

# The Feeder Frenzy

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## ABSTRACT

*A Supreme Court clerkship is the legal profession's most valuable credential, yet access is increasingly controlled by a microscopic subset of the federal judiciary. This Essay presents an analysis of the "feeder judge" phenomenon, revealing a system defined by concentration, demographic homogeneity, and ideological matching. A small, elite band of lower federal court judges account for a disproportionate share of all Supreme Court placements. The data further demonstrates the rise of credential stacking, where successful applicants now require multiple prior clerkships and years of delay before reaching the Court. Through interviews with federal judges, we uncover the mechanisms of this sorting process, from law school recruitment to the emerging practice of cofeeding. These feeders function not merely as mentors, but as drivers of an increasingly rarified and nonrepresentative judicial ecosystem.*

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## INTRODUCTION

A Supreme Court clerkship is among the most valuable credentials in law.<sup>1</sup> Held by thirty-six lawyers annually, the position is a near-guarantee of legal career success.<sup>2</sup> At the heart of the clerk selection system lies “feeder judges,” lower Article III judges who disproportionately send their former clerks to serve as Supreme Court (“SCOTUS”) clerks. A 2010 article reported that over half of the clerks serving during the first five terms of the Roberts Court originated from the chambers of ten lower court judges, three of whom accounted for twenty percent.<sup>3</sup> As one example, J. Harvie Wilkinson has averaged 1.7 SCOTUS clerks annually over his forty-plus year career.<sup>4</sup> By contrast, most federal appellate judges send not a single clerk. Feeder judges, like Wilkinson, are the gatekeepers to SCOTUS clerkships.

This Essay analyzes the feeder judge phenomenon, examining 2,747 Supreme Court clerks and their pathways to the Court across 125 years of data (1900–2024). That analysis, supplemented by interviews with members of the bench across the trial, appellate, and Supreme Court level captures the evolution of the feeder judge phenomenon in which a small number of judges vie for feeder status.

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<sup>1</sup> Dahlia Lithwick, *Who Feeds the Supreme Court?*, SLATE (Sep. 14, 2015, at 10:36 ET), <https://slate.com/news-and-politics/2015/09/supreme-court-feeder-judges-men-and-few-women-send-law-clerks-to-scotus.html> [<https://perma.cc/6ZCJ-DAUK>]; ARTEMUS WARD & DAVID L. WEIDEN, *SORCERERS’ APPRENTICES: 100 YEARS OF LAW CLERKS AT THE UNITED STATES SUPREME COURT I* (2006).

<sup>2</sup> See Joan Biskupic, *Clerks Gain Status, Clout in the ‘Temple’ of Justice*, WASH. POST (Jan. 2, 1994), <https://www.washingtonpost.com/archive/politics/1994/01/02/clerks-gain-status-clout-in-the-temple-of-justice/31e5bba4-7064-4634-b8a5-b8a83615195d/> [<https://perma.cc/9KFG-U6H9>]; Tony Mauro & Vanessa Blum, *SCOTUS Clerks: The Story Behind the Story*, LAW.COM: NAT’L L.J. (Dec. 11, 2017, at 6:42 ET), <https://www.law.com/nationallawjournal/2017/12/11/scotus-law-clerks-the-story-behind-the-story/> [<https://perma.cc/5V3R-UMWK>].

<sup>3</sup> See Adam Liptak, *A Sign of the Court’s Polarization: Choice of Clerks*, N.Y. TIMES (Sep. 6, 2010), <https://www.nytimes.com/2010/09/07/us/politics/07clerks.html> [<https://perma.cc/544E-B6Q3>].

<sup>4</sup> See *infra* Part II.A.

Why an interest in feeder judges? One reason is the clerks' influence on their Justices.<sup>5</sup> Moreover, SCOTUS clerkships are launching pads for influential positions within the legal system.<sup>6</sup> Feeders determine which clerks receive a golden ticket to a SCOTUS clerkship, which in turn determines the pool of lawyers who will go on to have an outsize impact on the legal system.

We identify an additional reason to be interested in the feeder phenomenon: the heightened competition among judges. It is unsurprising that Justices, over time, would develop preferences for judges whose clerks they will select. This preference is common in markets with information asymmetries and serves as a proxy for quality that is otherwise hard to observe. That, however, is just one side of the story. In today's market for SCOTUS clerkships, a subset of judges are active competitors.

Why do judges compete? One theory is that feeders attract superior clerks; another is that they enjoy heightened prestige.<sup>7</sup> But these answers are unsatisfying. It is not obvious that "better" clerks produce work that judges significantly value, nor is it clear what end such prestige serves. Although many judges undoubtedly desire a seat on the Supreme Court, we see no evidence that being a feeder improves their odds of promotion. We are left with a puzzle: Judges are competing for a prize with no clear career payoff. Unpacking this puzzle and documenting the phenomenon that drives it are the twin goals of this project.<sup>8</sup> To do so, we begin with a review of research on the topic in Part I, and then describe our data, analysis, and findings in Parts II–III.

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<sup>5</sup> E.g., Todd C. Peppers & Christopher Zorn, *Law Clerk Influence on Supreme Court Decision Making: An Empirical Assessment*, 58 DEPAUL L. REV. 51 (2008); Ryan C. Black & Christina L. Boyd, *Law Clerks in the U.S. Supreme Court's Agenda-Setting Process*, 40 AM. POL. RSCH. 147 (2012).

<sup>6</sup> See William E. Nelson, Harvey Rishikof, I. Scott Messinger & Michael Jo, *The Liberal Tradition of the Supreme Court Clerkship: Its Rise, Fall, and Reincarnation?*, 62 VAND. L. REV. 1749, 1751–53 (2009); Tracey E. George, Albert H. Yoon & Mitu Gulati, *Some Are More Equal Than Others: U.S. Supreme Court Clerkships*, 123 COLUM. L. REV. F. 146, 150–51 (2023).

<sup>7</sup> Patricia M. Wald, *Selecting Law Clerks*, 89 MICH. L. REV. 152, 154 (1990); Alex Kozinski, *Confessions of a Bad Apple*, 100 YALE L.J. 1707, 1729 (1991).

<sup>8</sup> Richard A. Posner, *What Do Judges and Justices Maximize? (The Same Thing Everybody Else Does)*, 3 SUP. CT. ECON. REV. 1 (1993).

