How to Choose Writing Samples for an Interview

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Question:
I am a fifth-year litigator and recently got an interview at a law firm. They asked me to bring a writing sample for my interview. I avoided sending one with my resume because I had no idea which one to use, but now I need to bring one. Do you have any advice on choosing writing samples? - A.G., Chicago

Answer:

Dear A.G.,

This is one of the questions I get most frequently from attorneys.

- See Writing Samples: Top 12 Frequently Asked Questions for more information.

I'll start off by acknowledging that finding a writing sample can be slightly overwhelming at first, especially if you are a supreme perfectionist. For some, there is something daunting about finding and dusting off a previously written document, only to find that it is not as "perfect" as you had remembered. If you're like most attorneys, I imagine this may be why you initially avoided sending a writing sample with your resume and transcript.

Interestingly, the submission of a writing sample is seen by some attorneys as a mere after-the-fact formality that warrants only minimal attention. This seems to be so for several reasons. First, as mentioned above, many people find it draining to search for the best writing sample, consider redactions/privilege issues, and review the sample with a fine-tooth comb to eliminate any mistakes. The fear of finding errors and having to spend substantial time reworking the sample is a cause of procrastination with regard to writing samples. Second, because most interviewers typically don't focus on writing samples during the interviews themselves (though some do—even more so when the candidate is in law school), people are often under the false impression that writing samples are secondary to the contents of the resume and how well they connect with the interviewers. What candidates don't see is how writing samples are scrutinized after interviews. So I'm glad you asked this question because it's very important.

To highlight how important writing samples are, I'll share an email that came from a recruiting manager at a large firm:

"We are going to pass on this candidate; it was a tough call. Although everyone loved [Candidate] and thought [Candidate's] personality and experience was by far the best of everyone we have interviewed so far, the writing sample [Candidate] had given to us during the interview had a few typos and fragmented sentences. This reflected negatively on [Candidate’s] attention to detail, a skill essential to our practice. Please keep the search on for us!"

To answer your question (which is quite broad), here are some issues to consider when choosing and preparing your writing sample. (These are based on frequently-asked-questions that I receive.)

1. Proofreading Your Sample

"I looked over my sample on my computer screen, and it looks okay. Is this enough?"
I cannot emphasize the importance of proofreading your sample several times. Remember, most of what you have worked on has likely been written under duress or with deadlines looming. Thus, if you are thinking of using a winning brief that you finished at 2:30 a.m. the night before it was due, you can assume that there may be a few typos, etc., and that you can make it better if you spend a little more time polishing it up. Your writing sample should show your writing at its best. Here are a few things to consider when reviewing your sample:

- Check for typos and any extra spaces between words or sentences.
- Check for any errors in your Bluebooking.
- Are your citations and parentheticals substantive?
- Are you sure that the cases you cite actually support the propositions you are making? (I know law firms that have paralegals check the cases that are cited in the writing samples to ensure that the candidate has accurately cited them.)
- Make sure your formatting is consistent with regard to all the headings and that all the indentations are consistent.
- Make sure you have used the same size and style of font throughout the sample.
- Check your spelling.

To ensure that you catch all of your errors, print out your sample and review the hard copy. Proofreading is much more effective when you review the actual printed document as opposed to the computer screen. Another helpful strategy is to read the document from the end to the beginning, sentence by sentence. When you do this, your brain will be forced to slow down a bit and will therefore catch more errors.

When you think you have caught all your errors, review your sample one more time. When you catch that little typo you hadn't seen the previous two times, you will be glad you did.

- See Top Ten Interview Questions for more information
- See Interviewing Tips for more information

Lastly, if you are going to email your sample, send it as a PDF. Word processing programs may pick up false grammatical or spelling errors and highlight them with green or red squiggly lines.

2. Corporate/Transactional Attorneys

"Do I really need a sample? I'm a deal person!"

I am addressing corporate/transactional attorneys upfront because their situations are unique. Although most firms do not require corporate attorneys to provide traditional writing samples (e.g., memoranda or persuasive writing samples), they do want to see deal/transaction sheets. While deal/transaction sheets do not feature the persuasive-writing component, they are still very important because, aside from showing your experience, they reflect your writing style, attention to detail, organizational abilities, the manner in which you present key information, and whether readers can easily understand the information you are presenting.

3. Writing Sample Length

"Is five pages enough?"

Typically, I suggest that attorneys submit writing samples ranging in length from eight to 20 pages, as a submission of this length provides the firm with enough information to evaluate. If you have a piece of writing that is very dense with analytical and persuasive writing (for example, a persuasive memo that is filled with arguments and analysis), you could get away with something shorter. However, if you are using a brief that you filed, anything shorter than eight pages typically does not present enough substance to evaluate.
However, if the employer has a page limit, abide by that, of course.

