

# The Legal Writing Sample

The legal writing sample is an integral part of the hiring process for lawyers. Here are tips for preparing the best sample of your legal writing skills.

## Length of the Sample

The writing sample should be five to ten pages in length, unless otherwise indicated by a particular employer. If you have selected a longer sample, you can provide an excerpt from the sample and add a cover page that provides the appropriate context, as described below. An excerpt should include at least one complete argument, so that the reviewer can see how you marshal facts, law and analysis in your writing.

## Factors Important to Legal Employers

Legal recruiters, employers and professors have identified the factors listed below as most significant to them when reviewing a writing sample. Keep these comments in mind so you can choose a sample that best meets these requirements.

- Evidence of the ability to effectively advocate in writing (e.g., Did you successfully persuade the reader?)
- Legal analysis and the proper use of citations to support your position (Did you effectively articulate legal issues and bring the law/analysis to bear?)
- Overall organization of thoughts, including transitions and the use of headings, thorough research, and the clear, concise communication of ideas
- Proper grammar, punctuation, sentence and paragraph structure
- Free from typographical errors, neatly typed on quality white paper and in a readable format
- Recent writing, which reflects your current legal writing ability

## Mitchell Hamline Faculty Suggestions

Mitchell Hamline School of Law faculty has made the following suggestions regarding specific papers that reflect what legal employers would want to see. *Note: if the complete document will exceed the 5-10 page recommended length, see the discussion below on selecting an excerpt and attaching a cover page.*

### First-Year Student Samples

- Complete motion practice memorandum (Lawyering, Spring Semester)
- Complete office memorandum (Lawyering, Fall Semester)

### Second & Third-Year Student Samples

- Final appellate brief (Advocacy)
- Moot Court or competition memoranda of law or brief
- Bench memorandum for a judge
- Practical, persuasive legal writing from work or clinic experience (*Note: See confidentiality section below*)
- Published work (your name as author) or your long paper, if they are examples of persuasive writing

## Avoid These Document Samples

- Two-page brief - too short, doesn't demonstrate enough of your writing ability for evaluation purposes
- Law review or other scholarly work - not an accurate representation of your work because of the extensive editing by others and production over a long period of time.

## Career Development: Writing Sample: Page Two

### Preparing the Sample

Make sure that the sample you have selected is your very best writing. You are strongly encouraged to revise the sample based on the comments you received from your professor or other editor. The sample should be free from typographical, grammatical and format/citation errors.

### The Cover Page

Create a cover page for the writing sample. The cover page should have the same name and contact information header as your resume. Include the title "Writing Sample" under the header. You will then add a paragraph with the background information on the case, memorandum, or brief. Explain when you wrote the piece, for whom, and its purpose or intent. Indicate any sections of the document or important facts that have been omitted from the excerpt. Below is a sample cover page to an excerpt from a memorandum of law:

**Jane Doe**

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jane.doe@mitchellhamline.edu

**WRITING SAMPLE**

The following writing sample is an excerpt of one issue from a multi-issue first-year legal writing assignment, an Appellant's Brief to the Minnesota Supreme Court. I have included the facts in their entirety, and the issue statement and analysis for the First Amendment issue.

-or-

This is an excerpt from a memorandum of law prepared for the Writing, Representation, Advice and Persuasion course from May 2015. It contains the argument portion of the memorandum, addressing whether a girlfriend has any parental duties toward the son of her boyfriend when the son has committed suicide. The Plaintiff, Susan Jones (the son's mother), is arguing that the Defendant, Priscilla Nesbitt, had a parental duty to protect her son, Jimmy Jones, through a special relationship and the foreseeability of his death.

I am counsel for the Defendant, arguing for summary judgment by stating that Priscilla Nesbitt had no parental duties through a special relationship, and that Jimmy's death was unforeseeable, thus relieving her from all liability.

### Topic or Subject Matter

As a general rule, the topic or subject matter of a writing sample is less important than the quality of the writing and legal analysis presented. If you have a very well-written memorandum, brief, or other sample that also happens to be in a topic of high interest to a specific employer, then by all means, use it. However, always go with your very best piece of writing. *Note: choosing lurid subject matter could actually detract from one's writing, so avoid this.*

### Removing Confidential/Sensitive Information

In using a document that was written for a former or current employer, obtain permission to do so, and state that permission was granted. Use sound judgment by removing all client names and other confidential information. To maintain ease in reading the document, replace the confidential information with fictitious material.