## I. LITERATURE

A. *Recognition of the Phenomenon*

In 1982, Jill Abramson posed the question: How does one secure a SCOTUS clerkship?<sup>9</sup> Her answer highlighted a screening process that prioritized elite credentials—graduation from a top-tier law school, law review membership, and connections to key professors—but identified clerking for a “feeder judge” as the critical factor.<sup>10</sup> These judges’ “selections were trusted by particular Justices,” creating an informal network of judicial gatekeepers.<sup>11</sup>

Abramson’s list of top feeders is a who’s who of twentieth-century judicial luminaries<sup>12</sup>: Henry Friendly,<sup>13</sup> J. Skelly Wright,<sup>14</sup> David Bazelon,<sup>15</sup> and John Wisdom.<sup>16</sup> Wright had sent sixteen clerks up; Wisdom, six.<sup>17</sup> Some of these judges might have liked that their clerks were going to SCOTUS, but there is no suggestion from Abramson that the judges competed over clerk placement.

B. *Institutional Evolution*

In 1989, the *New York Times* described how “an elite band [of students] now shops for top clerkships like sheiks looking for luxury cars.”<sup>18</sup> The criteria for selection had expanded to include “a judge’s caseload, politics, personality, and, most importantly, his pull ‘upstairs’—that is, his ability to feed his clerks to the United States Supreme Court.”<sup>19</sup>

This account marked an evolution in understanding the feeder phenomenon. No longer were feeder judges simply those whose judgment

<sup>9</sup> Jill Abramson, *The Clerkship Sweepstakes—Getting to the Supremes*, AMER. LAW. 28 (Oct. 1982).

<sup>10</sup> *Id.* at 30.

<sup>11</sup> *Id.* at 29.

<sup>12</sup> *Id.* at 30.

<sup>13</sup> DAVID M. DORSEN, HENRY FRIENDLY, GREATEST JUDGE OF HIS ERA (2012).

<sup>14</sup> ARTHUR SELWYN MILLER, A “CAPACITY FOR OUTRAGE”: JUDICIAL ODYSSEY OF J. SKELLY WRIGHT (1984).

<sup>15</sup> Marilyn Berger, *David Bazelon Dies at 83; Jurist Had Wide Influence*, N.Y. TIMES (Feb. 21, 1993), <https://www.nytimes.com/1993/02/21/us/david-bazelon-dies-at-83-jurist-had-wide-influence.html> [<https://perma.cc/LG8M-LYWB>].

<sup>16</sup> JOEL WILLIAM FRIEDMAN, CHAMPION OF CIVIL RIGHTS: JUDGE JOHN MINOR WISDOM (2009).

<sup>17</sup> Abramson, *supra* note 9, at 30.

<sup>18</sup> David Margolick, *The Law: At the Bar; Annual Race for Clerks Becomes a Mad Dash, With Judicial Decorum Left in the Dust*, N.Y. TIMES (Mar. 17, 1989), <https://www.nytimes.com/1989/03/17/us/law-bar-annual-race-for-clerks-becomes-mad-dash-with-judicial-decorum-left-dust.html> [<https://perma.cc/48NZ-BSGP>].

<sup>19</sup> *Id.*

the Justices respected; feeders had become strategic assets in the competitive market for SCOTUS clerkships. The *Times* article identified specific circuits and judges as pipelines, noting that from the nearly two hundred authorized appellate judgeships, “the pipelines flow regularly from only a few.”<sup>20</sup> The article focused on students pursuing feeders. Judge Richard Posner remarked, “It’s a little humiliating that judges are so desperate for these young people, who you would think would play only a peripheral role in a system. But ambitious judges realize that law clerks help them attain their ambitions.”<sup>21</sup> Posner’s observation caught our attention because of the suggestion that some judges seek to be feeders because they see value to their careers in it. But what value?

Stepping back, this is a narrative shift from the first generation of feeders, when judges such as John Wisdom and Henry Friendly were feeders because they were judicial legends. If they picked a student as worthy of clerking for them, that was something that a Justice might notice.<sup>22</sup> Ideology played a secondary role. Although conservative clerks were more likely to work for conservative Justices and liberal clerks for liberal Justices, there was a fair amount of ideological crossover.<sup>23</sup>

### C. *A Framework Emerges*

In 2006, Ward and Weiden provided a historical account of SCOTUS clerkships, including a discussion of the feeder phenomenon.<sup>24</sup> Their research revealed a professionalization of what had once been a relatively casual hiring process.<sup>25</sup>

In the first half of the twentieth century, Supreme Court Justices selected their clerks based on endorsements from law school faculty members who could attest to the qualifications of specific students.<sup>26</sup> Prior clerkship experience was rare; the primary qualification was academic excellence combined with personal recommendations from trusted sources.<sup>27</sup>

The transformation began during the Burger Court era (1969–1986).<sup>28</sup> During the first five years of the Burger Court, sixty-eight percent of law clerks had previously clerked for a federal or state court judge. By 1980–

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> See Biskupic, *supra* note 2; Rex Bossert, *Clerks’ Route to Top Court; Their Choice of Circuit and Judge Shapes Chance to Serve Supremes*, NAT’L L.J. A1 (Oct. 20, 1997).

<sup>23</sup> See Baum & Ditslear, *infra* note 40, at 39.

<sup>24</sup> WARD & WEIDEN, *supra* note 1, at 54, 60–65, 68, 77–78.

<sup>25</sup> Richard A. Posner, *The Courthouse Mice*, NEW REPUBLIC 32 (June 2006).

<sup>26</sup> TODD PEPPERS, COURTIER OF THE MARBLE PALACE: THE RISE AND INFLUENCE OF THE SUPREME COURT LAW CLERK 44–45, 56, 62 (2006); Nelson et al., *supra* note 6, at 1757–58.

<sup>27</sup> PEPPERS, *supra* note 26, at 31.

<sup>28</sup> *Id.*

1985, this percentage had increased to ninety-five percent. Moreover, the preference evolved specifically toward federal appellate experience, with ninety-two percent of Rehnquist Court clerks (1986–2005) having clerked on federal courts of appeals.<sup>29</sup>

Once appellate clerkship experience became a de facto prerequisite for a SCOTUS clerkship, Justices grew selective over the judges from whom they would accept clerks. The result was the concentration of candidate feeding among a small number of appellate judges who gained privileged access to SCOTUS hiring.

