

# WRITING SAMPLES

Many legal employers request a writing sample from applicants during the hiring process. Writing samples should be well written without any typographical errors, grammatical problems, or misspellings. Do not send unsolicited samples as some employer do not want or require one.

## SELECTING A WRITING SAMPLE

Be sure you allocate enough time in selecting and perfecting your writing sample, well in advance of an application deadline or job interview. While the OCP can assist you in determining which writing sample to select, our office does not review writing samples for content. Rather, work with your LRW instructor to review and edit your sample. Be sure to check your sample for style, punctuation, spelling and grammar, in addition to proofing the citations. Correct all errors and rewrite or edit as necessary.

### ACCEPTABLE WRITING SAMPLES:

- Writing assignments, memoranda or exams written for Legal Research and Writing courses and Moot Court briefs can be used as samples.
- Work product such as legal memoranda, briefs, or motions written for a legal clinic student, law clerk/intern, or judicial extern can also be used, only with permission and subject to the guidelines below.

## 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* draft memorandum vs. a motion or brief) and the number of pages.

### SELECTING A SUITABLE WRITING SAMPLE

- Provide persuasive writing of your own work (exclude parts written by others)
- Provide something recent that reflects your current legal abilities
- Provide about 5 – 10 pages of an easy to understand topic
- Change or redact confidential/sensitive information
- Avoid lurid or hot-button subjects, such as sex, politics, abortion
- Provide an explanatory cover sheet
- Obtain permission to use from employer

**REMEMBER:** Many legal employers prefer “real world” writing samples, such as your work product from a law firm, government agency, or legal non-profit. 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, be sure to obtain permission from the responsible attorney or judge.

- ♦ **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

Only a supervising attorney signs legal documents filed with a court in a litigation matter. However, if the document is substantially your work product, it is appropriate to use as a writing sample. But **you must have the permission** of the signing attorney and an explanatory note on the front page of the sample, such as, “Attached is an example of my work product. This brief was based upon a draft I wrote that was submitted to Attorney Smith 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 from 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>1</sup>**

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<sup>1</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. Do not just black out clients' names. For example, you could substitute "Plaintiff Mr. Red" for the real name of the client and "Company Blue" 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.

### **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. My supervising attorney edited it only slightly 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 supervising attorney to use this sample. 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 second year Summer Associate at Big Law Firm. I obtained permission from my supervising attorney to use this section as a sample. I researched and wrote this section that the firm included in the brief with very little edits. Names of the parties have been changed along with any other identifying information. Bluebook citation style is used.