participation (10 points).

Contact Info: Students may contact me anytime at rluther@gmu.edu

| Date | Reading, Written, or Oral Assignment Due for Class this Day | In Class Lecture, Discussion, or Exercise |
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| Class 1: August 19, 2025 | Read: <ul style="list-style-type: none"> David Lat, <i>How Should a Judge Be: In Defense of the Judge as CEO</i>, 69 Vand. L. Rev. En Banc 151 (2016) Adam Liptak, <i>An Exit Interview With Richard Posner, Judicial Provocateur</i>, THE NEW YORK TIMES (Sept. 11, 2017). | Lecture: <ul style="list-style-type: none"> Introductions, overview of the role of the law clerk, including: overview/review of structure of state, federal, and specialty judiciaries and types and function of pleadings, motions, orders, and opinions. |

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| Class 2: August 26, 2025 | <p>Read:</p> <ul style="list-style-type: none"> • <i>Reserve Hotels PTY Ltd. v. Mavrakis</i>, 790 F.3d 738 (7th Cir. 2015) | <p>Lecture/Discussion:</p> <ul style="list-style-type: none"> • How to draft a clerkship cover letter/edit mock cover letter templates • How to draft clearly written opinions and discussion of <i>Reserve Hotels</i> • Distribute bench memo template • Discussion of bench memo basics <p>Take-Home Exercise:</p> <ul style="list-style-type: none"> • Draft clerkship cover letter |
| Class 3: September 2, 2025 | <p>Read:</p> <ul style="list-style-type: none"> • Skim Complaint in <i>Tobey v. Napolitano</i> (available at: https://docs.justia.com/cases/federal/district-courts/virginia/vaedce/3:2011cv00154/263761/1) • <i>Tobey v. Jones</i> (4th Cir. 2013) (panel and dissent) (available at: http://www.ca4.uscourts.gov/Opinions/Published/112230.P.pdf) • The Honorable Patrick J. Bumatay, <i>The Value of Dissent</i>, 47 HARVARD JOURNAL OF LAW & PUBLIC POLICY 75 (2024) <p>Listen to:</p> <ul style="list-style-type: none"> • Oral Argument in <i>Tobey</i> case (available at: http://www.ca4.uscourts.gov/OAarchive/mp3/11-2230-20121024.mp3) | <ul style="list-style-type: none"> • Introduction to the <i>Tobey</i> case and filed Complaint • Why dissent? • Bench Memo due via email no later than 11:59 pm EST on September 14, 2025 |

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| Class 4: Week of September 8, 2025 | Full class will not meet this week—mock clerkship interviews | |
| Class 5: Week of September 15, 2025 | Full class will not meet this week—oral presentations of bench memos | |
| Class 6: Week of September 22, 2025 | Watch/listen to live oral argument of case from U.S. Court of Appeals: | • FINAL ASSIGNMENT: judicial opinion drawn from your bench memo |
| Class 7: Week of September 29, 2025 | Full class will not meet this week—individual discussion of professional goals | |
| | Final judicial opinion due via email no later than 11:59 pm EST on Wednesday, October 15, 2025. | |

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