4. How do we approach prospective writers for character-reference letters?

The previous modules have shown what we’ve learned about how judges respond to character-reference letters. We’ll devote the remaining modules to helping you obtain character-reference letters. We’ll also provide a series of sample character-reference letters from which you can learn.

As described in the previous module, we think there are a few steps you should follow:

1. Consider the particular crime and assess how those allegations will influence your judge’s perception of you.
2. Consider who would be the ideal candidates that would offer the judge a more positive view of your character, and perhaps counter the misperceptions levied by the criminal charge.
3. Create a strategy to help the candidate for the character-reference letter understand how best to help you.

We suggest a face-to-face meeting.

In a face-to-face meeting, you can help your audience understand more about:

1. The nature of your crime.
2. Your understanding of how your crime victimized others.
3. What you’ve learned from the crime.
4. The steps you’ve been taking to make things right.
5. Why this experience confirms that you’ll live the rest of your life as a law-abiding citizen.

Once the candidate understands more about your behavior and what you’re doing to reconcile, you must humble yourself. It’s time to ask for the character-reference letter.

We suggest phrasing careful consideration of how you phrase your request for a character-reference letter. You’re asking for help from someone that knows you best, but you want to make certain that you’re asking from a place of sincerity.

As I described in module 1, I made a horrific mistake when my lawyer suggested that I compile a batch of character-reference letters. I thought about the most influential people I knew. Then I started calling those people with requests for letters.

The people to whom I reached out did not know me well. In some cases, we were distant relatives. In other cases, we were acquaintances that had drifted apart over years. They were not in a position to attest to my character because they didn’t know anything about me. Even if they were to write such a letter, they would be incapable of providing the type of detail that makes for an effective character reference letter.

When I called one person—whom I hadn’t spoken to in longer than a decade—to ask for a character-reference letter, he appropriately expressed indignation at my patently offense effort to manipulate him for my benefit.

Honesty is the best policy.

After offering a full explanation of the predicament you’ve created through your own actions, explain to the candidate that, in time, you will face a sentencing hearing. Part of that sentencing hearing will require the judge to make an assessment of who you are as an individual. Judges want to hear from people who have personal experience of working with the individual, or knowledge about his character.

Once you’ve explained why character-reference letters are important, and you’ve told the writer why you would want to include his or her letter in the character-reference package, ask the candidate if they would write such a letter. Make sure that you’re only able to include a limited number of letters, and that a letter from that particular individual would be especially valuable to you.

By the time you’ve gotten this far, it’s likely that the candidate will agree. Yet that isn’t the end. Writing an effective character-reference letter is a lot different from someone *saying* that he or she would write a letter.

Letters are hard to write. Some people struggle with writing. They don’t know how to put into words what they want to express. Further, some people want to help a defendant litigate the case or minimize the misconduct. Writers can lose credibility with a judge if they do not understand the purpose of a character-reference letter.

It’s the defendant’s job to assist the writer of the character-reference letter. To advance the process, the defendant may consider preparing a packet *before* the meeting with the candidate. The packet may serve as a guide for the proposed writer of the character-reference letter. It may also include a sample letter—though it’s important not to send the same sample letter to more than prospective letter writer.

Below is a sample information sheet. You may modify the information sheet to assist those whom you would like to write character-reference letters for you.

Sample Information Sheet on Character-Reference Letters:

Write on Your letterhead

Date

Dear Name of proposed writer:

I appreciate your willingness to write a character-reference letter on my behalf. I know it’s an inconvenience and I apologize for the trouble I’m causing you because of my own problems.

Since I know it’s unusual to write a letter to a judge, I’m providing this information sheet with hopes of helping.

**Letterhead:**

* Please write the letter on your stationary, or include your name and contact information at the top of the letter.

**Addressing the letter:**

* Please address the letter to my sentencing judge, as follows:

Date

The Honorable (name of your judge)

United States District Court Judge

(Name of your judicial district)

(Address of your judicial district)

City of your judicial district, state, zip

Regarding: U.S.—v—Your name and case number

Dear Judge (last name):

(Insert the content of your letter here.)

**Points to Consider in the Letter:**

* 1. I’m hopeful that you will be able to include one memorable story about our relationship. Judges want a personal letter, as they want to read about something that they would not otherwise know about me. During our talk, we discussed a few of those stories and how you could incorporate them into the letter. For example, you may recall that we discussed (insert example of what you discussed.) It may be helpful for my judge to read your telling of that story, and how you saw that as relating to my character.
  2. Please write in your own words, using your own language. I’m attaching a sample letter for you to consider. I’m only including the sample as a guide, or a suggestion. If you find valid points in the sample, please use them, but phrase the letter in your own language. What’s most important is that the judge gets a sense that you know me personally, and that you’re authentic.
  3. Please let the judge know that I’ve revealed my crime, that I identify with the pain my actions have caused to victims, and the steps I told you that I am taking to make things right.
  4. Please do not minimize my role in the offense or the seriousness of the crime.
  5. Please do not compare my case to any other case in an attempt to ask for leniency.
  6. Please do not write anything to imply that I haven’t been treated fairly.
  7. Please keep the letter less than two pages in length.

**Sending the Letter:**

After you write the letter, please send a signed copy to my defense attorney at the following address:

Name of your defense attorney

Name of your defense attorney’s law firm

Street address of your defense attorney

City, state, zip

Regarding: U.S.—v—Your name and case number, Character Reference Letter

If you would not mind, please send a copy of the letter to me, too, at the following address:

Your name

Your address

Your city and state and zip

In an effort to assist you with what a sample character-reference letter looks like, I am attaching a sample letter. Please feel free to use anything from the sample that you deem appropriate, or disregard anything that you deem as being inappropriate.

Thank you so much for your help with this effort. I pledge to work hard to prove worthy of your support.

Sincerely,

Your name

If you have an opportunity to read the letter before it is sent to your attorney, you may find it helpful to go through the following checklist:

* Confirm that the writer clearly show that he has a personal relationship with you.
* Confirm that the letter is sufficiently different from any other letter that the judge will receive on your behalf.
* Does the writer share a personal story that reveals something you’ve done communicates your good character?
* Confirm that the letter reveals that you’ve described your role in the offense.
* Confirm that the letter does not minimize your role or make excuses for your conduct.
* Confirm that the letter reveals what you’ve said you’ve learned from the experience.
* Confirm that the letter does not imply that you’ve been treated unfairly.
* Confirm that the letter does exceed two pages in length.