PUTTING YOUR BEST FOOT FORWARD: CHOOSING THE RIGHT WRITING SAMPLE

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You find a listing for the perfect job. You put together your resume, your cover letter, your recommendations... and chances are they'll want to see a writing sample. Do you blow the dust off your Legal Research and Writing brief or the memo you worked on last summer, or should you use the note you wrote from your journal? Before you can perfect and polish your writing sample, you must decide what piece you are going to use, and making that decision might not be an easy one.

With that in mind, the Writing Center has compiled this list of things to think about when selecting your writing sample.

Think about your objectives. Your goal in choosing a writing sample is to showcase your best piece of writing. Consider all of your available pieces of writing before making a final selection. The best writing sample you can present is not necessarily the paper on which you received the highest grade. It might be better to brush up another piece with a less complex issue or set of facts, or you might have gotten useful feedback on a final draft of a paper so that it can easily be made better. In looking for the piece of writing that is the best example of your abilities, you are the ultimate evaluator of your work – choose a piece with which you feel comfortable, and about which you feel the most confident, taking into consideration the suggestions outlined here.

You may view the need to generate a writing sample as an opportunity to improve upon a piece you wrote, and, in doing so, improve your own writing. If so, you can revisit your research, reorganize your paper, or ask someone else to proofread it for you. Consider large-scale organization, small-scale organization, case analysis and topic sentences. Take advantage of the fact that you are now more skilled at legal writing than you were when you wrote the paper, and further improve your paper and your writing.

On the other hand, you may be under a time constraint and only have time to make a few quick edits. If this is the case, you should clean up your grammar and Bluebook, but should also take the time to think about the suggestions below.

Think about your audience. Think about the job for which you are applying. A big law firm? A small, boutique firm? A judge? A non-profit organization? A liberal? A conservative? If you are applying to a law firm or legal organization, you want to showcase your ability to analyze the law and apply facts to it. If you are seeking a clerkship, a scholarly paper with in-depth case analysis might be more appropriate because a judge will likely prefer a clerk with sophisticated case analysis skills.

You should choose the sample that is not only the “best” you have to offer, but one that caters to the person reading it. You do not want to use a case comment criticizing a particular opinion if you want to work as an intern for the judge who authored it!

* by Hillary Coyne and Kristen Murray
Think about the content. Before making your choice, think about the decisions you made when you originally wrote the piece. Are they still applicable now? For example, did you have a brief statement of the case because you knew your professor knew all the facts? You should probably include a more complete statement in the writing sample. Does your journal have a special citation format that does not conform with the Bluebook? You should probably note the differences, or use proper Bluebook citation format. You do not want to use a sample that is filled with idiosyncrasies used for the original audience – consider whether it will be easier to rework the paper for a different audience or to use a different piece.

Think also about the length of your sample. While you do not necessarily want to present a 100-page paper to an employer, you also do not want to cut your writing down to fit a certain length if it will take away the core of your paper. Try to select a piece of reasonable length, or one that can be edited without taking too much away from it. You can always explain that you have chosen only a portion of your project as a sample, and that you will provide the full document upon request. You do not want to lose content in the interest of saving space.

Finally, make sure you are familiar with the paper when you present it to a prospective employer. An interviewer may ask you a question about the sample, and you do not want to hurt your chances for a great job by not being able to answer it. You should also be ready to answer questions about other writing endeavors you made during law school (write-on, moot court competition, etc.).

Think about the context. You should remember that if you use a piece related to a legal job, you will probably have to redact the document – removing sensitive information that should not be disclosed to a wide audience. Think about how this will affect the piece – if too much has to be blocked out, the essence of your writing could be lost, which would defeat the purpose of the writing sample. Also, make sure your former employer knows that you plan to use the piece.

You want to make sure that you place the document in context. It is helpful for the reader to know where the piece came from – Legal Research and Writing class, a summer job, a seminar. The reader can better evaluate your writing if he or she knows when, for whom, and why the piece was written.

Think about the details. After you have thoroughly polished your document, give it a quick pass and see if there are any glaring grammatical, spelling, or typographical errors. Remember, lawyers are picky! If you are applying for a job which draws many applicants, the attorneys may just scan your writing sample, and a grammatical error or spelling mistake will stand out far more than a good case comparison. How does the document sound after a quick read? It is often the little things that count the most, and can make the strongest impression.
Creating Effective Writing Samples
Guide to Legal Writing Samples
By Sally Kane

Top-notch writing skills are crucial in the legal industry, especially for lawyers and paralegals. If you are applying for a legal position, employers will frequently request a writing sample. Furnishing a poor writing sample can destroy your chance of landing the job. On the other hand, an excellent writing sample can help you get a leg up on the competition.

