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ESSAY

Three False Rumors About Federal Judicial Clerkships

*Robert Luther III**

When I joined the Scalia Law School faculty in 2019, I created a course called “Legal Writing for Law Clerks,” which I’ve now taught twenty-four times to hundreds of aspiring judicial law clerks. The course’s goals are to teach students to think like a law clerk and to best prepare them for when they start in a judge’s chambers. Students complete practical writing exercises aimed at distilling the essence of persuasive judicial writing. I’m reliably informed that other law schools subsequently created similar courses. Imitation, after all, is still the sincerest form of flattery.

The results speak for themselves. Since 2019, over 200 of my former students completed federal judicial clerkships. Over sixty Scalia Law graduates will commence federal clerkships from 2025–28, and we secured four U.S. Supreme Court clerkships through the 2022–26 terms.¹ During the 2024–25 term, Scalia Law had over seventy graduates clerking for judges across the country, including thirty-two on federal courts, with fifteen of them on the U.S. Courts of Appeals and one on the U.S. Supreme Court. Because Scalia Law graduates only around 130 students per year, it’s one of the top law schools in the country for clerkships by percentage of class.² And that certainly applies if you want to clerk for a judge appointed by President Donald J. Trump—trust me.

Before I started teaching at Scalia Law, I worked in the White House Counsel’s Office as Associate Counsel to the President of the United States. There, I worked closely with Don McGahn on judicial selection.³

* Associate Professor of Law, Antonin Scalia Law School at George Mason University; Founder, Constitutional Solutions PLLC.

¹ *Federal and State Judiciary Turn to Scalia Law for Talented and Highly Qualified Law Clerks*, GEO. MASON ANTONIN SCALIA L. SCH. (Oct. 30, 2025), <https://perma.cc/KZJ4-U8TU> (general statistics of Scalia Law’s upcoming clerks for the 2025–28 terms); *Tiffany Bates, JD’18, to Serve as U.S. Supreme Court Clerk*, GEO. MASON ANTONIN SCALIA L. SCH. (July 29, 2025), <https://perma.cc/738A-ZCAA> (George Mason Antonin Scalia Law School announces Alumna Tiffany Bates is the fifth Supreme Court law clerk in Scalia Law’s history).

² *Law Schools With the Most Graduates in Federal Clerkships*, U.S. NEWS & WORLD REP. (2025), <https://perma.cc/32EV-HP99>.

³ Jason Zengerle, *How the Trump Administration Is Remaking the Courts*, N.Y. TIMES MAG. (Aug. 22, 2018), <https://perma.cc/AF2R-66QW> (referring to Luther’s work on judicial selection as “unique in White House history”); see also Robert Luther III, *Two Years of Judicial Selection in the Trump*

You might ask: “How does a person get to work in the White House and pick judges? That sounds like a dream job.” For me, it was. But I never would have gotten there without my clerkship. Here’s why:

It was because of my clerkship that I wanted to work on judicial selection in the White House Counsel’s Office and had the credentials to get the job. It was because of my clerkship that I knew what to look for in a judge. It was because of my clerkship that I had credibility among my peers when it came to discussions about judicial selection. And it was because of my clerkship that people with significantly more experience trusted my judgment. That said, I’d like to bury three myths about clerkships that I hear from students every year—but never seem to die.

I. A Clerkship Is an Unparalleled Opportunity.

Start at the beginning. Why did I want to clerk? I had a great job coming out of law school. So, it never occurred to me that a clerkship would help me become a better lawyer. It wasn’t until about five years later that I realized the best view for seeing how judges decide cases is from behind the bench.

At that time, I wanted the challenge that federal appellate advocacy presents. I wanted to continue writing at a high level but on a wider range of cases than my practice provided. I wanted the confidence in my judgment that could only develop from clerking. And I wanted the credential because of the doors it would open down the line—which it certainly did.

A federal clerkship gives you credibility in the eyes of your peers and future employers. I interviewed somewhere around 400 candidates seeking a federal judicial nomination. One of the first things we looked for on a judicial candidate’s resume was a federal clerkship. Why?

Because a federal clerkship is a credential that communicates the message that you know how judges make decisions. You know the standard of excellence that is expected from a federal judge because you were a part of that decision-making process. And presumably, you took what you learned from clerking into practice and would bring that same level of quality to the bench if the president were to nominate you.

A judge’s chambers functions like a little law firm. At the appellate level, almost all you do is read and write. You will write every day, and you will be entrusted with a great deal of authority and responsibility. You will also constantly test your advocacy skills—with your colleagues, your judge, and other judges—through your written work-product.

These points ring true for clerkships on district courts, too. District judges usually have three law clerks, and the writing responsibilities are

Administration, 80 U. PITT. L. REV. 775, 775–76 (2019) (describing the author’s experience with Don McGahn recommending judicial candidates to the President).

similar—although you’ll issue many more short orders on procedural and scheduling matters. Additionally, there are more administrative responsibilities because you are in the courtroom multiple times per week. District courts are busier: The deadlines approach faster, and there are many more moving parts because you are trying to move cases along. You also see the parties in court—which is rare on appeal. The district court is where most federal cases are principally litigated, and the volume of work forces you to write quickly and accurately—as practice often requires.

