

Writing Sample Tips

While cover letters and resumes are samples of your writing, many employers require the submission of a formal legal writing sample. A formal legal writing sample alone will not get you a job, but if you submit something inappropriate or that is poorly written, your application may automatically wind up in the “do not interview” pile.

Here are some tips for putting together a writing sample. They are grouped by category. The three key tips are: (1) choose your sample wisely; (2) make your sample as easy to understand as possible and (3) proofread separately.

Understand the purpose of a writing sample

1. Understand the writing sample requirements for *this* job. Provide exactly what the posting requests.
2. If there is a page limit honor it. If there is no page limit given, a good rule of thumb is 8-10 pages. Employers include the page limit for a reason. Don't assume they want to read a 25 page writing sample.
3. You are playing defense. A poor/confusing writing sample can sink your candidacy; a stellar sample will not get you the job.
4. Judges and employers use writing samples to answer two questions:
 - a. Can the candidate **write clearly**? and
 - b. Can the candidate tackle **complex legal issues**?

Of these two questions, writing clearly matters more than tackling complex issues.

5. Reviewing a writing sample takes time. Perhaps 3-5 hours. It is time well spent. It may help you get a clerkship. It will also give you experience editing and revising – precisely what you will be doing each day if you do get a clerkship.
6. Have a ready to go writing sample. If the Supreme Court calls tomorrow, have a polished sample, even if it is 5 pages long. **Do not send an unpolished sample.**
7. Include a cover sheet. Attach a cover sheet with the header from your resume and cover letter indicating that this is your writing sample and describing the piece in 2-3 sentences. In particular, if you use only an excerpt of a longer document, be sure to include the necessary background information on the cover sheet in order to give the reader the proper context. The cover sheet is also an excellent opportunity to disclose any caveats regarding your

authorship of the document, if the document was drafted in collaboration with another individual.

8. Bring copies of your writing sample to all interviews. Even if the employer does not request a writing sample, they may ask for one during the interview. Therefore, it is best to have one ready just in case!

Choosing a writing sample

Your best writing sample is not necessarily your most recent memo or brief, or the one that runs the longest. Instead, aim for a sample with the following features:

1. It covers a topic you understand well. This will help you revise your sample. It will also come in handy if – at the interview – a judge or clerk asks you to discuss your piece on the spot. (Yes, this does happen!)
2. Do not choose a 25 page writing sample. The judge does not want to read your appellate brief or law review article. Instead, focus on a 10-12 page sample (give or take a few pages) that you can polish.
3. It covers a topic that lets you show your stuff. Short samples are good. But do not make the sample so short – or on an issue so simple – that it does not engage the reader. (In other words, a 3 page writing sample on a statute of limitations question is probably not a good choice).
4. Don't be shy about using a writing sample from Lawyering Skills I or II. Your briefs from LS I and II are generally the right length for a sample. They also tend to involve topics that will engage the reader.
5. Your writing sample must be your own work. DO NOT PLAGIARIZE. Your writing sample needs to reflect your writing ability. However, hardly anything you write is likely to have only been touched by you. Here are some tips for selecting an appropriate sample:
 - a. **Documents produced in a judicial externship or clerkship:** Opinions you draft belong to the judge and are NOT appropriate for submission as writing samples. Memoranda and the like that are exclusively your work product can be used as writing samples.
 - b. **Law School Papers:** Don't submit these with professor annotations. Rather, rewrite the paper taking the suggestions into consideration.
 - c. **Documents written with someone else (i.e. an employer, classmate):** Strike through the parts written by a supervising attorney, moot court partner, etc. and leave your contributions untouched. If you used a firm or company template, you will also need to be clear about exactly what you wrote. Documents truly produced in collaboration with others need to be accompanied by a brief note of explanation.

6. If you are in doubt about which sample to use, ask someone. This could be your Lawyering Skills Professor, Professor Kahn, someone on the clerkship committee, or someone from CPD.

Incorporating critiques from a professor

If you are submitting a sample from Lawyering Skills I, II or III, you will have a set of comments to work from. Here are some pointers for using these comments:

1. In general, ignore comments about substance. Your professor might have wanted you to raise another case, or take up a specific policy argument. If you were in practice, you might take this advice. But you can skip over it for the writing sample.
2. Do respond to comments about style, organization, wordiness, and tone. Probably the most important area is **organization**. If the judge or clerk cannot make his or her way through your sample, you will not most likely not get an interview.
3. You professor will not catch everything. This is especially true of typos, citation mistakes and other proofreading errors.

