

MEMORANDUM

To: All 1L Students
From: Career & Professional Development Center
Date: January 12, 2010
Re: Effective Writing Samples

This memo (which is largely borrowed, with permission, from the fine work of Professors Dimond and Mullen) includes some advice for presenting an effective writing sample to prospective employers. There isn't one "right" way to present a legal writing sample, but the advice provided here follows a very mainstream approach.

Objectives

You want to demonstrate to prospective employers that you have the makings of a good lawyer. ***This begins with presenting a polished, error-free document.*** So, proof your document several times, and have others check behind you. This includes ensuring that all cases and sources have been properly cited.

More fundamentally, you must also demonstrate your ability to perform written analysis. Employers want to see your ability to fluently synthesize a legal rule, explain how that rule functions, and then apply it thoroughly to a set of facts. That means they want to see you use analogical reasoning to show how your application is consistent with precedent. In other words, they want to see you model the proven skills which underlie a successful law practice.

What to use

If you intend to use work produced during LARW as your writing sample to employers, we strongly recommend selecting your second (open research) office memo. This is because the closed-universe (non-researched) office memos written earlier typically do not demonstrate the kind of competence most legal employers are looking for in new associates. If you do elect to use the closed memo, make sure you go back and fix your citations in accordance with The Bluebook. Also, make sure you indicate on the memo's cover page (more on this below) that you were restricted to using only those authorities appearing in the memo.

Format

The formatting used in LARW is very much in the mainstream. Accordingly, absent solid extenuating circumstances, stick to it.

While you'll likely use heavier bond paper for your cover letter and resume, use normal copy paper for your writing sample and its cover page.

What to cut

Some employers may specify that they want writing samples of fewer than 10 pages. Others may ask for five or fewer pages. Still others request "short" samples. We view a request for a "short" writing sample as anything less than about 15 pages.

If your writing sample must be cut to meet an employer's specifications, the first thing that you can delete is your Conclusion. However, if your Brief Answer is lacking in either law or facts, beef it up to include them, so that the Conclusion won't be missed. The second thing that you could cut is your Facts section. Here's where having written a "factually-rich" Question Presented and Brief Answer pays off. Finally, if you still need to trim the document, cut one or more of your sub-issues. Retain the sub-issue or issues with the most sophisticated analysis. Also retain your umbrella section. The umbrella section will help your reader understand how the parts you cut fit together with what you've kept.

For sections you cut, retain each heading. Beneath each heading indicate that the material has been deleted. For example:

A. Capacity to Marry

[Omitted]

Conclusion

[Omitted]

What to add

Assuming that you have not been asked for a writing sample shorter than your memo in its present form, feel free to add whatever you need to make your analysis more cogent. Remember, your memo is your own at this point. As long as you are meeting the requirements of your prospective employer, you may add what you wish.

Cover page

A good writing sample should be accompanied by a cover page that includes your contact information and a short explanatory note that describes the sample.

NOTE: A writing sample cover page is something distinct from the cover letter that you will include with most job applications.

A cover note for a writing sample introduces (very succinctly) your writing sample and provides whatever critical information that a reader might need to know about it.

Staple your cover page directly to your writing sample. Present your contact information exactly as it appears on your resume. For example:

Jane Student 1234
Duke Way Durham, NC
27708 (919) 555-1234
jane.student@duke.edu

Skip down several lines beneath your contact information and center the heading for your cover page. Use the same font and format as appears on the major headings in your memo. For example:

Writing Sample

Skip another line and begin your text. Unlike your memo, but like your cover letter and resume, your cover note should be singled-spaced.

In the note, provide your readers with whatever information they will need to understand what your writing sample is and where it came from. This is the place to mention any artificial limits on what you wrote. For example:

Writing Sample

I wrote this memorandum for my Legal Analysis, Research and Writing course at Duke in the fall of 2009. We were restricted to analyzing the issue of whether a common law marriage existed between our client's deceased husband and another woman under Pennsylvania law.

The cover note is also the place to describe what you've cut, if you had to cut your memo. Always offer to provide the entire document on request. The following example is a cover note for a memo where the writer has had to delete the Facts section along with one sub-issue to get down to five pages. Note that it includes a couple of lines describing the facts of the problem. It's perfectly fine to do so, but don't get carried away. You won't impress anyone with a multi-paragraph, single-spaced cover note that apparently reflects an attempt to get around the employer's requested page limit.

Writing Sample

This is a memorandum written for my Legal Analysis, Research and Writing course. The assignment restricted us to discussing the issue of whether a common law marriage existed between our client's deceased husband and another woman under Pennsylvania law.

The decedent, Morgan Falk, had led a double life in two cities, living in one city with a woman who claims to have been his common-law wife and in another with our client, whom he married in a ceremonial marriage. The relationship with the alleged common-law wife began before our client's marriage to Mr. Falk; thus, she wants to know if it was valid.

In order to cut this memorandum to five pages in length, I have deleted my Facts section and the first of the sub-issues I addressed in my analysis. I would be happy to send the complete document upon request.

One final note about cover notes: many of you will write memos this summer, wherever you are. Be sure to ask permission from your supervisor before using anything you write in the course of your work as a writing sample. Once you secure permission, be sure to indicate that you have done so on your cover note. Also, be sure to delete or alter any confidential information. THE WORST thing you can do in a writing sample is to inadvertently disclose confidential information. The second to worst thing you can do is to leave a prospective employer with the impression that you did or that you're careless with that kind of information.

Good luck, and feel free to contact us if we can be of any assistance!