



UNIVERSITY OF  
NOTRE DAME

The Law School

# *Writing Sample Guide*

Career Development Office

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## HOW TO SELECT AND PREPARE A WRITING SAMPLE

Employers frequently request that law students provide a writing sample. Judges, firms, nonprofits, public defenders, and governmental agencies, among others, all want to know how well you research and write. When you present them with a ‘sample’ of your writing, it is your legal writing ability’s moment to shine.

When preparing your materials, consider your potential options to find the strongest piece of writing you have available. Important factors include:

1. **LENGTH:** Many employers will specify how long a sample should be. If no directive, most employers want something roughly eight to twelve pages. An exception may be judges, who will want something longer in your post-graduate clerkship application.
2. **CLARITY:** Employers look for clear, concise writing. Kill the fluff.
3. **CLEANLINESS:** Employers want a document that is properly formatted, thoroughly copy-edited, and cited perfectly. Employers want to see you can capture large legal ideas while also nailing presentation. No detail is minor, and all typographical and grammatical errors must be removed.
4. **RELATEDNESS:** If you have two equal pieces, one on 4<sup>th</sup> Amendment issues and one on labor and employment, then you may choose to use the former piece when applying to prosecutor officers and the latter when applying to unions. An on-topic writing sample displays your standing interest in your employer’s field and shows your previous work within a relevant subject matter.
5. **INDUSTRY APPLICABILITY:** Send a writing sample that your employer would produce in the course of business. Research papers or non-legal theses, while perhaps your magnum opera, do not showcase relevant skills. Instead, send a litigator a memorandum or brief with thorough legal research and analysis.

## **WHERE TO GET YOUR WRITING SAMPLE**

For first-year students, an assignment from your first-year Legal Writing class is often the best writing sample to use. Generally, each assignment is better than the last during your first year so be objective; a brief written during Spring semester receiving a B+ may be better than a Fall semester memorandum that netted an A. You may want to seek feedback from your legal writing professor to further refine your selection before using it.

For second-year and third-year students, a work product from your summer employment or clinic experience is ideal. PLEASE NOTE: you must obtain permission from your employer prior to using any work documents. Work product created for real clients may very well contain privileged information you cannot disclose without permission and/or redaction. Your employer may require you to change the names and other sensitive information included in the document, and you should indicate that you have received your employer's permission to use the sample on your cover sheet. Again, you will want to ensure your writing sample is:

- The best example of your analytical skills and writing abilities;
- Completely error-free;
- Approximately ten pages in length;
- Solely your work; and
- Introduced by an appropriate cover page.

Your cover page should explain what the document is and any other information or context needed by the reader. The information should be presented in a manner similar to an abstract. Sample cover sheets follow at the end of this guide.

## **USING AN EXCERPT FROM A LARGER PIECE**

Some assignments will not be acceptable writing samples as you originally created them. Two common issues involve (1) cutting a document for length and (2) excising a collaborator's work from your writing sample.

If you need to cut pages, do not simply use the first ten pages of your original piece. Similarly, do not cut the facts section and submit a standalone arguments section. Your excerpt must still convey the

totality of your previous work while highlighting the best sections available. A facts section, of some form, is important as legal analysis is difficult for a reader to comprehend without factual context.

If your document was created with a partner, you may submit a portion of the document that is solely your work. (This is very common with the Spring semester Legal Writing moot court brief, a popular writing sample.) On your cover sheet, explain that the full document was created in conjunction with a partner, the partner's portion has been excised, and the portion provided is exclusively your work. You may also provide a short synopsis of omitted, joint material that would help the reader orient himself/herself to the issues (e.g., a short restatement of the fact pattern).

In both instances above, you must present a legal argument with solid reasoning throughout the document. Assess your weakest arguments and cut those first, giving your best arguments and reasoning the limelight. Then, ensure your table of contents, if included, and facts section match your new arguments section.

### **FINALIZING YOUR WRITING SAMPLE**

Your writing sample must be error-free and as perfect a piece of writing as you have produced. You have complete control over its final presentation, meaning you alone control the quality of its content. Review the checklist below to ensure that you have an excellent legal writing product. Have you:

- Corrected any and all typographical errors? NB: Spellcheck won't catch 'trail' for 'trial'.
- Eliminated all grammatical mistakes? Read the piece aloud (or have it read to you).
- Searched for any thoughts or words omitted?
- Performed multiple checks on cite formatting?
- Clearly articulated the issue?
- Come to clear conclusions for each argument?
- Presented each topic clearly and concisely?
- Followed a logical structure, with no obvious gaps?
- Included a cover page? (Examples and explanations are below.)
- Saved your writing sample as a PDF?

As you complete the above checklist, consider meeting with the professor or supervisor who assigned you the project. Let them know that you are thinking about using your document as a writing sample. Ask them if they feel this is your best piece and indicative of your abilities. Solicit any advice they may have for improving the document.

