

# 12 Frequently Asked Questions About Legal Writing Samples

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What is typically given the least amount of attention by candidates but has the highest likelihood of undermining their chances of getting the job?

## Writing Samples.

To show just how important a good writing sample can be, I will never forget the following email from a recruiting manager at a large firm.

*"We're going to pass on this candidate. It was a tough call. Although everyone loved [the candidate] and thought their personality and experience were by far the best of everyone we've interviewed so far, their writing sample had typos and fragmented sentences. This reflected negatively on [the candidate's] attention to detail and their ability to proofread--skills essential to our practice. Please continue the search for us!"*

This illustrates how a legal writing sample has the potential to sabotage one's candidacy.

Interestingly, writing samples are seen by some attorneys in the job market as a mere after-the-fact formality that warrants only minimal attention.

Many find it draining to search for the best lawyer writing sample, consider redactions/privilege issues, and review it with a fine-tooth comb for any mistakes, context, etc. There is a fear of finding errors and spending substantial time reworking the sample.

Because most interviewers typically do not focus on writing samples (some will, even more so during law school), many job seekers are often under the false impression that writing samples are secondary compared to the contents of the rsum and how well they connect with their interviewer. Candidates do not see how writing samples are often scrutinized after the interviews.

This fastidious quality should also accompany your Cover Letter and rsum that will go with your law firm application.

If you want to give yourself the best chance at getting a job, you must take the time to ensure that your legal writing sample is as close to perfect as it can be. This article provides some legal writing sample tips (based on frequently asked questions) to consider when selecting and preparing your writing sample. It demonstrates how you can ensure that it helps, rather than jeopardizes, your candidacy.

## 1. Proofread Your Writing Sample for Legal Job Multiple Times

***How Many Times do I need to proofread my legal writing samples? When is it enough?***

I cannot emphasize enough the importance of proofreading your samples several times. A good attorney writing sample is not enough; it must be completely proofed and error-free. Remember, most of what you have written was likely done under duress and against looming deadlines. If you are thinking of using a winning brief that you finished at 2:30 a.m. the morning before it was due, assume there will be a few typos and other errors, and your writing could benefit from a little proofing and polishing. Your writing sample should show your writing at its best.

Here are a few things to consider when reviewing your samples:

Check for typos, including any extra spaces between words or sentences.

Check for any errors in your Bluebook.

Check if your citations and parentheticals were substantive.

Check to make sure that the cases you cite support the propositions you are making. (I know law firms that have paralegals check the cases cited in the writing samples to ensure that the candidate has accurately cited them.)

Make sure your formatting is consistent among all the headings and that all the indentations are consistent.

Make sure your font is the same size and style.

Check for spellings.

To ensure that you catch all of your errors and mistakes, print out your sample and review the hard copy. Proofreading is much more effective when examining the actual document on the hard copy instead of the computer screen. Another good legal writing tip is to read the document from the end to the beginning, sentence by sentence. By doing this, your brain will be forced to slow down and have a better chance of catching more errors.

When you think you have caught all your errors, review and proofread it one more time, when you catch those little typos you had not seen the previous two times, you will be glad you did.

Lastly, if you will email your sample, send it as a PDF. This way, you can avoid your word processing program picking up any grammatical errors or spelling irregularities (which may not be actual errors) and highlighting them with green or red squiggly lines.

## 2. Corporate/Transactional Attorneys

*If I am a transactional or corporate attorney, do I still need a legal writing sample?*

I am addressing corporate/transactional attorneys upfront because their situations are unique. Although most firms do not require a traditional writing sample for transactional attorneys (e.g., memoranda, persuasive writing samples), they want to see deal/transaction sheets. While deal/transaction sheets do not have the compelling writing component, they are still very important because, aside from showing your experience, they reflect your writing style, attention to detail, organization abilities, how you present key information, and whether the reader can easily understand the information you are presenting. Writing for law practice is an integral component of any attorney's work, so getting your writing right is essential.

(If you are interested in specific details regarding deal sheets, there are several very useful articles and samples on the BCG attorney search website to help you.)

## 3. Length of Writing Sample

*How will the reader know what I am writing about in my example of legal writing? How much is enough?*

Typically, the length of a writing sample for legal jobs ranges from 8 to 20 pages. This should be considered the legal writing sample format as it provides the firm with sufficient information for evaluation. Suppose you have a piece of writing that is very dense with an analytical and persuasive writing component (for example, a persuasive memo that is filled with arguments and analysis). In that case, you could get away with something shorter. However, if you use a brief you filed, anything less than eight pages typically does not present enough substance to evaluate. If the employer has a page limit, of course, always defer to that.

## 4. Using an Introduction/Overview to Provide Your Reader with Context

***Should I include an introduction in my legal writing? How will the reader know what I am writing about if you take an excerpt from a longer brief?***

Any writing sample for a law firm lateral or [law school writing sample](#) should come with a written introduction, especially if it requires context. This will ensure that the reader is not missing any important context. This introduction/overview can be on the cover page. It should provide a brief overview of the subject matter and the context, whether you have redacted/changed any confidential or privileged information, whether the writing sample is all your work, or whether it was a collaborative effort. (If there were edits to your work, see #8 below.)