Ward and Weiden identified factors that contributed to feeder status. First, certain circuits—particularly the D.C. Circuit—gained reputations for prestige and for handling the types of cases that frequently reached the Supreme Court.<sup>30</sup> The concentration of feeder judges on the D.C. Circuit reflected both its substantive jurisdiction over federal regulatory matters and reputation as a “stepping stone” to SCOTUS appointment.<sup>31</sup>

Second, the training lower court judges provided their clerks became increasingly important as the substantive responsibilities of SCOTUS clerks expanded beyond secretarial functions.<sup>32</sup> Justices needed clerks who could provide support with analysis, opinion drafting, and case management.<sup>33</sup> Judges who developed reputations for providing training in these skills, Ward and Weiden suggested, became more attractive sources for SCOTUS clerks.<sup>34</sup>

Third, relationships between lower court judges and Supreme Court Justices continued to matter, even as individual friendships mattered less.<sup>35</sup> Former SCOTUS clerks maintained their connections to their Justices after becoming federal judges themselves, creating additional networks.<sup>36</sup>

Finally, there was increasing attention to ideological compatibility.<sup>37</sup> During the early years of the feeder system, judicial reputation and training quality appeared to outweigh political considerations. By the 1990s, ideological alignment had become a factor.

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<sup>29</sup> WARD & WEIDEN, *supra* note 1, at 77 fig. 2.7.

<sup>30</sup> *Id.* at 80–81 & tbl. 2.8.

<sup>31</sup> *Id.* at 80–81.

<sup>32</sup> See Avalon Zappo, *These Judges Feed the Most Law Clerks to the U.S. Supreme Court*, LAW.COM: NAT’L L.J. (July 19, 2023, at 17:08 ET), <http://law.com/nationallawjournal/2023/07/19/katsas-sutton-top-list-of-judges-who-feed-most-law-clerks-to-supreme-court/> [<https://perma.cc/75P3-87JG>].

<sup>33</sup> See WARD & WEIDEN, *supra* note 1, at 79–80.

<sup>34</sup> *Id.* at 78.

<sup>35</sup> *Id.* at 83.

<sup>36</sup> *Id.* at 59–65.

<sup>37</sup> *Id.*

#### D. Ideological Alignment

In 2001, Baum and Ditslear examined SCOTUS clerks for active Justices over the period 1975–1998, using measures of ideology to assess the correlation between feeders and the Justices who hired their clerks.<sup>38</sup> They found a positive relationship that had strengthened over time during the period they examined.<sup>39</sup>

In 2010, Baum and Ditslear provided more evidence of ideological polarization.<sup>40</sup> Comparing 1976–1986 and 1995–2004, they documented an increase in ideological alignment between feeders and the Justices.<sup>41</sup> The original loose correlation had evolved into a pattern of ideological matching.<sup>42</sup>

Baum and Ditslear identified two developments that drove this transformation. First, the increase in applications for Supreme Court clerkships that began in the 1970s gave Justices more leverage in the selection process.<sup>43</sup> When Justices received only a dozen or so applications, their primary concern was securing competent assistance. As the number of annual applications grew to several hundred, competency became a threshold requirement, enabling Justices to prioritize other considerations.

Second, the institutionalization of the requirement for prior lower court clerkship experience created additional screening opportunities.<sup>44</sup> Rather than evaluating candidates solely on law school performance and faculty recommendations, Justices could now rely on the judgment and ideological signals of feeder judges.<sup>45</sup>

Baum and Ditslear did not, however, unpack whether feeder judges are affirmatively seeking out clerks who will match the ideological needs of particular Justices or whether the Justices have identified judges whose ideological hiring preferences match their own.

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<sup>38</sup> Corey Ditslear & Lawrence Baum, *Selection of Law Clerks and Polarization in the U.S. Supreme Court*, 63 J. POL. 869 (2001).

<sup>39</sup> *Id.* at 882–83.

<sup>40</sup> Lawrence Baum & Corey Ditslear, *Supreme Court Clerkships and “Feeder” Judges*, 31 JUST. SYS. J. 26 (2010).

<sup>41</sup> *Id.* at 37–40.

<sup>42</sup> See also Neal Devins & Lawrence Baum, *Split Definitive: How Party Polarization Turned the Supreme Court into a Partisan Court*, 2016 SUP. CT. REV. 301, 356 tbl.4 (displaying proportion of Supreme Court clerks who had previously clerked with a Republican-appointed inferior court judge, with partisan appointment correlation).

<sup>43</sup> See Baum & Ditslear, *supra* note 40, at 27.

<sup>44</sup> See *id.* at 27, 44.

<sup>45</sup> See Geoffrey R. Stone, *The Difference Between Conservative and Liberal Justices*, HUFFPOST (Jan. 23, 2014), [https://www.huffpost.com/entry/the-difference-between-co\\_b\\_4205674](https://www.huffpost.com/entry/the-difference-between-co_b_4205674) [<https://perma.cc/7EFY-MHKJ>].

### E. Career Implications

Baum's 2014 analysis extended empirical research into ideological influence by examining the post-clerkship career patterns of clerks.<sup>46</sup> Clerks who worked for conservative Justices tended to pursue employment in conservative-leaning organizations, while clerks from liberal Justices gravitated toward liberal institutions. This clustering suggested that the ideological alignment in the hiring process continued to influence professional trajectories after the clerkship ended.<sup>47</sup> We read in Baum's analysis the implicit suggestion that maybe Justices (and feeder judges before them) care about the careers that their clerks have, but this avenue has not yet been explored.