FINAL NOTE: Occasionally, employers will ask for an “unedited” sample of your writing. Retain a copy of the “final” draft that was submitted to your professor or supervisor and not only a version that reflects edits made after grading or made by a supervisor before submission to a court. You can return to make minor, non-substantive edits and still have a piece be considered “unedited.”

### **DRAFTING A COVER PAGE**

Your writing sample is not complete until you have included a cover page that accomplishes the following:

1. Explains from what piece of writing your excerpt comes (e.g., your first-year Legal Writing class, a motion written for an employer, or a memorandum written for a judge).
2. Discusses the exact nature of the assignment as given to you. If your Legal Writing professor assigned you to represent the appellant and to make one specific argument, state that.
3. States what portions of the original document were cut. If your original brief contained five arguments and your sample includes only two of those, briefly note those arguments.
4. Lets the employer know if the original piece was prepared with a partner and clearly indicates only your work is being presented. (Examples follow.)
5. States whether anyone has reviewed your document and the nature of any edits made.

Alternatively, you will want to say clearly that the writing sample is ‘solely your own work’ and ‘remained unedited by anyone else’ if indeed that is the case.

6. Provides a background to the document, including what the facts of the case and the basic claims were.

7. Tells them the person for whom you wrote the document gave you permission to use the document as a writing sample (if for an employer and not a professor) and, if applicable, notes that information has been redacted or changed to protect anonymity.

**1L COVER SHEET SAMPLE #1**

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South Bend, IN 46617

**Jackie P. Olsonson**

jolsenson@nd.edu  
(574) 555-1835

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**WRITING SAMPLE**

Attached is the analysis section of a longer memorandum. This memorandum was prepared as part of my first-year legal writing class during the 2016 Fall semester. The assignment was to prepare a memorandum analyzing a contract dispute in which one party asserted that the contract was voidable due to a unilateral mistake. The work is wholly mine and not edited by another.

## **1L COVER SHEET SAMPLE #2**

712 Walliwing Way  
Los Angeles, CA 90219

**Billie J. Makidoon**  
bmakido@nd.edu • 574.555.9183

847 Fischer Grad, Apt. 2  
Notre Dame, IN 46556

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### **WRITING SAMPLE**

This writing sample is an excerpt from a legal memorandum I wrote for my first-year legal writing class in the Fall semester of 2016 based on my own research. Professor Jeffrey Dorfman critiqued a previous draft of this memorandum, and this version incorporates his suggestions.

By way of background, the plaintiffs in this case, the O'Briens, and the defendants, the Greens, own adjacent residential lots. The O'Briens' property abuts the Greens' property from the north. Twenty years ago, the O'Briens planted flowers and shrubs from east to west within the Greens' property, operating on the mistaken belief that their land extended thirty feet south beyond the actual, surveyed property line. Since that time, the O'Briens have occasionally used the thirty-foot strip of property. The O'Briens have now sued the Greens for adverse possession of the thirty-foot strip. This excerpt of the discussion addresses whether the O'Briens can establish exclusive use of the Greens' property, a required element of adverse possession.

## **2L COVER SHEET SAMPLE #1**

3272 Daisy Dr.  
Remsen, IA 53102

**Kevin M. Quinnick**  
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South Bend, IN 46637

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### **WRITING SAMPLE**

Attached is a copy of the argument section of my Spring 2014 Moot Court brief on First Amendment freedom of religion guarantees. I wrote the attached section, while the subsequent sections and facts were written by my partner, Patrick Helm. I have included a brief abstract of the jointly drafted portion of this Moot Court brief with the permission of Patrick Helm in order to provide necessary background for the argument section, which is solely my work in its entirety.

## 2L COVER SHEET SAMPLE #2

3272 Taffytorn Blvd.  
Des Moines, TX 75201

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South Bend, IN 46622

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### WRITING SAMPLE

Attached is a copy of a patent application I drafted this previous summer for Smith, Keline, Harris, & Ford LLP. My supervising attorney, Heidi Davis, authorized me to use this application as a writing sample with certain revisions included to protect the confidentiality of the client. I have made the requested revisions, and Ms. Davis has given me permission to submit this ten page patent application as a writing sample. Ms. Davis has done minimal editing of this patent application, which was solely my work.

## 2L COVER SHEET SAMPLE #3

67 Scivalin Way  
Wichita, KS 67209

**Fred F. Jabbistor**  
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702 Ford Street  
South Bend, IN 46619

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### WRITING SAMPLE

This writing sample is a memorandum submitted to Krista Kearney, my supervising attorney at Patrick, Smith, & Moore P.C. on the issue of health care fraud. It was written in June 2015 and has been lightly edited by Ms. Kearney. The memorandum otherwise reflects entirely my own work. Names and all identifying information of clients have been either changed or redacted.