## 5. Be Clear That You are Providing a Sample

***How may I make sure that my writing sample is not confused with the actual final product?***

As to an [attorney writing sample](#) format, it should be clear that what you are using is just a sample. A header or footer should be included on each page with a "[NAME] - WRITING SAMPLE." If you have redacted/changed information, put "[NAME] - REDACTED WRITING SAMPLE."

## 6. What is Confidential/Privileged?

***Can I use a brief even if it was filed in court for a legal writing sample?***

When in doubt whether something should be included in a writing sample for law firms, you should always check your local rules and relevant statutes about what is considered [confidential/privileged](#). Also, seek a

trusted second opinion, such as a local bar association's confidential ethics advisor. You will want to be extremely careful not to include any other confidential/privileged information as this could cause harm on several levels.

An often asked question is whether a brief or other material filed in public records can be used as a writing sample. If you have filed a document that is available in public records (and it was filed under seal) or, for example, the document was intentionally sent to the other party in litigation (without a protective order), this material is likely, not confidential/privileged because steps were not taken to keep it confidential and anyone could access the information. Because of this, it is likely something that could be used as a writing sample. But to be sure, check your local rules.

## 7. Redacting Confidential/Privileged Information

***What do I do if my legal writing sample is confidential/privileged information?***

There are several options. Some people change company names to generic names such as ACME or XYZ Corporation. However, depending on your preference, you could also cover up the confidential/privileged information with the highlighting tool on your word processing program. Rather than highlighting in the default yellow, you can change the highlighting color to black, which will cover up all the information.

Email Considerations. If you use the black highlighting function and email your sample, you should not send it out as a Word document because the highlighting can be easily removed. Also, even if you send it as a PDF, this can be circumvented: Somebody could copy the text from the PDF and paste it into a Word document and remove the highlighting. To be extra safe, the best thing to do is highlight the information in black, print it out, and then scan it in as a PDF. Then, you can email the PDF, and there is no way that the information under the black highlighting can be seen. (Of course, you can avoid these issues by making the information generic, such as ACME or XYZ Corporation, as discussed above.)

Can I redact documents, or can I redact information with Magic Markers? I recommend against using a black magic marker to redact information because it typically looks a bit sloppy. But if you have no choice other than to use a marker because the document is no longer in electronic form, you should use a brand new marker with straight edges as well as a ruler.

## 8. Joint Author/Collaboration Issues

***I did not write the brief myself; can I still use it for my legal writing sample? I wrote most of the brief, but a partner made final changes.***

While the [ideal sample would be 100% your writing](#), this is rarely the case as most documents involve another person's edits/changes. If the work was not entirely your own, be sure to clarify this fact. You could specify this information in the introduction/overview (i.e., I wrote sections A and B, and the partner made some edits to section C), or you could specify the parts in the sample itself. For example, any variety of editing tools on your word processing program (e.g., strikethrough), you could indicate the parts of the sample that the other person/partner wrote.

Is this overkill? While it could seem that way, it shows unusually strong attention to detail, candid and frank honesty, awareness of ethical issues, and very sound overall judgment.

**Published Articles:** Several people ask about using published articles as writing samples. I typically do not recommend using published articles because there is an assumption that they have been heavily edited before going to publication and therefore do not accurately represent your writing. Plus, articles typically do not show heavy [persuasive or analytical writing](#). That being said, if a published article is your best sample and was not edited, you should feel free to use it. Be sure to specify that there was no editing prior to

publication. Or, if there was editing, if it is possible to send an earlier draft of the article that is only your writing.

I would recommend against sending an edited article explaining that it has been edited.

## 9. What the Sample Should Contain

### *Can my legal writing sample include the "facts" section of a brief?*

The ideal writing samples show your analytical and persuasive writing abilities. While "facts" sections of briefs may show basic writing skills, they are rarely compelling and do not show how well you can apply the facts to the analysis/arguments. Furthermore, you will want to show your [research skills and ability to use your research](#) to the matter at hand; thus, the more citations you have (with detailed and thoughtful parentheticals), the better.

## 10. Alternatives to the Traditional Brief or Memorandum

### *Can I use a persuasive letter written to opposing counsel for my legal writing sample?*

If you have letters or other types of materials that highlight your persuasive and analytical writing skills, there is nothing wrong with using these. I have received feedback from firms saying they were very impressed with the "real world" writing samples.

## 11. Your Writing Sample Should be as Recent as Possible

### *Can I use a paper I wrote while I was in law school? I am only a fourth-year associate.*

Your writing sample should be as recent as possible because your [writing skills constantly improve](#). Although an old writing sample may be convenient because it is already "done," using this is not putting your best foot forward and will shortchange your candidacy. Spending a bit more time to use something more recent is a worthy investment of time.

## 12. Once Again, Proofread.

### *Proof, proof, proof, and then proof again.*

When I was preparing this article, I sent an email to all [BCG recruiters](#), asking if they had any particular [advice/thoughts on this subject](#). Everybody that responded had the same advice: Proofread!

Preparing writing samples is hard work. Reading briefs can be grueling. But the goal is to present the best representation of your skills to [maximize your chances of getting the job you want](#). Follow these tips and make sure to make full use of every advantage at your disposal. It is [a competitive job market](#) and you will likely be up against multiple candidates. Just as you would do in the courtroom, leave nothing to chance that is in your control.