

Syllabus
“Legal Writing for Law Clerks”
Adjunct Professor Robert Luther III
Spring 2023
Tuesdays @ 6:05 pm–8:05 pm in Room TBA

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. By **February 9, 2023**, students must turn in a bench memo for that case. From **February 10-12, 2023**, 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 **February 13, 2023**. A final judicial opinion drawn from the bench memo is due by **March 3, 2023**.

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 or at (412) 720-0080 for time-sensitive emergencies.

Date	Reading, Written, or Oral Assignment Due for Class this Day	In Class Lecture, Discussion, or Exercise
Class 1: January 17, 2023	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.

<p>Class 2: January 24, 2023</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: January 31, 2023</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 February 9, 2023

Class 4: February 10-12, 2023	Full class will not meet this week—oral presentations of bench memos	
Class 5: February 13, 2023	Watch live oral argument of <i>United States v. Reynolds</i> , U.S. Court of Appeals for the Ninth Circuit Case No. 21-10368	• FINAL ASSIGNMENT: judicial opinion drawn from your bench memo
Class 6: February 17-19, 2023	Full class will not meet this week—mock clerkship interviews	
Class 7: February 24-26, 2023	Full class will not meet this week—individual discussion of professional goals	
	Final judicial opinion due via email by 11:59 pm EST on Friday March 3, 2023.	

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