

FROM A CLERK'S PERSPECTIVE

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INTRODUCTION.....	1152
I. THE WRITER.....	1152
II. THE STALWART.....	1154
III. THE ALABAMIAN.....	1155

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INTRODUCTION

There is much to be written about William H. Pryor Jr. as a judge, a scholar, an attorney general, and a lawyer. But no tribute to him would be complete without reflecting on Chief Judge Pryor as a mentor—a role he takes seriously. I contribute a few reflections about his mentorship from the perspective of a law clerk. Like many clerks, my clerkship was my first job out of law school, and it left a profound impact on both my professional and personal life. My time in Judge Pryor's chambers provided me a full year to observe Judge Pryor and learn from him in a variety of areas. As Judge Pryor taught me, I divide my reflections in three parts: Judge Pryor as a writer, a stalwart, and an Alabamian.

I. THE WRITER

To start with the technical tools of the trade, one of the most tangible places to see Judge Pryor's mentorship is in his efforts to teach his clerks how to write. Judge Pryor is a model writer of judicial opinions—you can read his opinion and quickly understand the issue, holding, and reasoning. He spends much of the year trying to teach his clerks how to reach that level of clarity. I will share three of the many writing lessons he ingrains in his clerks. Some of these lessons may seem elementary, but lawyers too often forget or ignore them, leaving their writing (and thus persuasiveness) to suffer.

First, Judge Pryor uses strong topic sentences. Each paragraph begins with a sentence that sets forth what is to follow—and only what is to follow.¹ Following this simple rule primes the reader to understand what comes next. Relatedly, he limits a paragraph to that topic, not shying away from short paragraphs.² This technique permits the reader to understand a topic before moving on to the next, building comprehension brick by brick.

* After graduating from the University of Alabama School of Law in 2018, I served as a law clerk to Judge Pryor.

1. *See, e.g.*, *United States v. Feldman*, 931 F.3d 1245, 1259 (11th Cir. 2019) (“The government presented sufficient evidence to establish that Feldman conspired to conceal the ownership and control of funds that he knew to be the proceeds of wire fraud.”); *id.* (“The government also presented sufficient evidence to establish that Feldman conspired to promote wire fraud through international transactions.”). Or take another example: “Piper is a dog.” *Ring v. Boca Ciega Yacht Club Inc.*, 4 F.4th 1149, 1152 (11th Cir. 2021).

2. For example, Judge Pryor started a paragraph with the topic sentence, “Brown recluse spiders are also ‘vermin’ under the ordinary meaning of that term.” *Robinson v. Liberty Mut. Ins. Co.*, 958 F.3d 1137,

Second, Judge Pryor avoids abbreviations, instead relabeling something like a party or statute with an easily understandable shorthand. He is not alone in his disdain of abbreviations.³ The writing of many lawyers turns into the infamous alphabet soup, jumbling their writing with abbreviations that are both too numerous and too unfamiliar. To avoid that problem, Judge Pryor makes it easy on the reader by limiting the number of abbreviations in his opinions and by making them comprehensible. For example, in a church's challenge to a municipal ordinance, the First Vagabonds Church of God became "the Church" and the City of Orlando, Florida became "the City."⁴ Or sometimes a statutory scheme at issue becomes "the Act."⁵ With this shorthand, the reader can instantly grasp the term without having to retain unnecessary detail.

Third, Judge Pryor knows his audience and does not forget it in his writing. He understands that his opinions are written for the litigants and used by lawyers. For litigants, he wants them to be able to understand that they won or lost and why. For lawyers, finding an opinion by Judge Pryor is a breath of fresh air; you need read only the introduction to know the legal issue at stake and how the court will resolve it. It saves lawyers precious time by providing the bottom line up front, rather than having them wade through pages only to discover the opinion is not relevant to their research. With his audience in mind, Judge Pryor also writes to convey the opinion of the court, not to entertain the public at large. That is not to say that his opinions are not enjoyable or punchy reads.⁶ But Judge Pryor shows his respect for the parties by writing for them first and foremost, and doing so in a manner that aids the legal profession.

1141 (11th Cir. 2020) (citation and quotation marks omitted). He then covered that topic with a single sentence, explaining that "[t]he term refers to 'noxious or objectionable' creatures and includes 'creeping or wingless insects (and other minute animals) of a loathsome or offensive appearance or character, esp. those which infest.'" *Id.* (citations omitted).