### F. Contemporary Developments

David Lat, a keen observer of the feeder phenomenon, has flagged two developments in the feeder market:<sup>48</sup> The first is the emergence of what this Essay terms "cofeeding" relationships, in which clerks work for multiple rather than a single feeder judge, thereby enhancing their chances of landing a SCOTUS clerkship.<sup>49</sup> The most common pattern involves clerkships with both a federal district judge and a federal circuit judge, with the former preparing for the latter, who is more prestigious. The second is the importance of specialized legal positions beyond traditional judicial clerkships in preparing candidates for Supreme Court positions, such as the Bristow Fellowship program at the Solicitor General's Office.<sup>50</sup>

## II. DATA AND ANALYSIS

We use data for the 1900–2024 SCOTUS period and focus particularly on the period after 1950 (there were almost no clerks before 1900 and

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<sup>46</sup> Lawrence Baum, *Hiring Supreme Court Law Clerks: Probing the Ideological Linkage Between Judges and Justices*, 98 MARQ. L. REV. 333 (2014).

<sup>47</sup> See *id.* at 340.

<sup>48</sup> E.g., David Lat, "Feed Me, Stephanie Seymour!": Supreme Court Feeder Judge Rankings, UNDERNEATH THEIR ROBES (Aug. 17, 2004), [http://underneaththeirrobes.blogspot.com/main/2004/08/feed\\_me\\_seymour.html](http://underneaththeirrobes.blogspot.com/main/2004/08/feed_me_seymour.html) [<https://perma.cc/2JWB-XYPS>]; David Lat, *SCOTUS Clerk Hiring Watch: All Done?*, ORIGINAL JURISDICTION (Feb. 20, 2025), <https://davidlat.substack.com/p/supreme-court-scotus-clerk-hiring-watch-october-term-ot-2025> [<https://perma.cc/Q2XL-6MYR>].

<sup>49</sup> See, e.g., David Lat, *Asked And Answered: A New Advice Column*, ORIGINAL JURISDICTION (Jan. 31, 2024), <https://davidlat.substack.com/p/asked-and-answered-a-new-advice-column> [<https://perma.cc/2QSN-MRKJ>].

<sup>50</sup> See, e.g., David Lat, *Congratulations to the 2026 Bristow Fellows*, ORIGINAL JURISDICTION (Nov. 20, 2025), <https://davidlat.substack.com/p/2026-bristow-fellows-office-solicitor-general-osg-justice-department> [<https://perma.cc/4H8H-MCXV>].

relatively few prior to 1950).<sup>51</sup> The Federal Judicial Center provides biographic data for each Article III judge,<sup>52</sup> including gender, ethnicity, undergraduate education, and work experience. We tracked down demographic and educational information for SCOTUS clerks using publicly available online information.

Table 1 breaks down the data by characteristic. A few numbers stand out for the 2,747 clerks. One court of appeals dominates: the D.C. Circuit. With twenty-four percent of all Supreme Court law clerks, this circuit, long seen as one of the most prestigious, leads. The other two circuits in double-digit figures are the Second and the Ninth.

The majority of law clerks are white (75%+) and male (75%+). Harvard, Yale, and Stanford law schools take the lion's share of spots (over 50%). Feeder judges themselves are even more white (90%+) and male (90%+), and the majority graduated from Yale, Harvard, and Stanford law schools (over 40% earned their undergraduate degree from Harvard, Yale, or Princeton).

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<sup>51</sup> WARD & WEIDEN, *supra* note 1, at 22–25, 30–35.

<sup>52</sup> *Biographical Directory of Article III Federal Judges, 1789-Present*, FED. JUD. CTR., <https://www.fjc.gov/history/judges> [<https://perma.cc/T8B2-T7ZY>].

TABLE 1. FEEDER JUDGES AND THEIR SCOTUS CLERKS, 1950-2024:  
SUMMARY STATISTICS

FEEDER CLERKSHIPS		2,747	
FEEDER COURTS		SCOTUS CLERKS	
1 <sup>st</sup> Circuit	3%	Female	23.8%
2 <sup>nd</sup> Circuit	10%	White	75.4%
3 <sup>rd</sup> Circuit	3%	Attended Harvard, Yale or Princeton UG	22.5%
4 <sup>th</sup> Circuit	5%	Attended Yale, Harvard or Stanford Law	52.6%
5 <sup>th</sup> Circuit	4%	FEEDER JUDGES	
6 <sup>th</sup> Circuit	3%	Female	12.1%
7 <sup>th</sup> Circuit	3%	White	91.9%
8 <sup>th</sup> Circuit	1%	Attended Harvard, Yale or Princeton UG	39.9%
9 <sup>th</sup> Circuit	10%	Attended Yale, Harvard or Stanford Law	54.5%
10 <sup>th</sup> Circuit	1%	JUSTICES	
11 <sup>th</sup> Circuit	3%	Female	20.2%
DC Circuit	24%	White	84.5%
Other	28%	Attended Harvard, Yale or Princeton UG	30.2%
		Attended Yale, Harvard or Stanford Law	71.4%

#### A. *Distribution of Feeders*

Figure 1 sets out feeder rates.<sup>53</sup> Because most federal judges never send a single clerk to SCOTUS, a column showing this would dwarf the other columns. Thus, we omit judges with zero Supreme Court clerks.

<sup>53</sup> A small number of SCOTUS clerks have clerked for state court judges.

FIGURE 1. LOWER FEDERAL COURT JUDGES WITH AT LEAST ONE SCOTUS CLERK: 1950-2024

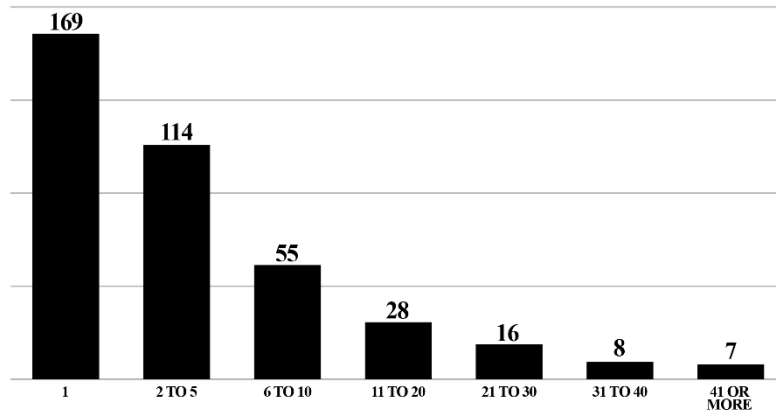


Figure 1 shows the judges who have fed at least one clerk to the Supreme Court. One hundred sixty-nine judges placed one clerk with a Justice. As the number of Supreme Court clerks per judge increases, the number of judges monotonically decreases. Only thirty-one judges have placed more than twenty clerks in a SCOTUS clerkship.