It is a good idea to build a portfolio of writing samples during school and your early years of practice. This portfolio should include your best work in a variety of genres. If you are uncertain that your samples will pass muster, check out these seven ways to improve your writing skills.

Below are five common mistakes applicants make in submitting writing samples.

1. Poor Writing Sample

A poorly written sample that contains fundamental errors in grammar, word choice, sentence construction or other quality problems is a red flag for employers. Below are a few issues to watch:

- Sentence clarity
- Word choice
- Redundancies and/or inaccuracies in text
- Consistency
- Tone/voice
- Content organization
- Flow/transitions
- Sentence structure
- Gaps in content
- Presentation

Have a mentor, professor, co-worker or other trusted professional review your writing samples. If your writing skills need work, take a few writing classes or hire a tutor to help you improve your writing.

2. Typographical Errors

While applicants give much attention to creating an error-free resume and cover letter, their writing samples often receive a less meticulous review. I have seen many writing samples with typographical errors – many of them published online, in law review journals and legal publications or filed with the court. A single typo is enough to instill doubt in the reviewer and eliminate you from consideration.

3. Off-Topic Samples

Make sure your writing samples match the employer’s request and the needs of the position. If, for example, you are applying for an associate position, don’t submit your senior term paper on psychosocial behavior. Instead, submit a sample that demonstrates that you can perform the job for which you are applying. For example, if you are applying for a position as an associate in the firm’s litigation department, submit a brief, motion or memorandum of law. If you are applying for a position as a corporate paralegal, submit a resolution, escrow trust agreement or related transactional document.

4. Failure to Follow Instructions

Always follow the job ad or potential employer’s instructions for submitting writing samples, particularly with respect to:

- Type of samples. Make sure that the type of sample you submit (i.e., brief, correspondence, motion) matches the employer’s request in terms of format, style and content. If you don’t have a relevant sample in your portfolio, draft a new writing sample to fit.
- Number of writing samples. Don’t submit too many or too few samples. If a number is not specified, a good rule of thumb is two samples (one at a minimum and three samples max). Busy employers rarely have time to read more than three writing samples.
- Length of writing samples. Follow the employer’s instructions regarding the length of your samples. In the legal field, writing samples tend to be longer (3-10 pages) to enable employers to evaluate your ability to make a persuasive legal argument and analyze points of law.
- Manner of submission. Some employers may want samples submitted as e-mail attachments while others prefer that they appear in the body of the e-mail or are mailed to their address.

5. Disclosing Confidential Information.

Writing samples in the legal profession require special care due to attorney/client privilege, sensitive information and confidentiality concerns. When submitting writing samples from a past or present case or transaction, even if that case is closed or terminated, it is important to remove the names of all

http://legalcareers.about.com/od/jobsearch/a/Creating-Effective-Writing-Samples.htm 6/5/2014
parties, names of clients, and any other sensitive or confidential information. To preserve the flow of your content, you can substitute fictitious names, facts and information.
NALP: The Association for Legal Career Professionals

How to Select Legal Writing Samples

Posted by Anetra Parks on Friday, February 4, 2011

Questions about legal writing samples recently arose on a NALP law school e-mail discussion list. These comments were written in response to those questions.

There are 4 types of legal writing:

1. Application analysis (what most people think of when they think of "legal writing"), which includes memos, briefs, judicial opinions and law school exams.
2. Critical analysis / scholarly work (which includes seminar papers and law review articles and case notes).
3. Legal drafting (contracts, interrogatories, pleadings).
4. Legal correspondence (letters to clients/other attorneys).

*If you'd like to read more about these 4 areas, please see Michael R. Smith, Alternative Substantive Approaches to Advances Legal Writing Courses, 54 J. LEGAL EDUC. 119, 122-126 (Mar. 2004).

When an employer asks for a writing sample, it is almost always going to be something from the first category: application analysis, as that is what the attorney or law student is going to be asked to do in his or her job.

