

## MEMORANDUM

To: LARW Sections

Re: Effective writing samples/converting your memos into writing samples

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This memo includes some advice for presenting the work you did in class this fall as an effective writing sample. There isn't one right way to present a legal writing sample, but the advice provided follows a mainstream approach that has worked for former students.

### Objectives

You want to demonstrate to prospective employers that you have the makings of a good lawyer. This begins with presenting a polished, error-free document. So, even if you wait until after you receive your graded memo from me and you fix everything that I've marked, you'll still want to proof your document several more times. Find and correct all errors.

More fundamentally, you must also demonstrate your ability to perform written analysis. Employers want to see your ability to fluently synthesize a legal rule, explain how that rule functions, and then apply it thoroughly to a set of facts. That means they want to see you use analogical reasoning to show how your application is consistent with precedent. In other words, they want to see you model all the skills that we worked on during the fall semester.

### What to use

At this point, I strongly recommend selecting your second office memo as a writing sample. As you do more legal writing, you'll become more confident and the documents you produce will become more professional. The first office memos you wrote were, by and large, fine first efforts, but they don't demonstrate the kind of competence most legal employers are looking for. If you do elect to use the first memo, make sure you go back and fix your citations. Remember, we used an artificial citation form on that memo that will look amateurish to any serious reader. Also, make sure you indicate on the cover note you include along with your memo (more on this below) that you were restricted to using the authorities that appear in that memo.

### Format

The formatting that we've used for class is very much in the mainstream, except for the font size. I'd keep the rest of the format, but change the font size to 12 pt. Also be sure to replace your student number with your name. While you'll likely use heavier bond paper for your cover letter and resume, use normal copy paper for your writing sample and its cover page.

### What to cut

Some employers may specify that they want writing samples of fewer than 10 pages. Others may ask for five or fewer pages. Still others request "short" samples. I view a request for a short writing sample as anything less than about 15 pages, so your memos should be fine uncut.

If you do need to cut your memo, the first thing that you can delete is your Conclusion. The second thing that you could cut is your Facts section. But you should explain that you have done so in your cover memo. And if you have not written a "factually rich" Question Presented and Brief Answer, revise those so that they provide the key facts. Finally, if you still need to trim the document, cut one or more of your issues or sub-issues. Retain the sub-issue or issues with the most sophisticated analysis. Also retain your umbrella section(s). Umbrella sections help your reader understand how the parts you cut fit together with what you've kept.

Other than for the Conclusion (which no one will miss), for sections you cut, retain each heading. Beneath each heading indicate that the material has been deleted. For example:

#### C. Damages

[Omitted]

### What to add

Assuming that you have not been asked for a writing sample shorter than your memo in its present form, feel free to add whatever you need to make your analysis more cogent. If, for example, there were analogies that you deleted in order to comply with the word count, feel free to put them back in. Remember, your memo is your own at this point. As long as you are meeting the requirements of your prospective employer, you may add what you wish.

### Cover page

A good writing sample should be accompanied by a cover page that includes your contact information and a short explanatory note that describes the sample. A writing sample cover page is something distinct from the cover letter that you will include with most job applications. The cover letter details your interest in a position and specific qualifications that you may have for it. A cover note for a writing sample introduces (very succinctly) your writing sample and provides whatever critical information that a reader might need to know about it.

Staple your cover page directly to your writing sample. Present your contact information exactly as it appears on your resume. Generally this appears centered, at the top of the resume. For example:

Jane Student  
1234 Duke Way  
Durham, NC 27708  
(919) 555-1234  
jane.student@duke.edu

Skip down several lines beneath your contact information and center the heading for your cover page. Use the same font and format as appears on the major headings in your memo. For example:

### Writing Sample

Skip another line and begin your text. Unlike your memo, but like your cover letter and resume, your cover note should be singled-spaced.

In the note, provide your readers with whatever information they will need to understand what your writing sample is and where it came from. This is the place to mention any artificial limits on what you wrote. For example:

### Writing Sample

I wrote this memorandum for my Legal Analysis, Research, and Writing course at Duke Law in the fall of 2012. In the memo, we were asked to address whether two people had a common law marriage under the law of Pennsylvania.

The cover note is also the place to describe what you've cut if you had to cut your memo. Always offer to provide the entire document on request. The following example is a cover note for a memo where the writer has had to delete the Facts section along with one sub-issue to get down to five pages. Note that it provides a couple of lines that describe the facts of the problem. It's perfectly fine to do so, but don't get carried away. You won't impress anyone with a multi-paragraph, single-spaced cover note that apparently reflects an attempt to get around the employer's page limit for writing samples. For example:

## Writing Sample

This is a memorandum written for my Legal Analysis, Research, and Writing course. In the memorandum, we were asked to address whether two people had a common law marriage under the law of Pennsylvania.

The client was a woman who had entered into a ceremonial marriage with a man who had recently died. His will was being probated in the Orphan's Court, and another woman had appeared who was making a claim against the estate as the man's widow. This second woman claimed she had entered into a common law marriage with the man before our client had married him. The man had apparently lived a "double life" for many years--with our client in his home town and with the other woman in Harrisburg, Pennsylvania, where he worked half of every week. For purposes of the memorandum, we were asked to assume that the other woman would not be able to testify as to any conversation she may have had with the man because of the Dead Man's Statute.

To cut this memorandum to five pages in length, I have deleted my Facts section and one of the issues (competence to marry) that I addressed in my analysis. (This issue was non-controversial under our facts and did not require an in-depth analysis.) I would be happy to send the complete document upon request.

One final note: Many of you will write memos this summer in whatever jobs you wind up taking. Be sure to ask permission from your supervising attorney before using anything you write in the course of your work as a writing sample. Once you secure permission, be sure to indicate that you have done so on your cover note. Also, be sure to delete or alter any confidential information. **THE WORST** thing you can do in a writing sample is to inadvertently disclose confidential information. The second to worst thing you can do is to leave a prospective employer with the impression that you did, or that you're careless with that kind of information.

Best of luck in your job search!