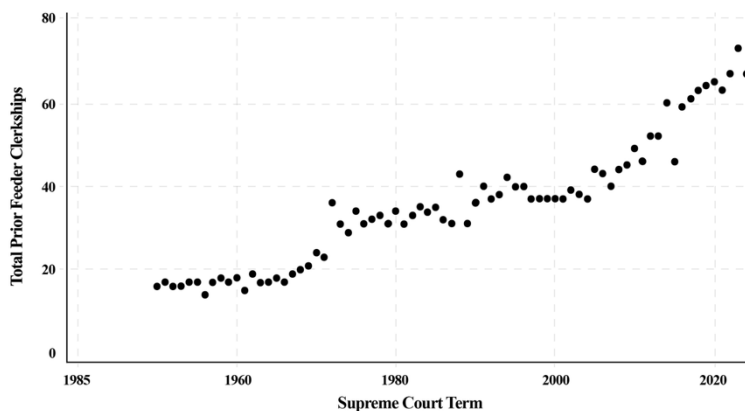
The leading feeder is J. Harvie Wilkinson, a Fourth Circuit Court of Appeals judge with sixty-eight SCOTUS clerks over forty years (a rate of 1.7 per year). Next are Alex Kozinski from the Ninth Circuit, with sixty clerks over thirty-seven years (1.6 per year), and Merrick Garland, from the D.C. Circuit, with fifty-six over twenty-four years (2.4 per year). Also in this group are Michael Luttig (2.8 per year), Brett Kavanaugh (3.4 per year), and Sri Srinivasan (2 per year).<sup>54</sup>

### B. Importance of Prior Clerkships

One measure of the increasing value of a SCOTUS clerkship is candidates' willingness to pursue additional credentials. Figure 2 shows the rise in prior clerkships. In recent years, candidates have almost all done multiple clerkships prior to SCOTUS.

<sup>54</sup> Justice Kavanaugh took some of his clerks from the circuit level to SCOTUS when he was elevated.

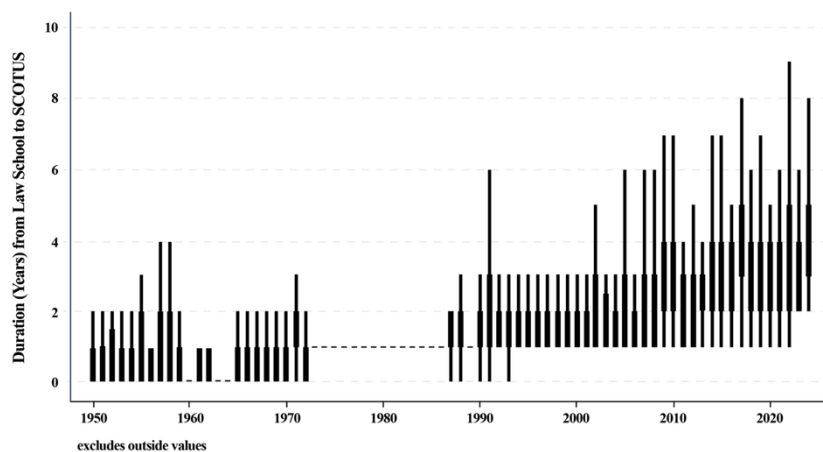
FIGURE 2. TOTAL PRIOR CLERKSHIPS BEFORE SCOTUS CLERKSHIP:  
1950-2024



### C. Time Between Graduation and SCOTUS

Figure 3 captures the number of years between law school graduation and a Supreme Court clerkship. For each court term, the graph shows the distribution of clerks' years after law school graduation for that term. One can see where the clerks for that year are clustered (for example, in 1950, they are clustered between zero and one year after graduation before they go to SCOTUS).

FIGURE 3. DURATION FROM LAW SCHOOL GRADUATION  
TO SCOTUS CLERKSHIP: 1950-2024



This time period presents three distinct stages. From 1950 to 1970, successful applicants were working between zero to two years before their Supreme Court clerkships—the majority clustered between zero to one year

(zero or one clerkship). Between 1970 and about 1988, successful candidates had one year between law school and their Supreme Court job (a single prior clerkship). Around 1990, a shift occurred that lasted until roughly 2005—almost all clerks had at least one to two years between graduation and SCOTUS clerkship. 2005 produced another shift; candidates were two to four years postgrad prior to SCOTUS. Finally, there was an upward shift in 2023: The bulk of the candidates worked for at least three years prior to their SCOTUS clerkship.

#### D. Top Feeders

Below, we identify a few variations that shed light on the bigger picture of this data by focusing on the most successful feeders.

Table 2 below organizes judges by the number of clerks they have placed on the Supreme Court (from highest to lowest). The top three judges are Wilkinson (68 clerks sent to SCOTUS), Kozinski (60), and Garland (56). The top three in terms of feeding rates are Kavanaugh (3.42 clerks per year), Luttig (2.80), and Garland (2.33).

Moving to the courts of appeals, the D.C. Circuit dominates the table with ten judges. After that, the Ninth has three judges; the Sixth, Fourth, and Second have two each; and there are individual judges from the First, Seventh, and Eleventh Circuits. One district court judge makes the list: Jed Rakoff of the Southern District of New York.

Among this list, Judge Richard Posner stands out as the most influential jurist, perhaps augmented by his prominence as a legal academic.<sup>55</sup> The other judges performed capably on influence measures, but, except for Posner, were relatively uninfluential. Also, some absences are notable—in particular, Frank Easterbrook, Sandra Lynch, and Amy St. Eve, known for their influential opinions, yet not on the top feeders list.<sup>56</sup> When selecting clerks, Justices do not appear to draw from judges who write the most influential opinions.<sup>57</sup>

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<sup>55</sup> E.g., William M. Landes, Lawrence Lessig & Michael E. Solimine, *Judicial Influence: A Citation Analysis of Federal Court of Appeals Judges*, 27 J. LEGAL STUD. 271 (1998); Stephen J. Choi & G. Mitu Gulati, *Choosing the Next Supreme Court Justice: An Empirical Ranking of Judge Performance*, 78 S. CAL. L. REV. 23 (2004).

