

Syllabus
“Legal Writing for Law Clerks”
Adjunct Professor Robert Luther III
Law 201-001 - Fall 2022
Tuesdays @ 6:05 pm–8:05 pm in Room 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. Specifically, after the second class, students will be provided with briefing on both sides of an undecided case pending in the U.S. Court of Appeals for the Fourth Circuit. By **September 10, 2022**, students must turn in a bench memo for that case. From **September 11-13, 2022**, 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 on **September 16, 2022**. A final judicial opinion drawn from the bench memo is due by **October 11, 2022**.

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 at rluther@gmu.edu or (412) 720-0080. Office hours by appointment.

Date	Reading, Written, or Oral Assignment Due for Class this Day	In Class Lecture, Discussion, or Exercise
Class 1: August 23, 2022	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) (If you cannot access this essay on Westlaw or Lexis, please email me and I will send you a PDF). 	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.

<p>Class 2: August 30, 2022</p>	<p>Read:</p> <ul style="list-style-type: none"> • <i>Medina v. Whitaker</i>, 913 F.3d 152 (D.C. Cir. 2019) available at: https://www.cadc.uscourts.gov/internet/opinions.nsf/E6D2F5DB6D09D99085258386005405FC/\$file/17-5248.pdf 	<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>Medina</i> • Distribute briefs for bench memo assignment and bench memo template • Discussion of bench memo basics <p>Take-Home Exercise:</p> <ul style="list-style-type: none"> • draft clerkship cover letter
<p>Class 3: September 6, 2022</p>	<p>Read:</p> <ul style="list-style-type: none"> • 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) <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 • Bench Memo due via email by September 10, 2022

Class 4: September 11-13, 2022	Full class will not meet this week—oral presentations of bench memos	
Class 5: September 16, 2022	Watch or listen to live oral argument of U.S. Court of Appeals for the Fourth Circuit Case No. 22-1280, <i>Coalition for TJ v. Fairfax County School Board</i>	• FINAL ASSIGNMENT: judicial opinion drawn from your bench memo
Class 6: September 23-24, 2022	Full class will not meet this week—mock clerkship interviews	
Class 7: October 2, 8 & 9, 2022	Full class will not meet this week—individual discussion of professional goals	
	Final judicial opinion due via email by 11:59 pm EST on Tuesday, October 11, 2022.	

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