Courtside: For perhaps the first time, former clerks take seats in the Senate
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Mike Lee of Utah and Richard Blumenthal of Connecticut, two of the incoming U.S. senators elected Nov. 2, have unique credentials: Both were once Supreme Court law clerks.

It may be a first for the Senate to have a member with that high court experience, historians say, and could be a sign of what some view as the increasingly political tilt of the Court's law clerks.

"There is growing evidence to suggest that clerks are more partisan than ever, and I think the newly elected Senators reflect the increasing politicization of the Supreme Court clerking corps," said Artemus Ward, co-author of Sorcerers' Apprentices, a 2006 history of Court clerks. Neither he nor Todd Peppers, author of Courtiers of the Marble Palace, also about the clerks, could recall any other clerk ending up in the Senate.

Ever since the justices began hiring them in 1882, clerks have gone on to hold prestigious positions, and a clerkship is a valued item on a resume that can command hiring bonuses upwards of $250,000 at law firms. But those who have gone into government service, Ward points out, have usually opted for non-elective, executive branch positions.

Those jobs have ranged from secretary of state Dean Acheson and Warren Christopher to Federal Communications Commission chairmen Newton Minow and Julius Genachowski and include secretary of defense (Elliot Richardson) and secretary of transportation (William Coleman Jr.)

Former clerks have also become opinionated pundits Laura Ingraham and Susan Estrich come to mind. Others have taken jobs as media executives, such as The Washington Post's Donald Graham and ABC News' David Westin. But elective office, other than state attorney general, has been rare.

Lee, a Republican with Tea Party support, clerked in 2006 for Justice Samuel Alito Jr., for whom he had also clerked when he was a judge on the U.S. Court of Appeals for the 3rd Circuit. Lee is the son and brother of high court clerks; father Rex Lee, a Byron White clerk, was also U.S. solicitor general, and brother Thomas Lee, now a Utah Supreme Court justice, clerked for Justice Clarence Thomas.

Democrat Blumenthal clerked for Justice Harry Blackmun in 1974 and as Connecticut's attorney general has argued four cases before the high court.
Is a Supreme Court clerkship good training for becoming a United States senator? Deliberative skills are prized in both, but senators are highly visible figures in an institution where egos are not in short supply. Law clerks are, by definition, behind-the-scenes players who often see their advice and research ignored or severely edited.

One law clerk to the late chief justice Earl Warren is quoted in Ward's book as saying, "Each of us had ideas about things and felt free to express them, but we knew we were not influencing the chief justice. This guy did not get to become chief justice by being easily influenced by kids."

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