<sup>56</sup> See Landes et al., *supra* note 55 *passim* (discussing impact of Judge Easterbrook); Choi & Gulati, *supra* note 55 *passim* (discussing impact of Judge Lynch); see also Stephen J. Choi & Mitu Gulati, *How Different Are the Trump Judges?*, 78 VAND. L. REV. EN BANC 1, 16 tbl. 5 (2025) (discussing Judge St. Eve's significant number of outside-circuit case citations).

<sup>57</sup> Judge Posner likely was not training law clerks in opinion drafting: He did his opinion drafting himself. Stephen J. Choi & G. Mitu Gulati, *Which Judges Write Their Own Opinions (And Should We Care)?*, 32 FLA. ST. U. L. REV. 1077, 1080 n.6 (2005).

TABLE 2. RANKING OF JUDGES WITH MORE THAN  
TWENTY-FIVE SUPREME COURT CLERKS

SUPREME COURT CLERKS	JUDGE	TENURE	FEED RATE	COA APPOINTMENT	DC APPOINTMENT	CIR.
68	Wilkinson	41	1.66	1984	NA	4
60	Kozinski	32	1.88	1985	NA	9
56	Garland	24	2.33	1997	NA	DC
48	Tatel	30	1.60	1994	NA	DC
42	Luttig	15	2.80	1991	NA	4
41	Kavanaugh	12	3.42	2006	NA	DC
40	Sutton	22	1.82	2003	NA	6
39	Calabresi	31	1.23	1994	NA	2
37	Edwards	45	0.82	1980	NA	DC
37	Wright	38	0.97	1962	1949	DC
36	Silberman	37	0.97	1985	NA	DC
35	Katzmann	22	1.59	1999	NA	2
32	Boudin	31	1.03	1992	NA	1
31	Pryor	23	1.35	2004	NA	11
29	Posner	36	0.81	1981	NA	7
28	Bazelon	43	0.65	1949	NA	DC
28	O'Scannlain	39	0.72	1986	NA	9
28	Thapar	16	1.75	2017	2008	6
27	Reinhardt	38	0.71	1980	NA	9
27	Sentelle	15	1.80	1987	NA	DC
26	Oakes	21	1.24	1971	NA	2
25	Leval	25	1.00	1993	1977	2
25	Mikva	15	1.67	1979	NA	DC
25	Rakoff	29	0.86	NA	1996	NA
25	Srinivasan	12	2.08	2013	NA	DC

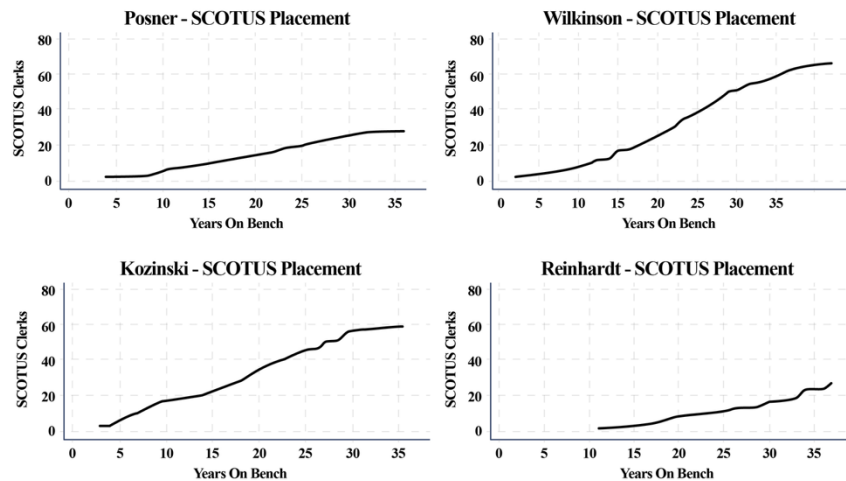
Other patterns emerge. With respect to legal education, most top feeder judges graduated from the top fourteen law schools, with Harvard, Yale, Chicago, and Virginia dominating. No female jurists are on the list of feeders, notwithstanding some of them being widely cited by their appellate peers.<sup>58</sup>

<sup>58</sup> Justice Ginsburg was a feeder when she was on the D.C. Circuit, with seventeen placements. Alexandra G. Hess, *The Collapse of the House that Ruth Built: The Impact of the Feeder System on Female Judges and the Federal Judiciary, 1970-2014*, 24 J. GENDER, SOC. POL'Y & L. 61, 82 & n.103 (2016).

### E. Four Feeders

To dig deeper, we focus on four judges from the list in Table 2: Judges Posner, Wilkinson, Kozinski, and Reinhardt, all with long judicial careers.

FIGURE 4. LEADING FEEDER JUDGES' PLACEMENT RATE OVER THEIR TENURE



Note first that it took time for these judges to place clerks on SCOTUS. For Posner, Wilkinson, and Kozinski, the wait was a few years. Reinhardt took longer, feeding after ten years on the bench. Reinhardt's late start might reflect a lack of strong initial connections to SCOTUS—the other three had clerked for Justices and worked in government jobs in Washington, D.C. Reinhardt's early career was in California, giving him fewer opportunities to connect with the D.C.-based Justices.

Each judge reveals an upward growth in SCOTUS clerks. That said, their slopes differ: Wilkinson and Kozinski feed at higher rates than Posner and Reinhardt. Harder to see, there is also a flattening out of the curves for three of the judges as they approached the end of their careers (Wilkinson, eighty-one years old as of publication, is still on the bench).

The flattening of the curve tells us that these judges, at some point, stop being feeders. We initially assumed that feeding was primarily about the lower court judge's skill at identifying the best law student applicants (screening) and then teaching those clerks how to write and research (training). If that were the case, we should not see a flattening out unless there were a reason to think the judge's ability to do those things would diminish with age.

A few additional explanations may account for the slowdown or flattening of these judges' SCOTUS placements. If feeding is about judges'

relationships with the Justices, and the Justices with whom one has the relationships retire, then feeding should diminish. Alternatively, over time, as new judges join the bench, they may prove to be better screeners and trainers, displacing the prior generation of top feeders.

