



# WRITING SAMPLES

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Many legal employers request a writing sample for applicants during the hiring process. Writing samples should be well-written without any typographical errors, grammatical problems, or misspellings. An employer may not want or require a writing sample; therefore, do not send unsolicited samples.

Note that there are other factors to consider in selecting an appropriate writing sample. Your writing sample should be:

- Legal in nature,
- Concise (no more than 10 pages); and
- Your work product (not work substantially edited by a supervisor/professor).

## GUIDELINES AND PURPOSE

The following are only *general* guidelines/advice about suitable writing sample types. It is always appropriate to ask employers about writing sample preferences (i.e., law review article vs. draft memorandum) and the number of pages. The following instructive guidelines are adapted from an article by David C. James, the former hiring attorney for the Office of the City Attorney, City of San Diego<sup>1</sup>:

### SELECTING A SUITABLE WRITING SAMPLE

- ◆ Provide persuasive writing
- ◆ Provide something from the real world
- ◆ Provide your own work (exclude parts written by others)
- ◆ Provide something recent
- ◆ Provide about 5 – 10 pages
- ◆ Provide something easy to understand
- ◆ Change or redact confidential/sensitive information
- ◆ Avoid lurid or hot-button subjects
- ◆ Provide an explanatory cover sheet
- ◆ Obtain permission to use from employer
- ◆ Many legal employers prefer “real world” writing samples, such as from a clerkship with a law firm or a government agency. David James explains, **“The purpose of a writing sample is to convince the employer that the student can do the kind of writing the employer’s attorneys do. So, the best writing samples are projects that could have been done in the employer’s office.”**

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<sup>1</sup> David C. James, “Helping Students Select Writing Samples-An Employer’s Perspective,” September 1996, NALP Bulletin.

**REMEMBER:** More recent writing samples are preferable as legal writing is a skill that improves with practice, and more recent material is more impressive. Keep copies of your work from all of your jobs, even if you believe that you already have a sufficient writing sample.

## PRACTICAL WORK PRODUCT

If you plan to use a sample you wrote while working for a legal employer, including judges, it is necessary in virtually all cases to obtain permission from the responsible attorney or judge. Also:

- ◆ **Make sure the writing is not a result of substantial editing and revision by a supervising attorney.**
- ◆ **Make sure you redact any confidential or sensitive information.**

### 1. SUBSTANTIALLY YOUR OWN

Legal documents filed with a court in a litigation matter are signed by a supervising attorney only. If the document is substantially your work product, it is appropriate to use as a writing sample. However, **you must have the permission** of the signing attorney and an explanatory note on the front page of the sample. For instance: “Attached is an example of my work product. This brief was based upon a draft I wrote that was submitted to Attorney Doe and filed with the court with only minor revisions. I am including it with his permission.” If only certain sections were written by you, and other sections written by someone else, neatly cross out sections that are not your work. Alternatively, you can attach only your sections and explain in the cover sheet that the sample is only a section of a brief that was written by you.

Employers may specifically request “unedited” writing samples; so keep a copy of your “final” draft you submitted to a supervising attorney, and not the edited version submitted to the court. You still need to get permission from your supervising attorney to use such drafts as a writing sample and explain that it is being used with permission. **However, the fact that it is a “draft” does not mean you cannot fix any errors yourself before submitting it as a sample.**

### 2. REDACT CONFIDENTIAL INFORMATION

Papers filed with a court are public record (not privileged). In contrast, internal/research memoranda are protected by the attorney-client privilege, and memos for judges are confidential. Get permission of the judge/responsible attorney before using. Also, redact sensitive and/or identifying information. A legal writing consultant noted, **“Your sample is a demonstration of your judgment as well as your writing skills. Applicants who submit samples without redacting confidential information are often rejected on the basis of the poor judgment displayed.”**<sup>2</sup>

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<sup>2</sup> Marilyn Bush LeLeiko, “Selecting Writing Samples: A Writing Consultant’s Perspective,” September 1996, NALP Bulletin.

When changing confidential information, substitute fictitious information so it is understandable to the reader. Don't just black out clients' names. You can substitute "Company X" for the real name of the client and "Company ABC" for the real name of the opposing party. If you do this, note that you substituted fictitious information to maintain client confidentiality in your cover sheet. Obviously, information substitution is possible only if you saved an electronic format copy of your sample that can be edited.

## **SCHOOL WORK AND LAW REVIEW ARTICLES**

Writing samples written for a legal research and writing assignments are acceptable, especially if the assignment simulates a real world product such as a legal memorandum or motion.

- First-year students are often asked to submit writing samples before they have any practical legal experience. Memos written for Legal Research and Writing courses and Moot Court briefs can be used as samples.
- Law Review articles (published or submitted) can be writing samples; however, they are not always preferred by employers. David James comments, "Because students polish law review articles to the nth degree, the amount of time spent on them is all out of proportion to the time available in practice." In addition, employers might question the extent that the final product was edited by editors. Finally, obscure/esoteric topics may not be appreciated by attorneys practicing in a different field. However, the article might be a big plus if, for example, you are applying for an environmental position and the topic of your article is an aspect of environmental law.

### **WRITING SAMPLE CHECKLIST**

#### **DO:**

- ◆ Put your name on it
- ◆ Provide a cover sheet or cover memo, explaining the nature and origin of the writing, and the citation style used (ALWD vs. Bluebook)
- ◆ If sample is a Legal Research & Writing class assignment, explain if assignment was closed or open universe for legal research purposes.
- ◆ Include page numbers
- ◆ Meet page limits (5-10 pages; or shorter if requested)
- ◆ Obtain your supervisor's permission
- ◆ Redact any confidential or identifying information
- ◆ Make sure it is error-free, grammatically correct with NO TYPOS

#### **DON'T:**

- ◆ Leave grades/marks on it
- ◆ Use fancy binders and/or have it bound
- ◆ Provide faded or unclear copy

## ***SAMPLE WRITING SAMPLE COVER SHEETS***

### **WRITING SAMPLE FOR MERRI ONE ELLE**

This writing sample is a section of a brief I wrote for my 1L Legal Research and Writing class, spring semester. Please note that the sample has been edited down to 10 pages. To do so, I deleted my first argument and included only the second argument.

For the purposes of this sample, please assume that the plaintiff, Sammy Subtenant, is considered a “tenant” under the Ellis Act. Argument Two then addresses the issue of whether the Ellis Act was violated by Larry Landlord.

Additionally, the citation style is done in ALWD, as opposed to Bluebook style.

### **WRITING SAMPLE FOR HAPPY SECOND YEAR**

This writing sample is a Pitchess motion I drafted as a legal intern for the Marin County Public Defender’s Office during the fall of my second year. It was edited only slightly by my supervising attorney for stylistic purposes. My supervising attorney signed the motion which was granted in part, but the work that appears here was written entirely by me. I obtained permission from my attorney to use this sample and names and other identifying information have been redacted.

### **WRITING SAMPLE FOR GRADUATING THREE ELLE**

This writing sample is a section of a Motion for Summary Judgment written by me as a 2L Summer Associate. I obtained permission from my supervising attorney to use this section as a sample. I researched and wrote this section which the firm included in the brief with very little edits. Names of the parties have been changed along with any other identifying information.