

Writing Samples: Top-12 Frequently Asked Questions

By Dan Binstock

What is typically given the least amount of attention by candidates, but has the highest likelihood of undermining one's chances of getting a job? Yes, writing samples. When it comes to the importance of writing samples, I will never forget the following email, which 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!"

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

Interestingly, writing samples are seen by some attorneys who are in the market as a mere after-the-fact formality that warrant only minimal attention. This seems to be for several reasons. First, many people find it draining to search for the best writing sample, consider redactions/privilege issues, and review it with a fine-tooth comb for any mistakes, etc. There is a fear of finding errors and having to spend substantial time reworking the sample. Second, because most interviewers typically don't focus on writing samples (though some do, even more so during 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 the interviews.

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

1. Proofread Your Sample Multiple Times:

"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 looming deadlines. 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 could make it better if you spend a little more time polishing it up. Your writing sample should show your writing at its best. There 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 among all the headings and that all the indentations are consistent.
- Make sure your font is the same size and style.
- Check your spelling.

To ensure that you catch all of your errors/mistakes, print out your sample and review the hard copy. Proofreading is much more effective when you review the actual document on hard copy as opposed to the computer screen. Another good 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 a bit and will therefore catch more errors.

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

Lastly, if you are going to email your sample, send it as a PDF. This way, you can avoid your word processing program picking up any grammatical errors or spelling errors (which may not be actual errors) and highlighting 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, persuasive writing samples), they do want to see deal/transaction sheets. While deal/transaction sheets do not have the persuasive writing component, they are still very important because, aside from showing your experience, they reflect your writing style, attention to detail, organization abilities, the manner in which you present key information, and whether the reader can easily understand the information you are presenting. (If you are interested in specific details regarding

deal sheets, there are several very useful articles and samples on the BCG website to help you.)

3. Length of Writing Sample:

"Is five pages enough?"

Typically, I suggest that writing samples range from 8 to 20 pages, as this 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 less than 8 pages typically does not present enough substance to evaluate. However, if the employer has a page limit, always 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 encourage writing an introduction for your writing sample, which will give the reader important context. This introduction/overview can be on the cover page and 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. Make it Clear That You are Providing a Sample:

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

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

6. What is Confidential/Privileged?

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

One common 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 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 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 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 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 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.)

Redacting 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 using 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 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 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, via any variety of editing tools on your word processing program (e.g., strikethrough), you could indicate that 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 an unusually strong attention to detail, brutal honesty, awareness of ethical issues, and very sound judgment.

Published Articles. 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 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, but be sure to specify that there was no editing prior to publication. Or, if there was editing, perhaps you can send an earlier draft of the article that is solely 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, 9 of which are in the 'facts' section?"

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 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 these. I have received feedback from firms saying that they were very impressed with the "real world" writing samples.

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

"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 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.

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

Preparing your writing sample is hardly a sexy and glamorous endeavor. But the goal is to best represent your skills in order to maximize 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.