



# WRITING SAMPLES

## Career Skills Handout Series

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When it comes to choosing a writing sample, there are a few basic principles. First, it must be *legal* writing. That might seem to go without saying, but you can't use an op-ed piece you wrote for the newspaper. Given a choice between two otherwise equal writing samples, pick something you wrote for a legal employer over something you wrote for school. The second principle is that your writing sample must be an example of your best writing. Employers dismiss claims like, "This is a memo I wrote two years ago for my legal research class, but my writing skills have improved since then." Before submitting a writing sample, whether something you wrote for a legal employer or something you wrote for class, painstakingly edit the product to improve it. No rule says you have to submit a sample in the same condition it was in when you originally wrote it. Principle three is, to the extent possible, pick a sample that is the kind of legal writing you would be doing if the employer you're applying to hires you. So, for example, give a persuasive piece to a litigation practice; give an analytical piece to a judge or research attorney. Put another way, as best you can, match your writing sample to the employer.

With these general principles in mind, let's turn to some practical considerations. Meet any specified page limit. If the employer wants ten pages and you have an otherwise suitable sample that is twenty pages, excise ten pages. On the sample, indicate in brackets where you have omitted certain parts. When condensing your piece, be sure to preserve necessary context. Perhaps you can omit, for example, the Table of Authorities, or one of three arguments, or perhaps sub-arguments. Usually employers do not specify a page limit, in which case, a good general rule is to provide between five and ten double-spaced pages. Although writing samples can be too short (for example a page-and-a-half client letter), in a certain sense they can never be too long; employers can stop reading whenever they want. If you have published a law review or other scholarly article, that weighs in your favor. Nonetheless a scholarly article seldom is your best choice for a writing sample. For one thing, the formalities of academic writing don't represent the kind of writing you will do in practice. And second, employers factor in that the route to publication involves a gauntlet of editors.

Finally, put a cover sheet on your writing sample. On a sheet of paper, using the header from your resume as a letterhead, draft a paragraph that puts your writing sample in context: What practice area does it concern? What issues does it discuss? Is it a simulated product written for school or something you wrote for an employer? If the latter, note that your employer allowed you to use the document. If for a school assignment you used the ALWD style manual, explain that. When you represent one of multiple parties, note who you represent. If you wrote your document for an employer, go the extra mile to avoid disclosing sensitive information. For example, don't rely on the fact your document was filed in court and hence is a matter of public record. And don't attempt to "redact" sensitive information simply by using a black marking pen; it doesn't always obliterate the names, and even if it does, it dramatically interrupts the reader's flow. Instead use find-and-replace to insert fictitious names; change other possibly identifying details. By noting on your cover sheet that that you changed the identifying information in the interests of confidentiality, you start off favorably impressing the reader. Do employers really read writing samples? They do when it matters; when you progress to become a finalist for the job, employers read your writing sample. It only serves you well if your work product represents you at your best.

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**WRITING SAMPLE**

This writing sample is a memorandum of points and authorities in support of Defendant's motion for summary judgment, or in the alternative, summary adjudication of issues and causes of action asserted in Plaintiff's complaints. I drafted this memorandum for an attorney at Phyfe & Drumm where I worked as a law clerk. The writing sample involves a lawsuit in which Phyfe & Drumm defended two City of Rancho Cordova police officers who were sued under 42 U.S.C. § 1983 by the owner of a clothing store who alleged that he was put out of business because the officers harassed him. Plaintiff also alleged that Defendants discriminated against him because of his ethnicity or race. In this memorandum, I have substituted fictitious names for parties and witnesses and have made other changes and redactions (as indicated in brackets in the text) in the interest of confidentiality. I am using the points and authorities with the permission of my former firm.

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**WRITING SAMPLE**

I have attached a writing sample I wrote for my second-year legal research and writing course, Global Lawyering Skills II. The case is based on fictitious information provided by my professor. I prepared an appellate brief for a fictitious federal appellate district. The action took place in Mississippi between a same-sex couple and the director of the Mississippi Department of Human Services [MDHS]. The couple was denied benefits for their adopted child, because the state did not recognize their Dutch same-sex-couple adoption. I was assigned to represent the defendant, the director of MDHS. In the brief, I address whether the district court was correct in granting summary judgment in favor of the defendant on the plaintiff's due process and equal protection claims and whether the statute met the rational basis test. International comity was also an issue; however, I have excised that portion of the brief, Argument III, (as indicated in brackets in the text) to reduce the length to ten pages. As specified by my professor, I used the ALWD [Association of Legal Writing Directors] citation manual.