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Helping Students Select Writing Samples – An Employer’s Perspective

“Employers prefer certain kinds of writing samples; yet, each year only a handful of students ask me what kind of writing sample I want.”

by David C. James

A lot has been written about certain job hunting topics – for example, resumes and interviewing – but writing samples have not gotten much attention. Obviously, writing samples should be well written, free of misspellings, typographical errors, and grammatical problems. But two other important issues seem to get overlooked: “*When* does the employer want a writing sample?” and “*What kind* of writing sample does the employer want?”

Some employers want to collect writing samples at initial interviews, or even beforehand. I ask for writing samples at the call-back interview stage, once applicants have survived an initial interview. At interviews, students should be prepared to provide a writing sample in case the interviewer asks for one, but providing an unsolicited writing sample wastes paper. Students should provide a writing sample when the employer asks for it.

Employers prefer certain kinds of writing samples; yet, each year only a handful of students ask me what kind of writing sample I want. While employers will take whatever students have, certain kinds of writing samples serve the purpose much better than others.

Good writing samples are *legal* writing. Although this doesn’t seem very restrictive, it does disqualify some writing. Something the student wrote before law school is not my idea of legal writing. And, though magazine and newspaper articles might be worth giving to me, they can only supplement a writing sample. In discussing writing samples with other employers, I find agreement on the following guidelines.

1. Provide persuasive writing.
2. Provide something from the real world.
3. Provide something recent.
4. Provide about ten pages.
5. Provide something understandable.
6. Provide your own work.
7. Cross out parts written by someone else.
8. Excise confidential/sensitive information.
9. Avoid lurid subjects.
10. Don’t add a binder.

Persuasive writing allows employers to evaluate advocacy skills. Good choices include a well-written memorandum of points and authorities or a brief. Some kinds of analytical (as opposed to persuasive) writing are fine. For example, a bench memorandum for a judge puts a premium on practical research and writing skills. Writing that does not involve research, or that is scholarly but not practical, is less satisfactory.

Most employers want something from the real world – something done as a law clerk or extern. Second choice is a school exercise that simulates a real world product. Law review and other scholarly writings do not serve the need. Because students polish law review articles to the

nth degree, the amount of time spent on them is out of all proportion to the time available in practice. And law review articles raise the question whether editors blended their work with the applicant's. 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.

A writing sample should be something the student wrote recently. Legal writing skills should improve with experience. When applicants give me two-year-old writing samples, they might as well tell me their skills haven't improved in two years. I treat writing samples as a measure of the applicant's current skill level, without crediting subsequent experience.

Employers don't need more than about ten pages to evaluate an applicant's writing skills. Two or three pages can be more than enough to discern that a writing sample is weak or strong, but it may take more reading to make finer discriminations. Because the competition is keen, I make fine discriminations among the strong papers. Some applicants resort to overkill, providing a stack of writing samples. This excess stems from trying to cover all the bases, not knowing what the employer is looking for. It's more graceful simply to ask employers what they want.

Some students are not averse to using writing samples that most employers cannot readily understand. A student should send a writing sample that deals with an arcane subject only to employers who can appreciate it. Some writing samples have an elliptical quality, because students have cut them to create more manageable lengths. When students cut a paper, they should not delete necessary context, and they should annotate the cover – for example, "I have omitted Arguments III and IV."

A writing sample should allow an employer to assess the *applicant's* work. Sometimes an applicant's writing sample appears on its face to be someone else's work – for example, a sample may be a memorandum of points and authorities or an appellate brief signed by a supervising attorney. If that is the case, applicants need to explain their part and the attorney's part in drafting the memorandum. In law firms and clinics, students who are doing pleadings are sometimes given a boiler plate shell from which to start. In such cases, applicants need to explain what is boiler plate and what is original work. I've received writing samples with whole sections in common from students who clerked in the same office. Anytime applicants use writing samples containing work that is not their own, they should provide an explanatory note.

