

**Syllabus**  
**“Legal Writing for Law Clerks”**  
**Professor Robert Luther III**  
**Summer 2026 (May Section)**  
**6:05 pm–8:05 pm on Zoom**

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. Specifically, students will be provided with briefing on both sides of an undecided case pending in the U.S. Court of Appeals for the Ninth Circuit. By **June 7, 2026**, students must turn in a bench memo for that case. From **June 8-10, 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. A final judicial opinion drawn from the bench memo is due by **June 30, 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).

Agentic AI: The use of Agentic AI in this course is completely prohibited and will result in serious adverse professional consequences.

Contact Info: Students may contact me at [rluther@gmu.edu](mailto:rluther@gmu.edu).

<b>Date</b>	<b>Reading, Written, or Oral Assignment Due for Class this Day</b>	<b>In Class Lecture, Discussion, or Exercise</b>
Class 1: May 19	Read: <ul style="list-style-type: none"> <li>• David Lat, <i>How Should a Judge Be: In Defense of the Judge as CEO</i>, 69 Vand. L. Rev. En Banc 151 (2016)</li> <li>• Adam Liptak, <i>An Exit Interview With Richard Posner, Judicial Provocateur</i>, THE NEW YORK TIMES (Sept. 11, 2017).</li> </ul>	Lecture: <ul style="list-style-type: none"> <li>• Introductions, overview of the role of the law clerk, discuss introductory readings</li> </ul>

		<p>In Class Exercise:</p> <ul style="list-style-type: none"> <li>• How to draft a clerkship cover letter/edit mock cover letter templates</li> <li>• Take-Home Exercise: Draft clerkship cover letter</li> <li>• Distribute bench memo template and discuss bench memo basics</li> </ul>
Class 2: May 26	<p>Skim:</p> <ul style="list-style-type: none"> <li>• Complaint in <i>Tobey v. Napolitano</i> (available at: <a href="#">Justia Dockets and Filings</a> )</li> </ul> <p>Read:</p> <ul style="list-style-type: none"> <li>• <i>Tobey v. Jones</i> (4th Cir. 2013) (panel and dissent) (available at: <a href="#">U.S. Court of Appeals for the Fourth Circuit</a>)</li> <li>• The Honorable Patrick J. Bumatay, <i>The Value of Dissent</i>, 47 HARVARD JOURNAL OF LAW &amp; PUBLIC POLICY 75 (2024)</li> </ul> <p>Listen to:</p> <ul style="list-style-type: none"> <li>• Oral Argument in <i>Tobey</i> case (available at: <a href="#">U.S. Court of Appeals for the Fourth Circuit Archive</a> )</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion of <i>Tobey</i> case, and reasons to dissent</li> </ul>
Class 3: June 2-4	Self-Schedule mock clerkship interview between June 2-4.	<b>Sign up for <i>either</i> Class 3 <i>or</i> Class 6</b>

Class 4: June 8-10	Self-Schedule oral presentation of Bench Memo for June 8-10.	• <b>Bench memo due in 26-1444, <i>Amazon.com Services, LLC v. Perplexity AI, Inc.</i> via email by June 7, 2026</b>
Class 5: June 11	Watch Oral Argument in 26-1444, <i>Amazon.com Services, LLC v. Perplexity AI, Inc.</i>	
Class 6: June 12-15	Self-Schedule mock clerkship interview between June 12-15.	<b>Sign up for <i>either Class 3 or Class 6</i></b>
Class 7: June 16	Oral Argument debrief as a class	
Class 8: June 17-21	Full class will not meet this week—individual meetings to discuss mock interview results and other professional goals	• <b>FINAL ASSIGNMENT: judicial opinion drawn from your bench memo</b>
	<b>Final judicial opinion due via email to <a href="mailto:RLuther@gmu.edu">RLuther@gmu.edu</a> by 11:59 pm EST on June 30, 2026.</b>	

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