The bottom line is that any federal clerkship—circuit, district, magistrate, or specialty court—is a tremendous opportunity because it will build your confidence around legal decision-making like no other experience can.

II. Three False Rumors About Federal Judicial Clerkships

Every recent graduate who can secure a federal clerkship should pursue one. But there are a few rumors going around that I want to dispel here, now, and forever.

I. “A clerkship is a bad economic decision.”

A clerkship is not a bad economic decision. It’s true that Uncle Sam offers somewhere around \$70,000 to clerk for his judges while firms offer up to \$225,000.⁴ But I have a challenge for you: Find one person practicing across the river who would trade the year they spent clerking for another year in big law. Forgoing a federal clerkship to start with a law firm may seem like a smart short-term investment, but it’s a poor investment in the long run.

As a young lawyer, there is no better investment than spending time around lawyers practicing at a high level—particularly in federal court. Unlike professional athletes, lawyers tend to earn more money the older they get and the more experience with federal law they have under their belts. Don’t take my word for it—look at the biographies of the partners at the law firms where you want to practice. You can make up the money, but you can’t make up the experience or the credential.

So how do you make up the money? Most large law firms offer clerkship bonuses, paid on your first day, that will bring you close to where you would have been if you had started with the firm the year prior.⁵

⁴ Compare *Judiciary Salary Plan Pay Rates*, U.S. COURTS (Dec. 29, 2025), <https://perma.cc/CVZ3-VJGE> (federal judicial law clerk salaries), with Paul Detrick, *The \$225,000 Starting Salary: How Big Law Associates Make Bank*, BLOOMBERG L., (Nov. 26, 2025, at 11:10 AM ET), <https://perma.cc/6KUB-UFLC> (Big Law paying \$225,000 for first-year associates).

⁵ See, e.g., *U.S. Compensation & Benefits*, QUINN EMANUEL, <https://perma.cc/G2F9-XC5W> (as of January 2024, offering \$175,000 for a “clerkship bonus” for U.S. federal judicial clerks).

Moreover, when you start in big law after clerking, you will get the same credit towards partnership for your clerkship year that you would have earned if you started with the firm straight from graduation. Now, that can change if you spend three- or four-years clerking. But as for one or even two years of clerkships—I've never heard of someone going to big law and not getting a year or two's credit towards partnership. And if you're worried that a law firm will withdraw your offer because you're going to clerk—you shouldn't. I've never heard of that happening, either.

Law firms want their young lawyers to clerk. They want them to learn how judges think. They want to pay you for that knowledge and experience because their clients are paying them for that knowledge and experience. That's why large law firms boast about their law clerks all over their websites and have specific application portals exclusively for federal law clerks.

When you do decide to start at a firm after your clerkship, you will be an associate that the partners want on their assignments. Partners want to bounce ideas off of the people who recently sat behind the bench. And for those of you whose top concern is financial: When market downturns cause firms to shrink, it's always the associates who haven't clerked that the firm lays off first. So there's a self-preservation basis to clerk as well.

2. *"I don't want to litigate, so I don't see any reason to clerk."*

I've heard some people say that they don't want to litigate. Instead, they want to be transactional attorneys or use their law degrees for other purposes, so they don't see any point in clerking. Again, this is short-sighted. Transactional attorneys draft documents for a living, just like litigators. Remember, too, there's no such thing as "good legal writing"—there's only good writing. So why wouldn't it be helpful to spend a year seeing how judges interpret language that you—the future transactional attorney—will draft? If your transaction goes south, it's going to court, and a judge is going to decide your case—with the assistance of a law clerk. And even if you'd rather work in-house or for a public policy organization—you're always going to be more valuable to your client if you know how judges think.

3. *"I have an offer to clerk somewhere I don't plan to practice, so I don't see the point."*

Finally, I've heard people say that they'd be willing to clerk here in D.C. or back in their hometown because that's where they want to practice, but they don't see any value in clerking somewhere they don't wish to practice after their clerkship. On its face, that sounds like a sensible argument. But federal court practice is portable. Federal courts (with few exceptions) hear the same kinds of cases regardless of whether they're in Virginia, Arkansas, Wisconsin, or California.

I understand that many of you will have at least seven years of higher education under your belts when you graduate, and you want to get moving with your careers and families with some sense of permanence. But clerking will open more doors—as well as your eyes—to the law in an unparalleled way.

If I hadn't clerked, I wouldn't read cases the same way. I wouldn't have the same confidence in my judgment when I assess a brief's persuasiveness. Senator Jeff Sessions wouldn't have hired me. Don McGahn wouldn't have hired me. Scalia Law wouldn't have hired me. And I wouldn't have had the exciting run I've had in Washington over the last decade.

You may still ask yourself: "Is clerking for me?" If you love to read, write, solve problems, work at a high level in a tight-knit environment, and do something meaningful on the judiciary's behalf and for the good of the country, then I say "yes"—a clerkship is definitely for you. Now go out and get one.