

Syllabus
“Legal Writing for Law Clerks”
Adjunct Professor Robert Luther III
Summer 2022

Tuesdays from 6:00 pm–7:50 pm @ Hazel Hall

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 Ninth Circuit that is set for oral argument in San Francisco or Pasadena on June 13-17, 2022.¹ By **June 10, 2022**, students must turn in a bench memo for that case. From **June 11-12, 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. A final judicial opinion drawn from the bench memo is due by **July 1, 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.

Date	Reading, Written, or Oral Assignment Due for Class this Day	In Class Lecture, Discussion, or Exercise
Class 1: May 17, 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,

¹ https://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2022.pdf

		<p>motions, orders, and opinions.</p>
<p>Class 2: May 24, 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 <p>Take-Home Exercise:</p> <ul style="list-style-type: none"> • draft clerkship cover letter
<p>Class 3: May 31, 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) 	<ul style="list-style-type: none"> • Introduction to the <i>Tobey</i> case and filed Complaint • Discussion of bench memo basics <p>Take-Home Exercise:</p> <ul style="list-style-type: none"> • Short bench memo for Judge: <i>Guinn v. General Motors, LLC</i>
<p>Class 4: June 7, 2022</p>	<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"> • Bench memo due via email by June 10, 2021

	<p>Read:</p> <ul style="list-style-type: none"> • <i>Tobey v. Jones</i> (4th Cir. 2013) (panel and dissent) (available at: http://www.ca4.uscourts.gov/Opinions/Published/112230.P.pdf) • <i>Reserve Hotels PTY Ltd. v. Mavrakis</i>, 790 F. 3d 738 (7th Cir. 2015) (panel and dissent) (available at: http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2015/D06-23/C:14-2990:J:Manion:aut:T:fnOp:N:1574478:S:0) 	
Class 5: June 11-12, 2022	Full class will not meet this week—oral presentations of bench memos	
June 13-17, 2022	Watch or listen to live oral argument of case in U.S. Court of Appeals for the Ninth Circuit	• FINAL ASSIGNMENT: judicial opinion drawn from your bench memo
Class 6: June 17-18, 2022	Full class will not meet this week—mock clerkship interviews	
Class 7: June 25-26, 2022	Full class will not meet this week—individual meetings to discuss mock interview results and other professional goals	
	Final judicial opinion due via email by 11:59 pm EST on July 1, 2022.	