

Creating a Writing Sample¹

In the following, I have tried to answer many of the basic questions students have when trying to create a writing sample. If you take the time to read this document and apply these suggestions, you will improve your chances of being interviewed by an employer and, hopefully, getting the job you want.

Will I need a writing sample? Yes. Most employers require that prospective employees submit a writing sample. Even if an employer does not request one during the initial resume gathering stage, one will be requested should you be called in for an interview. Do not automatically send employers a writing sample unless they have asked for one, but you should always have one handy during an interview.

What kind of document should I use for my writing sample? While there is no absolute answer to this question, most students should submit a legal memorandum that they wrote for a class or for a summer employer. Legal memoranda are among the more common documents that attorneys write, so it only makes sense that you demonstrate your ability to write one. In general, students should not submit seminar papers or law review articles to prospective employers. Lawyers rarely write in this style, and you are unlikely to impress employers with your ability to do so. Also, writing samples should be relatively short, and seminar papers or law review articles are difficult to follow in anything other than their complete form. An exception to this general rule would be a seminar paper or law review article on a topic that would be of particular interest to an employer. For example, if the employer engages in a great deal of intellectual property work, your piece on the Digital Millennium Copyright Act may be an appropriate choice for a writing sample. Finally, and most importantly, be sure that the sample you have chosen represents your best work.

How long should the document be? While you want to provide an employer with enough writing so that they may accurately judge its quality, most employers do not have the time to read long writing samples. Therefore, try to keep your writing samples between 5 and 10 pages long. This will also make it easier for you to edit the document if time is of the essence. If the memo you are using is longer, simply choose to include one or more of the better arguments and leave out the rest. If you do provide an employer with something less than the entire memo, be sure that the material provided makes sense without the excluded arguments.

Should I include all of the sections of my office memorandum? Probably not. While sections like “Questions Presented” and “Statement of the Facts” are important parts of any memo, employers want to see whether you can accurately explain the law and analyze the facts. This type of writing occurs in the “Discussion” or “Argument” sections of your memo. Further, students tend to spend more time writing this section of their memos, so they often represent a student’s best work. Finally, if you include all of the other sections of your memo, your writing sample will be several pages long before you ever reach the sections your reader wants to see.

If I omit portions of the memo, particularly the facts section, how will the reader be able to follow my argument? All writing samples should include a cover sheet that helps set the context for the reader. The cover sheet should include the following information: (1) For whom did you

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write the memo (professor vs. summer employer); (2) If the memo was written for a class, indicate the class; (2) A quick summation of the factual scenario and the area of law dealt with in the memo; (3) Whether the sample is solely your work or has been edited²; and (4) An offer to provide the entire memo to the reader. Optional information would include the grade you received on the document, whether an employer submitted the document to a court, and the outcome of the case if the memo was written in an office setting.

Should I have more than one writing sample? If you have enough time to spend on a second writing sample, then it is an excellent idea to have one ready should the need arise. Employers like to read memos on topics they recognize, so it is always a good idea to dovetail your writing sample to an office's area of practice. This shows that you have spent a little time researching the firm as opposed to simply sending out resumes to every potential employer. At the very least, you should be ready to submit the complete version of the memo that you originally cut down to a more manageable length.

Is there any particular format I should follow? The format for an office memo is fairly similar from office to office, and this is the format your LPS instructor used in class. Stick to basic fonts such as times roman or courier, keep one-inch margins all around, and be sure that the font size is large enough to read easily but not so large that it looks amateurish. For example, the times new roman font works best using a 12 point size while courier should be a bit smaller, typically point size 10 or 11. It is also a good idea to create a header for the document that provides your name and the words "writing sample" at the top of the page. The header will help avoid pages getting lost and is a nice way of reminding a prospective employer of your name!

Are little things like grammar and citation really that important? The "little things" are much more important than students tend to realize. Employers will often receive hundreds, sometimes thousands, of resumes for a single job opening. With that many resumes, the employer needs a quick way to shorten up the list of prospective candidates. Obviously, grades and class honors play an important role, but another quick way to shorten the list is to remove candidates whose writing samples have grammar, punctuation, and citation errors. You are about to enter a very detail oriented profession. If you make errors that are easily avoided, why should an employer trust your judgment on the larger issues? Memos with mistakes look unprofessional, a characteristic that is not in high demand among employers.

Is client confidentiality an issue if I'm using a memo I wrote during a summer job?

Technically, any document submitted to a court is a matter of public record, unless a judge has sealed the file. Internal office documents, however, are not a matter of public record and issues regarding client confidentiality or even trade secrets may arise. Instead of trying to determine whether any of these issues applies to your document, the best course of action is to simply remove the names of any parties, including clients and attorneys. Also, if you created a memo as part of your summer employment, you must contact that employer to request permission to use the material as a writing sample.

² If the memo was written for an LPS class, then it has been edited by another. Similarly, if your office supervisor suggested changes to a document that you then incorporated, it is not solely your work.

A Few Do's and Don'ts

- Address the cover sheet to the interviewer or hiring partner of the firm. While you will likely distribute many copies of your writing, make at least some effort to tailor the document to the employer.
- Avoid using terms that, while commonly used elsewhere, are simply not appropriate in a professional document. For example, avoid using contractions like “isn’t” or “can’t” and instead use “is not” or “cannot.” Contractions are considered to be informal, and you should always strive to remain formal in any legal document.
- Do not use words that are not words! While this may seem obvious, a number of these “words” have slowly crept into every day speech and must be avoided. For example “irregardless” and “orientated” are not words. Instead, try irrespective and oriented.
- Be sure that you correctly use all words. Words like finding (found, find), holding (held, hold), and reasoning (reasoned, reason) all have specific legal meaning and should not be used interchangeably. Also, the words “infer” and “imply” mean different things.
- Be sure to cite correctly. This warning covers a lot of ground, so here are some of the more common citation errors.
 1. Almost every sentence where you discuss the law, essentially the “R” and “E” sections of a CREAC, should be cited.
 2. Be consistent when citing. For example, cite to either the N.E. Reporter or to the official Massachusetts Reports. Generally, avoid citing to both in the same memo. See Bluebook Rule 10.3.1 and Practitioners’ Note P.3.
 3. Be sure to pinpoint cite. If you do not provide the reader with the page where the cited material appears, you look lazy. Even worse, it allows the reader to infer that the source material does not support your assertion. See Bluebook Rule 3.3.
 4. Watch your spacing. There is no space in N.E.2d, but spaces are present in Mass. App. Ct. See Bluebook Table T.1, Massachusetts.
- Make sure you use verb tenses consistently and appropriately. Generally, students should refer to case law in the past tense.