WRITING SAMPLES FOR JUDICIAL CLERKSHIPS
SOME HELPFUL TIPS FROM CHAMBERS

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No matter how impressive your resume or letters of recommendation there is only one document that will truly demonstrate to a judge that you have the legal research and writing skills that the judge expects in his or her chambers – your writing sample. To ensure that you maximize the value of your writing sample the Writing Center recently asked several professionals involved in reviewing judicial clerkship applications for some answers to common concerns about writing samples for judicial clerkships.

1. How important are writing samples in a judicial clerkship application?

“I at least skim the writing sample of every applicant. I read very closely the writing samples of applicants who I may ask to interview. . . . . I have chosen not to interview applicants who I initially thought would be strong but whose writing lacked clear legal analysis.” -- State Trial Judge

“The writing sample is the only place where the applicant can demonstrate that they have the skills to effectively research, synthesize the research and then write an opinion that is brief, succinct, and highlights all the important law and facts.”
-- Katy Montgomery, OCS advisor

2. Can I use a memo or brief that I wrote for my first year LRW class?

“I normally prefer that an applicant’s writing sample be something other than what they wrote in their first year of law school. A memo or brief that they wrote for employer or a note for their journal helps me to connect with an important experience on their resume. . . . . If an applicant doesn’t have any significant writing experience beyond their first year, I also question whether or not their writing skills are weak.” -- Federal Trial Judge

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1 By Elizabeth Glasgow, Adam Briggs, and Elizabeth Connelly
2 These answers were provided by: Katy Montgomery, the OCS advisor for judicial clerkships, a current state trial judge, a current federal trial judge, and a former federal appellate clerk. Some sources have asked to remain anonymous.
3 For general advice about writing samples please reference the Writing Center handout, “The Top Five Things You Need to Know About Writing Samples.”
“Even if a student’s first year memo or brief is technically flawless, it usually lacks the voice that develops as students become more comfortable with legal writing.” — State Trial Judge

3. What should I do if the judges to whom I apply all ask for different types of documents as writing samples (i.e. one judge requests a memo, another a note)?

“I would tell an applicant to review all of the judges he or she is applying to and review the application materials requested. If the applicant has time, I think it is always wise to have an academic and lengthy piece (and an excerpt of the piece) and a practical short piece . . . . [If a judge requests a particular type of document that you have not previously prepared as a writing sample, you should prepare the document by] review[ing] it carefully (without advice from someone else) for content (shepardizing all cases and making sure arguments make sense) and for any editing mistakes (blue book and typos).” — Katy Montgomery, OCS adviser

“Give the judge what they ask for in their request for applications. My judge asks for an academic seminar paper or note and disregards the writing samples of applicants who apparently can’t follow basic instructions. If you don’t have a writing sample that meets the judge’s criteria, include a note on the cover page of the writing sample that you do submit that explains why you submitted the document.” — Former Federal Appellate Clerk

4. What is the best way to shorten a writing sample for a judge? If you are going to delete sections is it better to preserve legal analysis or the context of the paper (the facts, the statement of the case)?

“I would preserve the legal analysis. If you feel like removing the facts makes no sense, rather than shortening the piece I would suggest providing a cover memo and directing the reader to sections or provide a cover memo for the excerpt giving the important factual background.” — Katy Montgomery, OCS advisor

5. What is most likely to turn a writing sample from an asset in a student’s application to a liability?

“There is a very low tolerance for typos and improper grammar in chambers and they are unacceptable in an applicant’s writing sample.” — Federal Trial Judge

“Typos, blatant mistakes, sloppy analysis.” — Katy Montgomery, OCS adviser

“Failing to shepardize cases can result in your legal analysis being largely based on law that has since been overturned. This makes for a bad first impression. You don’t know what kind of law the judge you are applying to will be familiar with so don’t risk it.” — Former Federal Appellate Clerk
If you have additional questions regarding writing samples for judicial clerkships, you can contact Katy Montgomery, the judicial clerkship advisor in the Office of Career Services, at montgomm@law.georgetown.edu.