

Choosing a writing sample

As a 1L, you will probably use an assignment from Legal Writing I & II because documents produced there are likely the only legal work you have, so far, that demonstrates the writing techniques employers are looking for. If you use an assignment that you received help on, such as guidance or comments from your professor or a TA, disclose that. If possible, use something you didn't get help with.

Update your sample over time

After your 1L year, your analytical and writing skills will continue to improve. If you can, choose something more recent than a 1L assignment so that your writing sample reflects your growing abilities.

Consider using something you've written for an upper-level course or a drafting or writing competition. (And look for those curricular and extra-curricular writing opportunities).

In summer jobs or externships, look for opportunities to write and then think about which things you have written might work well as samples. Be sure, however, to ask your employer for permission to use any work as a writing sample. They may ask you to redact confidential or sensitive information; consider offering to do so when asking for permission. It may help to offer to use a shorter, less sensitive excerpt from a longer document as your sample (see next page for advice on excerpting).

Create a writing portfolio

When you can, have more than one document ready to serve as a writing sample. This can help you demonstrate that you have experience writing a variety of legal texts.

When submitting a writing sample, consider varying your choice based on audience.

For example, if the firm or agency you are applying to has a litigation focus, consider submitting a litigation document, such as a motion to dismiss or appellate brief. If the employer's focus is transactional, instead consider submitting an example of any drafting work you have done, such as a contract provision.

During an interview, in case the opportunity arises, be ready to mention that you've written a different kind of text than the sample you provided before the interview and offer to share that sample, too.

Refresh your understanding of your sample

Employers may ask substantive questions about your sample. So especially if it's something you haven't worked on or thought about in a while, review it. Reflect on how you identified and parsed the legal issues, how you decided to structure your analysis, language choices, and so on. Be ready to thoughtfully discuss your writing process.

Pay attention to length

Most employers look for writing samples between 5 and 10 pages. But *pay attention to each employer's writing-sample guidelines*. If an employer imposes a particular page limit, be sure to follow it. If your best work is longer than a stated limit, or if there is no limit and it's longer than 10 pages, see the advice below for creating an excerpt.

Note: a "cover sheet" (explained below) doesn't count against a page limit for a writing sample.

Editing your writing sample

Proofread, proofread, proofread

Employers may not know if you've accurately summarized key facts from a record or soundly synthesized legal authorities. They will, however, notice—and negatively judge—careless proofing. They may assume that you aren't taking the job search seriously or have also been sloppy in your analysis. They may wonder if you can be trusted to communicate with their clients. Don't risk having your application tossed into the "no" pile because of inconsistent formatting, a grammar goof, an obvious citation error, or stray typo.

Consider providing an excerpt

You can provide an excerpt of a long document, as long as you provide sufficient background for the reader to understand the excerpt in context. Unless confidentiality concerns prevent doing so, offer to provide the entire document upon request.

When choosing what portions of a longer text to feature in an excerpt, favor parts rich in legal analysis and application, such as the Discussion section of a memo or Argument section of a brief.

If a section you've chosen to excerpt is still too long, choose the best subsections within it; excerpt them along with the headings corresponding with subsections you've omitted. Follow Redbook or Bluebook formatting rules for indicating such omissions.

Redact sensitive & confidential information

If the document was prepared for an employer, you may need to alter names or other confidential or potentially sensitive information. Use fictional names rather than blacking out text, as redaction boxes are distracting and will make your writing sample harder to read.

Pay attention to document design

Choose a font that is easy to read and not too unusual. Experts agree that line spacing between single and double spacing is readable for extended prose. To ensure that the document will appear to the employer exactly as you intend, submit the sample in pdf format (be sure to review the pdf after creating it to make sure it looks the way you want it to).

Include a cover sheet

Unless submission requirements make doing so impracticable, preface your sample with a one-page cover sheet. Format it consistently with other materials in your application packet, such as your cover letter and resume.

Briefly describe what your sample is and the context in which it was written. That context could be that it was written as part of a class assignment (if so, what kind or from what perspective) or written for an employer (if so, note that you have the employer's permission to use it and that any confidential information has been removed or changed).

Be sure to disclose if you received help from others in analyzing, outlining, drafting, or editing your sample. For example, your sample may have benefited from class lectures on the substance or organization of the topic, or comments on drafts that your professor or a TA made. ***If, however, the work is entirely your own, say so explicitly.*** Some employers, such as certain judges, may *require* you to submit work that is entirely your own. (You can continue to edit a sample yourself after you've turned it in and still represent that it's your own work)

Remember that, along with your cover letter, resume, and any email correspondence, everything you write to an employer is a kind of writing sample. Proofread fastidiously.

Language examples

Here are examples of the kinds of language you could include in a cover sheet, along with other key information that should appear there (see previous page).

Identifying why you've provided an excerpt

For brevity's sake, I've included only one of three issues the memo analyzes. I'd be happy to provide the entire memo if you'd like.

[or]

In recognition of the 5-page limit specified on your website, my writing sample is an excerpt of a 25-page appellate brief, specifically the Argument section analyzing [describe topic]. The entire brief is available upon request.

A 1L memo written with help

I completed the attached legal memo for my Legal Writing course during the fall of my first year of law school. This memo represents my own work, but did benefit from class lecture and group discussions on how to identify legal issues and organize the analysis, and from comments on a draft made by my Legal Writing professor and one of their teaching assistants. I also met with my professor after I turned in this assignment to receive additional feedback.

A 1L brief written without help

I completed the attached brief for my Legal Writing course during the spring of my first year of law school. This brief had to be completed independently; students were not permitted to receive any help from the professor or any of their teaching assistants on this project. Thus, decisions about how to analyze, organize, and present the argument in writing are entirely my own.

A 1L summer project

I completed the attached memorandum during the summer after my first year of law school while I was an intern at the Boulder County District Attorney's Office. That office gave me permission to use this memo as a writing sample. To preserve confidentiality, some parts of the memo have been redacted and the names and places have been changed. I researched and wrote the memorandum myself, although it also reflects minor editing suggestions made by my supervisor.

A contract provision

I drafted the attached provision of a non-compete agreement during my fall externship with Ball Aerospace. I have Ball's permission to use this provision as a writing sample and have changed or redacted any confidential information. Although this provision benefitted from conversations with and suggested edits from my supervising attorney at Ball, I was primarily responsible for drafting it.

Further reading

For general tips on writing to legal employers, see Wayne Schiess's book *Writing for the Legal Audience*, chapter 2, "Writing to the Prospective Employer."

Matthew Butterick's book *Typography for Lawyers*, available for free on his website typographyforlawyers.com, offers authoritative guidance on things like font choice, line spacing, and overall document appearance. It also includes annotated examples of well-formatted and poorly formatted documents such as letterhead and resumes.