A final note about the four judges that draws in part from the interviews that we discuss below:<sup>59</sup> Posner and Wilkinson represent a prior generation of feeder judges whose reputations as eminent judges attracted top law clerks. Although both were Republican appointees, their clerks were hired by Justices across the ideological spectrum.

Kozinski represents the modern model of the judge as an entrepreneur, actively hiring clerks most likely to become SCOTUS clerks. Kozinski was known for regularly visiting top law schools to scout for students. He did this in part by giving speeches and interacting with students (including playing poker with groups of students) and in part by building relationships with professors who could channel the best students to him. The goal was to feed clerks to the Supreme Court, which in turn would result in more students wanting to clerk for Judge Kozinski. He was also one of the first to form collaborations with other judges, in which those judges would take clerks who would then later come to him and then, hopefully, go on to a Justice.<sup>60</sup> Last but not least, Kozinski would seek to make offers to his preferred candidates earlier and with less information than many of his competitors were willing to do. The risk that these candidates might not pan out was one he was willing to take in exchange for the chance to snag a student who might make it to SCOTUS.<sup>61</sup>

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<sup>59</sup> See *supra* Part III.

<sup>60</sup> Neil A. Lewis, *Conservative 'Outsiders' Now at Hub of Power*, N.Y. TIMES (Mar. 29, 1991), <https://www.nytimes.com/1991/03/29/washington/conservative-outsiders-now-at-hub-of-power.html> [<https://perma.cc/EA7C-LSB4>]; Amy Bach, *Movin' On Up With the Federalist Society*, THE NATION (Sep. 13, 2001), <https://www.thenation.com/article/archive/movin-federalist-society/> [<https://perma.cc/C5LZ-M9S6>]; A 1989 *New York Times* article described Judge Kozinski's recruiting:

If it's a game, the consummate player is Judge Alex Kozinski of the Ninth Circuit, who sits in Pasadena, Calif. In the last few weeks he landed law review editors from Harvard, Stanford, and Chicago - by beating them at poker, losing to them at chess, calling them during ski vacations, introducing him to current clerks, wining and dining, bageling and loxing. "It's a constant job of selling yourself," he explained. "You may be greatest judge since Learned Hand, but the person I'm interviewing wouldn't necessarily know Learned Hand from Learned Foot."

Margolick, *supra* note 18.

<sup>61</sup> See Kozinski, *supra* note 7, at 1709–12; Louis F. Oberdorfer & Michael N. Levy, *On Clerkship Selection: A Reply to the Bad Apple*, 101 YALE L.J. 1097, 1104–06 (1992).

### F. *Ideology and Feeding*

Next, we evaluate the feeder judges' placements of their clerks based on the Justices' ideologies. Here, we use Martin-Quinn measures, which look at Justices' case voting over time.<sup>62</sup> The measures allow for comparisons of Justices, within and across years.

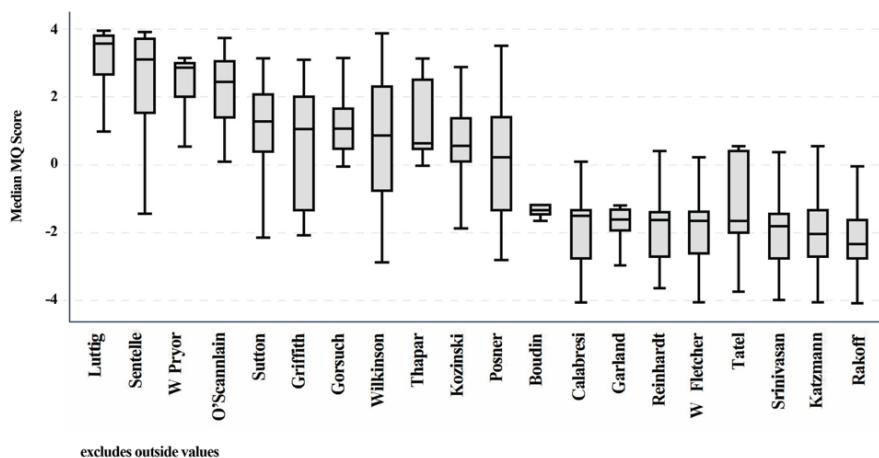
The sequential order of the feeder judges is based on the Martin-Quinn scores of every Justice for whom the judges' clerks have clerked at SCOTUS. We capture the variance of the Justices' ideologies through a box plot, which shows the median and the interquartile (twenty-fifth and seventy-fifth percentiles), as well as the minimum and maximum values (excluding outliers). Higher Martin-Quinn scores correspond to more conservative judicial ideology, while scores below zero correspond to more liberal judicial ideology.

Figure 5, for 1950 through 2024, shows feeder judges who had at least twenty-five of their clerks go to SCOTUS clerkships. For each feeder judge, we captured the placement of their clerks with Justices using the Justices' median ideology for the term in which the clerks joined their chambers. A box plot captured the median of the Justices' ideologies (denoted by the horizontal line within the box). The top and bottom of the box represent the interquartile (twenty-fifth and seventy-fifth) range, and the whiskers, which extend to 1.5 times the interquartile range, represent the full range of values. Generally, a compact box (and whiskers) indicates a feeder sending his clerks to Justices who are ideologically similar to one another, whereas a wider box (and whiskers) indicates a feeder judge sending his clerks to a range of Justices who may differ ideologically from one another.

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<sup>62</sup> See Andrew D. Martin & Kevin M. Quinn, *Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953–1999*, 10 POL. ANALYSIS 134, 137–140 (2002).

FIGURE 5. FEEDER JUDGE SUPREME COURT PLACEMENT (25+): JUSTICE IDEOLOGY BASED ON MARTIN-QUINN SCORE: 2000-2024



The graph shows that known conservative feeder judges tend to place their clerks with conservative Justices, while clerks of their liberal counterparts tend to land with liberal Justices. For example, Judge Luttig of the Fourth Circuit shows a narrow ideological band; most of his clerks landed with two of the more conservative Justices, Antonin Scalia (15) and Clarence Thomas (18). Boudin of the First Circuit indicates the narrowest ideological variation of his clerks' placement on SCOTUS, reflecting that most of them clerked for either Stephen Breyer (11) or David Souter (10), who were ideologically similar.<sup>63</sup>

Judge Posner stands out. The median of his ideological score is close to zero, reflective of his former clerks joining the chambers of liberal Justices such as William Brennan (1), Ruth Bader Ginsburg (2), Stephen Breyer (8), and John Paul Stevens (2), but also conservatives such as William Rehnquist (1), Antonin Scalia (4), Anthony Kennedy (5), and Samuel Alito (1).