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

"How will the reader know what I am writing about if I use 10 pages from the middle of the brief?"

Because you will likely be using a selected portion of a written piece, I strongly recommend writing an introduction for your writing sample, which will give the reader important context. This introduction/overview can appear on the cover page and should provide a brief explanation of the subject matter and context, whether you have redacted/changed any confidential or privileged information, and whether the writing sample is all your work or a collaborative effort. (If there were edits to your work, see item eight below.)

5. Making It Clear That You Are Providing a Sample

"What if they think that this is the actual final product?"

To make it clear that what you are submitting is just a sample, you should put a header or footer on each page with the following: "[NAME] - WRITING SAMPLE." If you have redacted/changed information, put "[NAME] - REDACTED WRITING SAMPLE."

6. Confidential/Privileged Information

"Can I use a brief that we filed in court?"

When in doubt as to whether something should be included in a writing sample, you should always check your local rules and relevant statutes about what is considered confidential/privileged. Also, seek out a trusted second opinion, such as that of a local bar association's confidential ethics advisor. You will want to be extremely careful not to include any otherwise confidential/privileged information, as doing so could cause harm on several levels.

One common question is "Can a brief or another piece of material filed in public records be used as a writing sample?" If you have filed a document that is available in public records (and it was not filed under seal) or, for example, the document was intentionally sent to the other party in a litigation (without a protective order), this material is likely not confidential/privileged because steps were not taken to keep it confidential and anybody could access the information. This means it is likely something you can use as a writing sample. But to be sure, check your local rules.

7. Redacting Confidential/Privileged Information

"What do I do about confidential/privileged information that is in the sample?"

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

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

I recommend against using a black magic marker to redact information because it typically looks a bit sloppy. But if you have no choice 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 wrote most of the brief, but the partner made some final changes."

While the ideal sample would be 100% your writing, this is rarely the case, as most documents involve other people's edits/changes. If the work is not entirely your own, be sure to clarify this fact. You can 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 can specify which parts have been changed in the body of the sample itself. For example, via any variety of editing tools on your word processing program (e.g., "strikethrough"), you can indicate the parts of the sample that were written by the other person/partner.

Is this overkill? While it may seem that way at first, it shows unusually strong attention to detail, brutal honesty, awareness of ethical issues, and very sound judgment.

Lastly, a number of 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 that they, 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; however, be sure to specify that there was no editing prior to publication. If there was editing, perhaps you can send an earlier draft of the article that is comprised of only your writing. I recommend against sending an edited article with an explanation that it has been edited.

9. What the Sample Should Contain

"Can my sample contain just the first 10 pages of a brief, nine of which are in the 'facts' section?"

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 apply 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 I wrote to opposing counsel?"

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

11. Submitting a Recent Writing Sample
"I'm a fourth-year associate. Can I use a paper I wrote during law school?"

Your writing sample should be as recent as possible because your writing skills are constantly improving. Although submitting an old writing sample may be convenient because the work is already "done," doing this does not allow you to put your best foot forward and will shortchange your candidacy. Spending a bit more time to prepare something more current is a worthy investment of time.

12. Once Again, Proofread.

When I was preparing this article, I sent an email to all of the BCG recruiters asking if they had any particular advice or other thoughts on this subject. Everybody who responded gave the same advice: "Proofread!"

See 6 Things Attorneys and Law Students Need to Remove from Their Resumes ASAP If They Want to Get Jobs with the Most Prestigious Law Firms for more information.

Preparing your writing sample is hardly a sexy and glamorous endeavor. But the goal is to represent your skills in a manner that maximizes your chances of getting the job you want. If you follow these tips, you will likely have an advantage in this important stage of the process. Thanks again for your question.

Learn why attorneys usually fail law firm phone-screening interviews in this article:
Why Most Attorneys Fail Telephone-Screening Interviews

See the following articles for more information:
Top 23 Law Firm Interview Tips: How to Excel in Law Firm Interviews
21 Major Interview Mistakes to Avoid at All Costs
The Best Way to Prepare for a Job Search and Interviews
How to Talk About Other Interviews in Your Interviews
How to Answer the Tell Me About Yourself Interview Question
How to Answer the Do You Have Any Questions for Me Interview Question
Had a Great Interview But Have Got No Response to My Thank-You Emails
What Does It Mean if I Haven’t Heard Anything Back from an Application/Interview in a Couple Weeks?
What to Wear to a Lunch Interview?
How to Effectively Interview Lateral Candidates: Pointers for Law Firms
The Interview Post-Mortem: Don’t Forget Your Thank You Notes!
The Secret to Effectively Sharing Concerns about Your Current Employer without Committing the Most Common Interview Blunder
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