Helping Students Select Writing Samples — An Employer’s Perspective

"Employers prefer certain kinds of writing samples; yet, each year only a handful of students ask me what kind of writing sample I want."

by David C. James

A lot has been written about certain job hunting topics — for example, résumés and interviewing — but writing samples have not gotten much attention. Obviously, writing samples should be well written, free of misspellings, typographical errors, and grammatical problems. But two other important issues seem to get overlooked: "When does the employer want a writing sample?" and "What kind of writing sample does the employer want?"

Some employers want to collect writing samples at initial interviews, or even beforehand. I ask for writing samples at the call-back interview stage, once applicants have survived an initial interview. At interviews, students should be prepared to provide a writing sample in case the interviewer asks for one, but providing an unsolicited writing sample wastes paper. Students should provide a writing sample when the employer asks for it.

Employers prefer certain kinds of writing samples; yet, each year only a handful of students ask me what kind of writing sample I want. While employers will take whatever students have, certain kinds of writing samples serve the purpose much better than others.

Good writing samples are legal writing. Although this doesn't seem very restrictive, it does disqualify some writing. Something the student wrote before law school is not my idea of legal writing. And, though magazine and newspaper articles might be worth giving to me, they can only supplement a writing sample. In discussing writing samples with other employers, I find agreement on the following guidelines.

1. Provide persuasive writing.
2. Provide something from the real world.
3. Provide something recent.
4. Provide about ten pages.
5. Provide something understandable.
6. Provide your own work.
7. Cross out parts written by someone else.
8. Excise confidential/sensitive information.
10. Don't add a binder.

Persuasive writing allows employers to evaluate advocacy skills. Good choices include a well-written memorandum of points and authorities or a brief. Some kinds of analytical (as opposed to persuasive) writing are fine. For example, a bench memorandum for a judge puts a premium on practical research and writing skills. Writing that does not involve research, or that is scholarly but not practical, is less satisfactory.

Most employers want something from the real world — something done as a law clerk or extern. Second choice is a school exercise that simulates a real world product. Law review articles raise the question whether editors blended their work with the applicant's. The purpose of a writing sample is to convince the employer that the student can do the kind of writing the employer's attorneys do. So, the best writing samples are projects that could have been done in the employer's office.

A writing sample should be something the student wrote recently. Legal writing skills should improve with experience. When applicants give me two-year-old writing samples, they might as well tell me their skills haven't improved in two years. I treat writing samples as a measure of the

September 1996, NALP Bulletin
Notes for Employers: Using Writing Samples as Predictors of Success

by David C. James

Ten years ago when I was starting out as a hiring attorney, no one told me how to use writing samples. I received literally hundreds of them each fall recruiting season; they overwhelmed me. Reading them all was unthinkable.

To pare down writing samples to a manageable number, I decided to read the writing samples only of finalists, survivors of the interview process in final contention for an offer. Then I decided to grade their writing samples.

I find grading writing samples more objective, less subjective to irrelevant influences, than rating interviews. Among our finalists, writing sample grades predict success better than interview ratings.

To rank order our offers, we meld interview ratings and writing sample grades, bumping up finalists with the highest grades and dropping those with low grades. We have attorneys working for us who, without the boost they received from an outstanding writing sample, would not have ranked high enough to receive an offer. Because they turned out to be some of the best all-around attorneys we have, I know that by using writing samples we’ve made better hiring decisions.

What am I looking for in a writing sample? Because I want attorneys who write with style and grace, I look for plain English, a sound, economical, and well-organized analysis, and no errors. I don’t have the time or inclination to check the research. Research skills become an issue only when they’re obviously wanting — but that’s okay. Finding the outstanding writers is enough.

I am content to hire the finalists who have the most readable, most memorable, most persuasive writing. Those are going to be the best attorneys. If you hire the best applicants you interview, your recruiting program will be a success.
Selecting Writing Samples: A Writing Consultant’s Perspective

NALP asked Marilyn Bush LeLeiko what she would say to students concerned about choosing a writing sample to submit to prospective employers. She prepared the following short article to help those in career services respond to students’ questions. This article can be copied and distributed to students (with a credit to NALP).

Your reader will judge your writing sample based on its content (your ability to analyze legal problems) and how you communicate that content (your writing ability). You will also be judged by the total impression of your writing—are you showing the attention to detail the employer expects from its lawyers?

Your writing sample should be

• Appropriate
  
  If a firm asks for a specific type of sample, make sure that’s what you send, if at all possible. (Some employers, for instance, ask for your submission to the journal writing competition, if you took part in the competition.)

  Keep your sample short, if possible.
  
  No one has the time to read a 100-page treatise.

  If you choose a memo from a summer job or a school-year clerkship, make sure you delete all client names and any other confidential information. Your sample is a demonstration of your judgment as well as your writing skills. Applicants who submit samples without redacting confidential information are often rejected on the basis of the poor judgment displayed.

  If you choose a school-related writing sample, send a clean copy, without your professor’s notations and without your grade.

• Well-Written
  
  Your writing sample should be clear, concise, and coherent. Go back over it line by line and fix any problems you find. If you just wrote the sample, put it aside for a week before you review it. You need some time and distance to be able to edit effectively.

  When you edit your writing, focus on the reader’s needs. Have you told the reader what the reader wants to know and needs to know? If it’s a memo, have you answered the reader’s question? Is the writing organized as effectively as possible, given your reader and purpose? Is it clear? (Watch for those long sentences that go on, and on, and on.) Is it concise?

• Error-Free
  
  Your writing sample should create a positive image of you as someone who pays careful attention to detail. It should be accurate and free of typos and other mistakes.

  Have a friend who is a good proofreader check over your writing sample for typos, spelling errors, and grammatical mistakes—someone else’s read-through will help you find problems you might otherwise miss.

• Easy to Read
  
  Format your writing so that it is easy to read, with ample margins and a 12-point typeface (or a very readable 10-point typeface). Try to avoid page-long paragraphs. Finally, make sure the sample is neatly typed on plain white or off-white paper.

Marilyn Bush LeLeiko, a graduate of the New York University School of Law, conducts workshops in writing skills at law firms around the country, working with partners, associates, and summer associates in group and one-on-one sessions.

September 1996, NALP Bulletin