Revising your writing sample

Focus on readability. You want the judge or clerk to pick up your sample, scan through it for 30, 60 or 90 seconds, and conclude: "Gee, this applicant writes really well!" Here are some thoughts about how to get this result:

1. Give your reader a road map. Let the reader know where your argument is going. In particular:
 - a. If you use **point headings**, make sure that they lay out your argument. In most situations, limit yourself to two levels of point headings (I, II, III and A, B, C).
 - b. Open your argument section – or if it is memo, your discussion – with a **thesis paragraph**. Make sure that your argument actually follows this road map.
 - c. Make sure **no paragraph runs more than two-thirds of a page**. Paragraphs give readers breaks. If the reader does not see a break coming, he or she may put your sample down. (And never pick it up again).
 - d. Each individual section of the argument/discussion should be self-explanatory or begin with a mini-roadmap.
2. Be concise. Record the number of words in your sample. Then see if you can cut 5, 10 or 15% of the words. Perhaps you will succeed. Even if you fail, the final product will be more concise. Here are some pointers:

- a. Focus on those situations where **wordiness or repetition** interferes with the flow of your argument. Be suspicious of **IRAC application and conclusion** sections. They are **places where excess words love to hide**.
 - b. **Read your sample aloud**. As you do this, notice the words you pass over as you are speaking. These are words you might take out.
 - c. **Describe legal terms concisely**. Normally you can replace “as the court in Smith said” with “as in Smith.” Likewise, you can the “Eighth Circuit Court of Appeals” with “the Eighth Circuit.”
3. **Be clear**. Review your sample, looking for anything that might confuse your reader. Long sentences, passive voice and sentences with excess “to be” verbs are prime candidates. Here are some tips:
- a. **Pay special attention to the first 2-3 pages**. This is where your reader will likely begin. Are these pages easy to follow?
 - b. **Give your sample to a non-lawyer friend**. Or to a lawyer who is unfamiliar with your sample. Give them **TWO MINUTES** to read your sample. At the end of the two minutes ask them two questions:
 - i. What is the sample about?
 - ii. Do you want to keep reading?
- Then ask the reader what was unclear and revise accordingly.
- c. If a phrase is unclear and you cannot fix it consider removing it. “When in doubt, cut it out!”
4. **Be sensitive to tone**. Judges and clerks are readers – but not your everyday readers. In particular, they spend their lives listening to other people argue with each other. This makes civility very important. With this in mind, note the following:
- a. **Edit out all instances of name calling**. Do not call opposing counsel “stupid”, “obnoxious” or “vindictive.” Refer to everyone respectfully.
 - b. **Name calling includes courts**. Think before calling a court ruling “fatally flawed,” “incoherent” or “utterly lacking in substance.” If you become a clerk, you will spend your days writing court rulings. When you criticize a case, think about how you would feel if someone used the same language to criticize your work product.
 - c. **Stay away from first and second person**. Do not say: “I think X has a strong case,” “We will first address the summary judgment issue” or “You start a negligence analysis with duty...”

- d. **At the same time, stay away from legalese.** Remove words like “aforementioned”, and “heretofore.” Do not strive to sound like a lawyer (or a crotchety old judge). Sound like a person.
5. **Redact.** Be especially careful to redact ALL identifying information in a piece prepared for an employer. This is extremely important – do not breach any confidences or disclose any attorney-client privileged information. For instance, if you need to redact a client name, it is preferable to rename the client in a generic format (i.e. Corporation X).

Proofreading your writing sample

Proofreading is making your sample error free. This includes typos, citation errors, and simple grammar and syntax mistakes. Here are some pointers:

1. **Proofreading is different from revising. Do it separately!**
2. The best way to proofread is to **pick paragraphs in random order** and proof them one at a time. Do not make other changes when proofreading. (This is why proof reading should be done late in the process).
3. Once you have finished proofreading, **proof the first three pages of your sample a second time.** If the reader finds typos in the first paragraph, he or she may not read further.
4. **Shorter samples make proofreading easier.** An 8 page sample is easier to proofread than a 15 page sample.
5. **Include page numbers.** It makes a big difference.

Source:

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Kimm Alayne Walton, J.D., *Guerilla Tactics for Getting the Legal Job of Your Dreams* (2nd ed., Thompson/West 2008).

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WRITING SAMPLE

This writing sample is a portion of [INSERT DESCRIPTION] as part of the second year Lawyering Skills course. A statement of the facts and the two issues involved in the case are presented here.

This excerpt is the argument for the second issue. "INSERT ISSUE"