### III. INTERVIEWS

To provide context and inform our empirical findings, we spoke with over a hundred Article III judges and Justices at the district, circuit, and

<sup>63</sup> Judge Boudin knew Justices Breyer and Souter from the years those Justices were judges on the First Circuit. Boudin and Breyer were known to be friends. *See* David F. Levi, *A Conversation with Stephen Breyer*, DUKE L. BOLCH JUD. INST. (Jan 26, 2022), <https://judicialstudies.duke.edu/2022/01/justice-stephen-breyer/> [<https://perma.cc/4BVC-JPVJ>].

Supreme Court levels.<sup>64</sup> Judges shared their thoughts on how the market for federal clerkships has evolved during their tenure, through which the emergence of the feeder phenomenon came up in many conversations. We note three observations from those conversations.

*A. Competing to Feed*

Judges varied in what they said about feeder judges. Everyone knew and understood the feeder phenomenon. Nevertheless, almost everyone we spoke to said that they had no interest in being feeders. For example, one respondent explained that she saw little value, and maybe some detriment, in hiring the type of clerk who was focused on using the clerkship as a stepping stone to SCOTUS. Another did not want clerks in competition all year to get a recommendation to a Justice, because it would undermine the team atmosphere she strove to build. Only a handful affirmatively talked about either wanting to be feeders or, if they were already feeders, about pursuing strategies to obtain the types of law clerks who could be placed on SCOTUS. That said, there was one judge (a prominent feeder) who, while saying he had never intended to feed, also said we should not believe any of his colleagues who said they didn't care about feeding.

*B. Strategizing*

The obvious strategy to feed is to have a preexisting relationship with a Justice or an established reputation as a great judge, such that one's judgment and selectivity are trusted. At least, that was the model of the prior generation. Respondents, however, talked about a more modern model exemplified by Judge Kozinski first, and now by several others.<sup>65</sup>

Recruitment was included among these strategies. Judges would visit highly selective law schools to make themselves known and to meet top students. Some noted that this was important if one wanted to get the top conservative students at schools like Yale, which has excellent candidates for certain Justices but might have only a few such students. Feeding a few clerks is a self-fulfilling dynamic, we were told on multiple occasions. Judges with reputations as a feeder are given more invitations to visit law schools and, on occasion, are asked to teach classes, which in turn results in a greater ability to recruit the types of clerks who are most SCOTUS worthy.

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<sup>64</sup> Judges spoke with us on the condition of anonymity, with none of their remarks for attribution.

<sup>65</sup> For the Kozinski model, see text accompanying notes 60–61. Multiple respondents also suggested that the feeding competition was more politically bifurcated in the current era than ever before.

We also heard that the Kozinski model of hiring earlier and earlier in a student's law school career has advanced, with the most competitive judges seeking to hire as early as after the first semester of law school and for multiple years after a student's graduation. We asked about the risk of hiring students far in the future based on relatively little information and were told that the risk was ameliorated somewhat by asking the student to do prior clerkships for other judges (feeders to the feeders) and by focusing more on prior credentials (such as what college the student attended).

Less obvious but possible was how to become a feeder if one did not already have those connections. Some of the more entrepreneurial judges have cofeeding relationships with other feeder judges, in which they seek to become the feeders to the feeders. That, eventually, could become a direct feeding relationship.<sup>66</sup>

### C. *Why Feed?*

The primary answer we heard was that being a feeder brought status. If one were a feeder, then one would not only get the best law students competing for one's attention, but also the top law schools. One judge said, wryly, that clerkships provided a rare opportunity for judges, competitive folks all drawing the same salary, to compete.

What we did not get was a substantive rationale for judges hiring future SCOTUS clerks. No lower court judge stated that a future-SCOTUS clerk outperformed their non-SCOTUS clerk peers. None expressed a belief that being a feeder enhanced the judge's chances of nomination to SCOTUS. Non-feeder judges often remarked that optimizing for efficiency and quality of work product, rather than prestige, might lead a judge to hire a different kind of clerk than one destined for the Supreme Court.

A few judges said that a reason to feed might be to have a broader impact on the legal system than one's own decisions. SCOTUS clerks, after all, were more likely, by virtue of having gotten the clerkship, to have impactful careers. A few also suggested that some of their colleagues (but not them) might have political goals and seek to credential young lawyers whose goals and agendas align with theirs. At bottom, feeders get to choose who gets the golden ticket—a currency they value.

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<sup>66</sup> A decade ago, when one of us did a study involving interviews with over seventy appellate judges, the feeder phenomenon barely came up. See Mitu Gulati & Richard A. Posner, *The Management of Staff by Federal Court of Appeals Judges*, 69 VAND. L. REV. 479 (2016).

## CONCLUSION

The selection of Supreme Court clerks has evolved from a quiet mentorship model into a high-stakes marketplace. A generation ago, feeder judges were defined by their legendary stature; today, they are defined by their strategic intensity. Our data reveal a system in which a distinct subset of judges actively compete for the status of being gatekeepers, recruiting students and forming alliances to capture the golden ticket of a future-SCOTUS clerk.

We began this inquiry with a puzzle: Why do federal judges, who enjoy life tenure and fixed salaries, compete to place their clerks on the Supreme Court? The answer lies in the currency of judicial status. Being a feeder judge attracts the best students and the attention of the legal elite, enhancing a judge's standing.

This competition has profound implications for the political economy of the courts. As the path to the Supreme Court narrows through a tiny handful of lower court chambers—predominantly on the D.C. Circuit—the judiciary risks becoming an increasingly closed loop. Although similar concentration trends exist in other political institutions, the lack of democratic accountability in the judiciary makes this insularity particularly acute. Feeder judges are not merely passive participants in this system; they are the architects of a pipeline that is becoming more ideologically sorted, demographically homogenous, and detached from the broader legal profession. Understanding who controls this pipeline is essential to understanding who ultimately shapes American law. We plan to explore other institutional features of SCOTUS and their societal implications in future work.