3. Among others, Judge Silberman was an outspoken critic of abbreviations. In one case, he chastised "both parties [for] abandon[ing] any attempt to write in plain English, instead abbreviating every conceivable agency and statute involved, familiar or not, and littering their briefs with [these abbreviations]." *Nat'l Ass'n of Regul. Util. Comm'rs v. U.S. Dep't of Energy*, 680 F.3d 819, 820 n.1 (D.C. Cir. 2012) (Silberman, J., concurring). The parties had "refer[red] to 'SNF,' 'HLW,' 'NWF,' 'NWPA,' and 'BRC'—shorthand for 'spent nuclear fuel,' 'high-level radioactive waste,' the 'Nuclear Waste Fund,' the 'Nuclear Waste Policy Act,' and the 'Blue Ribbon Commission.'" *Id.*

4. *First Vagabonds Church of God v. City of Orlando*, 638 F.3d 756, 759 (11th Cir. 2011).

5. *Gorss Motels, Inc. v. Safemark Sys., LP*, 931 F.3d 1094, 1099 (11th Cir. 2019).

6. *See, e.g., Pictet Overseas Inc. v. Helvetia Tr.*, 905 F.3d 1183, 1190–91 (11th Cir. 2018) (Pryor, J., concurring) (debunking strict constructionism by "[s]uppos[ing] a rule required football coaches to arbitrate any 'dispute that arises in connection with the activities of an owner of a professional football team'"); *Ovalles v. United States*, 905 F.3d 1231, 1253 (11th Cir. 2018) (Pryor, J., concurring), *abrogated by* *United States v. Davis*, 139 S. Ct. 2319 (2019) ("How did we ever reach the point where this Court, sitting en banc, must debate whether a carjacking in which an assailant struck a 13-year-old girl in the mouth with a baseball bat and a cohort fired an AK-47 at her family is a crime of violence? It's nuts."); *Zibtluda, LLC v. Gwinnett Cnty., ex rel. Bd. of Comm'rs of Gwinnett Cnty.*, 411 F.3d 1278, 1280 (11th Cir. 2005) (comparing a regulation's reach to what the B-52s described in their hit song *Love Shack*).

It was no accident that I learned these three writing lessons during my clerkship. To return to the mentorship he provides clerks, it is not only the mechanics of writing but *how* Judge Pryor goes about teaching his clerks to write. Although it would be more efficient for him to fix the writing himself, Judge Pryor marks up his clerk's drafts and then takes the time to explain why he made the changes. This process is invaluable to his clerks as they learn their craft of legal writing, and I remain grateful to have had a year to learn from a writer like Judge Pryor.

II. THE STALWART

Judge Pryor stands up for what he believes in, and by his example, teaches his clerks to do the same. To quote one of his favorite musicals, “If you stand for nothing, . . . what’ll you fall for?”⁷ You may not agree with him, but Judge Pryor is honest about his beliefs, a trait becoming exceedingly rare in our age. He is certainly no stranger to speaking his mind.⁸ Judge Pryor famously called *Roe v. Wade* “the worst abomination of constitutional law in our history.”⁹ Strikingly, he stood by his beliefs in the venue of back-pedaling and obscuring—a Senate confirmation hearing. When asked in his confirmation hearing whether he wished he had not made that statement, Judge Pryor responded, “No, I stand by that comment,” also explaining that *Roe* is “unsupported by the text and structure of the Constitution.”¹⁰ The Supreme Court has since overruled that case, opining that “*Roe* was egregiously wrong from the start.”¹¹

More recently, Judge Pryor has spoken out against what he has dubbed “living common goodism.”¹² This theory, advanced primarily by Professor

7. LIN-MANUEL MIRANDA, *Hamilton: An American Musical* (Apr. 2022, Richard Rodgers Theatre, New York, NY).

8. Others agree. See Molly Runkle, *Judge William Pryor—A Southern Conservative Who Speaks His Mind*, SCOTUSBLOG (Jan. 30, 2017), <https://www.scotusblog.com/2017/01/judge-william-pryor-southern-conservative-speaks-mind/> [https://perma.cc/K5TY-5AGS].

9. See *Confirmation Hearing on the Nominations of William H. Pryor, Jr. to be Circuit Judge for the Eleventh Circuit and Diane M. Stuart to be Director, Violence Against Women Office, Department of Justice: Hearing Before the S. Comm. On the Judiciary*, 108th Cong. 73 (2003) (“Senator Schumer[] I appreciate your candor, I really do.”).

10. *Id.* at 108; see also Byron York, *The Nominee Who Won't Back Down*, NAT'L REV. (June 12, 2003), <https://www.nationalreview.com/2003/06/nominee-who-wont-back-down-byron-york/> [https://perma.cc/8DSR-C3KE] (“Whatever happens, Pryor knows this: He didn't duck, he didn't cover, and he didn't backtrack in the face of his critics on the Judiciary Committee. And when it was all over, even his opponents respected him for that.”).

11. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 231 (2022); see also *id.* (“We hold that *Roe* and *Casey* must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision . . .”).

12. William H. Pryor Jr., *Against Living Common Goodism*, 23 FED. SOC'Y REV. 24 (2022), <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/NhmallqSNG14Nr7LBStceHC2G0skvukqZuBylxx5.pdf> [https://perma.cc/M8KM-TSS9] [hereinafter Pryor, *Against Living Common Goodism*]; see also William Pryor Jr., *Politics and the Rule of Law*, HERITAGE FOUND. (Oct. 20, 2021),

Adrian Vermeule, “take[s] as its starting point substantive moral principles that conduce to the common good, principles that [judges] . . . should *read into* the majestic generalities and ambiguities of the written Constitution.”¹³ Although this theory “would allegedly secure conservative ends,” Judge Pryor has denounced it as “a kind of results-oriented jurisprudence that is indistinguishable in everything but name from Justice Brennan’s living constitutionalism.”¹⁴ He knows his role is to follow the rule of law, and he repeatedly explains why we all should do so.¹⁵ In standing up for his beliefs, Judge Pryor does not shy away from debate, even taking the time to talk with a vocal critic.¹⁶ To put it simply, he has a backbone.

Even with his honesty and outspokenness, Judge Pryor is unfailingly kind to those he encounters. He taught me much about character. When we would travel to Atlanta for sittings,¹⁷ Judge Pryor always greeted everyone in the courthouse by name—from the senior executives in the Clerk’s Office to the janitors. And at our many lunches, it never failed to amaze me that when we would walk into Judge Pryor’s favorite BBQ joint, he was greeted by the wait staff and regulars alike as “Bill.” Judge Pryor does not live in an ivory tower, nor does he tuck his principles away on a shelf, even when doing so would be the more comfortable path. Day after day, Judge Pryor stood strong in his beliefs, teaching his clerks by his example.

III. THE ALABAMIAN

Others in this issue speak to the many contributions that Judge Pryor has made to the State of Alabama as a government official, but his mentorship of his clerks has also contributed to the state. During their clerkship, Judge Pryor

<https://www.heritage.org/the-constitution/lecture/politics-and-the-rule-law> [https://perma.cc/KG7D-BHJ4].

13. Pryor, *Against Living Common Goodism*, *supra* note 12, at 26 (quoting Adrian Vermeule, *Beyond Originalism*, THE ATLANTIC (Mar. 31, 2020), <https://www.theatlantic.com/ideas/archive/2020/03/common-good-constitutionalism/609037/> [https://perma.cc/F865-6B9W]).

14. *Id.*; *see also id.* at 40 (“Justice Curtis’s textualist dissent in *Dred Scott* rejected living common goodism. So should you!”).

15. *Jones v. Governor of Florida*, 975 F.3d 1016, 1050 (11th Cir. 2020) (Pryor, C.J., concurring) (“Our duty is not to reach the outcomes we think will please whoever comes to sit on the court of human history. The Constitution instead tasks us with ‘administering the rule of law in courts of limited jurisdiction,’ which means that we must respect the political decisions made by the people of Florida and their officials within the bounds of our Supreme Law, regardless of whether we agree with those decisions. And in the end, as our judicial oath acknowledges, we will answer for our work to the Judge who sits outside of human history.” (citation omitted) (quoting Patrick E. Higginbotham, *Conceptual Rigor: A Cabin for the Rhetoric of Heroism*, 59 TEX. L. REV. 1329, 1332 (1981)).

16. Mark Joseph Stern, *I Called the Federal Judge Who Mocked Me to The Federalist Society*, SLATE (Dec. 11, 2022), <https://slate.com/news-and-politics/2022/12/federalist-society-judge-william-pryor-interview.html> [https://perma.cc/6EY8-QAG6].

17. The Eleventh Circuit still rides circuit, though it is based in Atlanta. The judges live throughout the circuit in Georgia, Alabama, and Florida, but they travel to hear cases in Atlanta, Montgomery, Jacksonville, and Miami.

spends much effort to ensure his clerks get to see the state they call home for a year. Many of his clerks have never stepped foot in Alabama before interviewing with him, let alone thought about living in the state. Throughout the year, however, Judge Pryor encourages his clerks to get to know Alabama from visiting different parts of the state to attending events in Birmingham. He of course invites his clerks to attend Alabama football games with him—a cultural event that many clerks look back on as a highlight of their clerkship. As an Auburn alum, I did not take Judge Pryor up on his invitation in order to preserve his gameday experience. We did, however, visit the Paul W. Bryant Museum, where Judge Pryor could educate my co-clerks on the history of football in the state and beyond. After their year with Judge Pryor, most clerks scatter across the country, though all enjoy coming back to Birmingham for his clerk reunions. Yet he may be singlehandedly responsible for encouraging many of these bright legal minds to stay in or return to the state. As one example, the two most recent Alabama solicitors general clerked for Judge Pryor.

