

Syllabus
“Legal Writing for Law Clerks”
Professor Robert Luther III
Spring 2026
Tuesdays @ 6:05 pm–8:05 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 **February 15, 2026**, students must turn in a bench memo for that case. The week of **February 16, 2026**, 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 **February 23, 2026**. A final judicial opinion drawn from the bench memo is due on **March 16, 2026**.

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
Class 1: January 20, 2026	Read: - 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: 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.

Class 2: January 27, 2026	Read: • <i>Reserve Hotels PTY Ltd. v. Mavrakis</i>, 790 F.3d 738 (7th Cir. 2015)	Lecture/Discussion: • 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 Take-Home Exercise: • Draft clerkship cover letter
Class 3: February 3, 2026	Read: • 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) Listen to: • Oral Argument in <i>Tobey</i> case (available at: http://www.ca4.uscourts.gov/OAarchive/mp3/11-2230-20121024.mp3)	• 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 February 15, 2026

Class 4: Week of February 9, 2026	Full class will not meet this week—mock clerkship interviews	
Class 5: Week of February 16, 2026	Full class will not meet this week—oral presentations of bench memos	
Class 6: Week of February 23, 2026	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 March 2, 2026	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 Monday, March 16, 2026	

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