



THE CATHOLIC UNIVERSITY OF AMERICA

Columbus School of Law

THE WRITING SAMPLE

“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.”¹

For the same reason that interview answers should reflect the needs of the employer, the writing sample should represent a real world context. Although it may be the paper you are most proud of, a brilliant analysis of an arcane subject for a seminar or law review is not necessarily the winning writing sample. An internal memorandum or pleading that you drafted as a law clerk or extern may be the stronger choice because it will better highlight your practical skills. Employers want to make sure that you have the practical legal writing skills that attorneys use in everyday practice; employers often complain that students are unable to make the leap from the law school typed or written exam analysis to the writing used daily in legal practice. The ideal writing sample addresses substantive legal issues pertinent to the employer to which you are applying; however, many times you will not have had the opportunity to do this. In this instance, you should use a form of writing pertinent to types of employers; i.e., a memorandum in support of a motion for a litigation position, or an internal research memorandum for a transactional position.

Be sure to get **explicit permission** from a previous or current employer before using a work document as a writing sample. Failure to do so can be detrimental to your representation in the legal community.

Your writing sample should demonstrate that you pay careful attention to detail. **It must be accurate and free of typographical errors, grammatical errors and other mistakes.** If you are using a paper from your LSP class, make sure you have incorporated all of the suggestions made by your instructor.

The following points will guide you in making decisions about what to submit and how to prepare a final product for submission to the employer.

A note about Bluebooking. Your writing sample must not only be a perfect specimen of legal writing; it must cite legal authority accurately, according to “blue book” rules.

When should I provide a writing sample? Only when requested to do so by the

¹David C. James, Chief Deputy City Attorney for the Office of the City Attorney, City of San Diego, California.



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employer. Always be prepared, however, by bringing a copy of your writing sample to an interview, but do not offer it unless the employer asks.

What should I use as a writing sample? If you are allowed the opportunity, ask the employer what type of writing sample they would like to see. Good writing samples are *legal* writing -- persuasive writing that allows the employer to evaluate advocacy skills. Keep in mind the rules learned in your LSP classes; the best legal writing uses simple, clear sentences and concise analysis free of the dreaded “legalese”. Your writing sample should be sufficiently recent to indicate a measure of your current skill level.

Most employers want to read something that you drafted as a law clerk or extern; if you haven’t had the opportunity to participate in a legal professional experience yet, a sample from your LSP course is usually advisable. Among your best choices for a writing sample is a memorandum of law or a brief. A bench memorandum for a judge is also appropriate because it reveals practical research and writing skills. Never submit an opinion that you drafted for the judge as your writing sample. Regardless of how much of the opinion you drafted, it is improper to represent an opinion, issued over the signature and by the authority of a judge, as your own. Another choice would be a paper that simulates a real world legal problem such as a moot court brief or memorandum for a lawyering skills course.² Submitting a paper written for a law journal is not recommended because it does not mirror the style of writing done in practice. The amount of time spent on a scholarly note is out of proportion to the time available in practice.³

Also keep in mind the jurisdiction in which the employer practices. For example, a writing sample that discusses a Maryland issue of law may be helpful if you are applying for positions in Maryland. Similarly, if you are applying for a clerkship with a federal judge or government agency, your ideal writing sample will address an issue of federal law.

Avoid using a writing sample that contains lurid material. Choosing a writing sample with lurid material will distract the employer from the merits of the writing and make an unfavorable impression.

How long should it be? Ideally, a good writing sample should be approximately five

²As a first-year student, it is likely that a paper written for your LSP course will be the only legal writing sample that you have and, therefore, should be your first choice.

³When applying for a judicial clerkship, however, a journal note that demonstrates sophisticated legal analysis may be a better choice. Length limitations will apply here as well.



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to ten pages in length.⁴ Some employers will put page length limitations on the application. Please be careful to read the job posting carefully and follow the directions to meet the wishes of that particular employer. Employers are most interested in your analytical abilities; that is, your ability to apply law to fact and to draw conclusions.

When it is necessary to edit a document to create a more manageable length, do not delete necessary context. To clarify the fact that you have omitted text, it is wise to include a cover sheet indicating, for example, “Arguments III and IV have been omitted for purposes of submitting a writing sample.” You should indicate an omission within the text of the sample by using the “***” symbol text in place of omissions (just like published opinions). The paper should not be modified to fit the page limits by using smaller fonts or margins. After you modify the paper to the desired length, be sure to re-read it to ensure that it “makes sense” in its new form.

What if I wrote only part of the memorandum? The writing sample should allow an employer to assess *your* work. If the writing sample is a brief or other document signed by a supervising attorney, you should explain in a cover page your part in drafting the final product. You should neatly cross out (using the “strike through” function in your word processing software) or omit parts (using the method illustrated above) you did not write.

Can I submit the writing sample as it is or do I need to redact confidential information? You will need to excise all confidential or sensitive information from your writing sample. A fictitious character or generic labels should be inserted to maintain the flow of the writing sample when confidential material is redacted; for instance, replace the parties’ names with the words “Plaintiff” and “Defendant.” Stay away from “cute” names, use Smith & Jones if you must use actual names. Regardless of your writing ability, failure to understand the importance of protecting the confidentiality of a client will taint your application.

How should I present the writing sample? You should refrain from submitting writing samples in elaborate notebooks or binders. An employer will have to take the binder apart to make copies and to insert the writing sample in the applicant’s file. The only exception is if the document is customarily bound like an appellate brief or a law review note. It is then acceptable to submit the document in that form. Prepare the document so that it is easy to read, with ample margins and preferably, 12-point typeface. Use regular white typing paper.

Should I attach a cover page explaining my sample? Typically, your writing

⁴ These length limitations do not apply if you submit a bound journal note.



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sample is self-explanatory and does not necessitate providing additional information on your part. You may want to explain the context of the document in 1-2 sentences on the top of the first page or on a separate cover page. If the sample is an excerpt you may want to mention what you deleted (see above). Regardless, be sure to include your **name, address and telephone number** on the front of your writing sample as it may not be apparent from the sample that it is yours.

Where can I go to receive assistance with my writing sample? Students may email questions and requests for review to AG Harmon at harmon@law.edu. Further, the school's LSP professors are available for assistance. Before meeting with an LSP professor regarding your writing sample, please carefully review your sample to eliminate any obvious errors, including typographical, grammatical, or Bluebooking errors. If you are using a paper from your LSP class, make sure you have incorporated all of your professor's suggestions.