What I advise students is to use something that is the best example of their legal writing skills and is their own work. Things that they produced in their first year writing classes are excellent examples of self-edited work. The professor or teaching assistant likely will have given them feedback and suggestions on how to improve their writing, but it is still almost entirely their own. Of course, they should go back over that sample again and again to edit it because their writing skills will improve with time.

If they've worked for a legal employer and have written legal memos, briefs or substantive motions, then I let them know they can use those as long as they have permission from the employer, they redact any identifying info re client (I suggest they change names to something general like Petitioner or Plaintiff or use a common name like Smith or Jones), and that the piece they submit is something they have written on their own. In some cases, the student writes a brief or a portion of the brief and his or her supervising attorney may have only made minor changes. This is something they can use as long as they say make it clear that only minor edits were made. One thing that is helpful in this situation is having a cover page for their writing sample where they can explain the context of the sample.

One of our state Supreme Court justices was hiring recently and his law clerk sent me an e-mail about what they have observed and to share this info with law students:

We are in the process of interviewing candidates. Many of the applicants have included writing samples that aren't really representative of their own abilities. For instance, we have received numerous law review case notes/articles, motions and briefs that were submitted to courts, and even a divorce decree. The problem of course is that none of these writing samples are truly representative of only the candidates' writing abilities. Instead, we can't tell what the candidate's writing abilities are since the samples have all been edited, either by fellow law students (in the case of law review case notes/articles), or worse yet, by licensed attorneys in the case of motions, briefs and divorce decrees. I know that students should have a memorandum that they prepared in legal writing that would be substantially their own work that they could edit themselves and use as a writing sample for jobs (that's what I use). I just thought I'd give you a heads up on this, because it seems like it is a rather prevalent practice that doesn't really benefit the applicant (not just with this job, but with others as well).

So, to answer your question plainly, I think a student should use something from the application analysis category that was written by them and edits were made by them (even if suggestions for edits came from a professor or supervising attorney). I don't think a student should use a paper from a seminar class as that is a scholarly piece, as is a case note or law review article (of course, they should still put their publications on their resume, but not use it as their writing sample).

Hope that helps. Warm wishes from Wyoming (where it's been -29E for the past 2 days).

Topics: Career Counseling  Job Search Skills/Resources

Comments (1)

Great advice Anetra, thanks.
- By Nilesh Patel on Friday, February 4, 2011

Contribute to this Blog by Adding a Comment

Your Name*

Comment*
Writing Sample

Most employers do not ask for writing samples at the beginning of the recruitment process when you send out your initial resume and cover letter. Do not submit one at this stage unless asked. More than likely, a writing sample will be requested later in the process, so you should have one prepared.

Your writing sample should be the best legal writing you have done. As a general rule, 5-10 pages will be of sufficient length. It can be a memo from a summer job, the writing competition note you submitted for the journals, a portion of a moot court brief, or part of a memorandum or brief that you wrote for Lawyering. If at the time you are applying you have a law journal note or a seminar paper, use that. Only use work from Lawyering if you did well on the assignment, and you feel that this first year effort reflects your current ability.

Additionally, you should proofread the document, check your bluebook citations, and make the changes recommended by your Lawyering instructor. Once you have made the suggested changes, your Lawyering instructor will review work from the Lawyering class. If you are sending something you worked on for an employer, be sure to obtain (and make clear to the prospective employer that you have obtained) the employer’s permission to use the materials. Be very aware of confidentiality issues with memos and exclude client-identifying information. If you are working on a journal note, you might send a discrete 10-15 page section, with a synopsis of the balance.

Your writing sample should include a cover page. Write your name, contact information and law school name on the cover page. Also state the circumstances under which you drafted the document. If you are sending a sample that has been edited by someone else, indicate the circumstances. (Be aware that some employers, including judges, request a sample that has not been substantially edited by another person.)

You should also be sure to make clear why and when you wrote the sample - e.g., for a seminar in a particular course, as part of a memorandum for an employer, for a particular journal. (If you redraft an earlier effort, you should describe the sample as “based on a memo I wrote in our first year writing program”. ) If your writing sample has been accepted for publication be sure to indicate that. If you are using as your writing sample an opinion that you worked on for a judge (for example, in a summer intern position), do not use the phrase “opinion that I drafted” or “opinion that I wrote”. Instead, indicate that you “worked on” the opinion. Be aware that some employers may not accept an opinion, or any other writing ultimately attributed to someone else, as a writing sample. Speak with someone in the Career Services Office if you encounter any difficulty in selecting a writing sample.