When students use a writing sample that is not entirely their own work – a moot court brief is a common example – they should cross out the parts they didn't write. Simply annotating the front page with who wrote what doesn't suffice. Applicants need to make it easy. Unless they draw an "X" through, or excise, the pages they didn't write, it's too easy to mistake someone else's work for theirs. When students hand over a writing sample during an interview, they can ill-afford the time it takes to explain who wrote what. Wasting time makes students appear unprepared. If students need to explain what they wrote, or anything else about their writing sample, they should write it on a cover sheet.

Students should excise confidential/sensitive information from their writing sample. Some applicants thoughtlessly breach confidentiality. When students fail to redact out confidential material, it no longer matters whether they write well. They have tainted their application. When students delete confidential information, they should insert fictitious material to maintain the flow of the text. Otherwise, reading their writing sample will be a real chore.

From time to time, students go awry trying to be memorable. They choose a writing sample with lurid subject matter, distracting the employer from the merits of the writing. When students resort to shock value, the impression they're making is unfavorable.

Some students try to gain an edge by putting their application materials in elaborate notebooks. Documents like appellate briefs that are customarily bound are acceptable. But when students stick an unbound writing sample into a binder just to dress it up, they create two problems. One, binders take up room; someone has to strip the writing sample from its binder before putting it in the file. Two, once employers strip writing samples, they have to do something with the binders. I have received binders so expensive that I felt obliged to return them. Discourage students from burdening employers with binders.

I conclude with a bit of advice that many students need to hear, something career services professionals can commend to every student about every writing sample: "Put your name on it."

David C. James is a Chief Deputy City Attorney for the Office of the City Attorney, City of San Diego. As the attorney responsible for managing the office's recruiting program, he has interviewed well over 1,000 law students and has conducted job hunting training for law schools in and out of San Diego. He is an adjunct faculty member of the University of San Diego's Legal Assistant Program, where he teaches criminal law in the evening program. In recent years he has published articles in his three primary areas of professional interest – prosecution, legal writing, and legal recruiting. The September 1996 Student Lawyer features an article he wrote on resumes and inaugurates a monthly careers column he will be writing for Student Lawyer. His October column will discuss writing samples.

Selecting Writing Samples: A Writing Consultant's Perspective

NALP asked Marilyn Bush LeLeiko what she would say to students concerned about choosing a writing sample to submit to prospective employers. She prepared the following short article to help those in career services respond to students' questions. This article can be copied and distributed to students (with a credit to NALP).

Your reader will judge your writing sample based on its content (your ability to analyze legal problems) and how you communicate that content (your writing ability). You will also be judged by the total impression of your writing – are you showing the attention to detail the employer expects from its lawyers?

Your writing sample should be

- **Appropriate**

If a firm asks for a specific type of sample, make sure that's what you send, if at all possible. (Some employers, for instance, ask for your submission to the journal writing competition, if you took part in the competition.)

Keep your sample short, if possible. No one has the time to read a 100-page treatise.

If you choose a memo from a summer job or a school-year clerkship, make sure you delete all client names and any other confidential information. 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.

If you choose a school-related writing sample, send a clean copy, without your professor's notations and without your grade.

- **Well Written**

Your writing sample should be clear, concise, and coherent. Go back over it line by line and fix any problems you find. If you just wrote the sample, put it aside for a week before you review it. You need some time and distance to be able to edit effectively.

When you edit your writing, focus on the reader's needs. Have you told the reader what the reader wants to know and needs to know? If it's a memo, have you answered the reader's question? Is the writing organized as effectively as possible, given your reader and purpose? Is it clear? (Watch for those long sentences that go on, and on, and on.) Is it concise?

- **Error-Free**

Your writing sample should create a positive image of you as someone who pays careful attention to detail. It should be accurate and free of typos and other mistakes.

Have a friend who is a good proofreader check over your writing sample for typos, spelling errors, and grammatical mistakes – someone else's read-through will help you find problems you might otherwise miss.

- **Easy to Read**

Format your writing so that it is easy to read, with ample margins and a 12-point typeface (or a very readable 10-point typeface). Try to avoid page-long paragraphs. Finally, make sure the sample is neatly typed on plain white or off-white paper.

Marilyn Bush LeLeiko, a graduate of the New York University School of Law, conducts workshops in writing skills at law firms around the country, working with partners, associates, and summer associates in group and one-on-one sessions.