I would be remiss to fail to acknowledge that Judge Pryor has selflessly given his time specifically to the University of Alabama School of Law, although he is not an alum. For many years before he became the chief judge, Judge Pryor taught a class at the law school.¹⁸ Every Monday morning, he would drive from Birmingham to Tuscaloosa to teach for two hours. Even the early start time of 8:30 AM (one of the earliest classes offered at that time) did not stop his class from filling up. I took his Statutory Interpretation class during my second year at the law school. Although it was slightly terrifying to have Judge Pryor call on you, his class is one of the few I still use almost daily in my practice as a lawyer. The law school benefited greatly from his teaching. Judge Pryor is an Alabamian through and through.

* * *

From writing to character and beyond, the impact Judge Pryor has had on his clerks' lives cannot be overstated. By my count, he has had nearly thirty clerks who have clerked or will clerk at the Supreme Court. Of the most recent Alabamians to clerk on the Court, all of them clerked for Judge Pryor. That is no coincidence. Beyond clerking, Judge Pryor has now had six clerks take the bench as judges or justices on various courts throughout the country.¹⁹ Numerous clerks have served as state solicitors general, as a U.S. attorney and

18. *Judge William Pryor*, ALA. L.: FACULTY, https://www.law.ua.edu/directory/People/view/Judge_William_Pryor [<https://perma.cc/M7JY-VJAU>].

19. Judge Pryor's former clerks serving on the bench are Judge Andrew Brasher of the Eleventh Circuit Court of Appeals; Justice Sarah Campbell of the Tennessee Supreme Court; Judge John Kness of the Northern District of Illinois; Judge Anna Manasco of the Northern District of Alabama; Judge Kathryn Kimball Mizelle of the Middle District of Florida; and Presiding Justice Nels Peterson of the Georgia Supreme Court.

assistant U.S. attorneys, and more.²⁰ And his clerks have argued landmark cases in courts across the country, including the Supreme Court.²¹ The statistics, however, do not capture the personal impact Judge Pryor has had on each of his clerks.

So how does he do it? It is quite simple—Judge Pryor generously gives his time to his clerks, no matter how busy he is. Judge Pryor spends an extraordinary amount of time getting to know his clerks. This familiarity may be attributed to him eating lunch almost every day with the clerks. If a visitor wants to have lunch with Judge Pryor, he too eats with the clerks. These lunches are filled with spirited discussions of everything from a legal hot topic to (perhaps more importantly) Alabama football. By giving his time, Judge Pryor creates a relationship with each clerk that lasts far beyond the one year that clerk spent in chambers. At reunions, Judge Pryor enthusiastically names each clerk, his family, career path, and more.²²

This issue of the *Alabama Law Review* alone speaks to the many lives and careers that Judge Pryor has touched. On a personal note, I became the first graduate of the University of Alabama School of Law to clerk at the Supreme Court in over forty years.²³ That is thanks in no small part to Judge Pryor and the steadfast mentorship he has provided me since I clerked for him over five years ago. When I called Judge Pryor to share the news that I had been hired, it is one of the few times in my life that this diehard Auburn fan could gladly share a “Roll Tide” with him. We are all better lawyers, citizens, and people because of Judge Pryor. Hail to the Chief.

20. For example, Judge Andrew Brasher, former Solicitor General of Alabama; Josh Divine, Solicitor General of Missouri; Prim Escalona, U.S. Attorney for the Northern District of Alabama; Judge John Kness, former Assistant U.S. Attorney; Elbert Lin, former Solicitor General of West Virginia; Justice Nels Peterson, former Solicitor General of Georgia; and Stephen Petrany, Solicitor General of Georgia all clerked for Judge Pryor.

21. His former clerk Cameron Norris argued for the winning petitioner in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181, 190 (2023).

22. This feat becomes all the more impressive the longer he is on the bench, with over eighty clerks and counting.

23. *Alabama Law Alumna Earns Supreme Court Clerkship with Justice Thomas*, ALA. L. (Oct. 27, 2021), <https://www.law.ua.edu/blog/news/alabama-law-alumna-earns-supreme-court-clerkship-with-justice-thomas/> [https://perma.cc/B977-3CSB].