

BASIC RESOURCE GUIDE
FOR STUDENTS INTERESTED IN PROSECUTION

- Prosecuting Attorneys' Council of Georgia
- National District Attorneys Association
- National Association of Attorneys General
- U.S. Department of Justice
- PSJD
- "A Guide to Seeking Post-Graduation Employment as a Prosecutor" by Professor Alan Cooke
- "Sizing Up the Prosecution: A Quick Guide to Local Prosecution" (Harvard)
- "Criminal Prosecution" (Yale)

Beth Shackelford
Director, Student Professional Development
profdev@uga.edu
<http://www.law.uga.edu/student-professional-development>
October 2012

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CaseLaw Updates

Search for updates by keyword or case number:

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- Oct 26
Joint Law Enforcement & Prosecutor DUI Training - Canton... [\[Read More\]](#)
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Joint Law Enforcement & Prosecutor DUI Training - Adel... [\[Read More\]](#)
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Georgie Evidence Code Training... [\[Read More\]](#)
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Multi-Disciplinary Team Training... [\[Read More\]](#)
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Winter Conference... [\[Read More\]](#)

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About PAC

Established in 1975, the Prosecuting Attorneys' Council of Georgia provides a number of important services to the hundreds of elected and appointed prosecutors across the State of Georgia. The council consists of nine members, six district attorneys and three state court solicitors, who establish policies that guide the day-to-day work of the Council staff.... [\[more\]](#)

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News Flash

FYI: Zamora v. State

In Zamora v. State, S12A0847 (September 10, 2102), appellant contended that his right to be present during trial was violated by the dismissal of a juror as a result of a bench conference in which appellant did not participate. The issue arose when during voir dire, when asked if he had ever been arrested, one of the venireman disclosed only that he had a ten-year-old DUI arrest; he was selected... [\[read on\]](#)

FYI: Georgia Latino Alliance for Human Rights v. Governor of Georgia
The United States Court of Appeals for the Eleventh Circuit recently addressed challenges to Sections 7 and 8 of the Illegal Immigration Reform and Enforcement Act of 2011 (commonly referred to as HB 87). The Court affirmed the preliminary injunction issued by the District Court against Section 7 of the Act, which is codified in O.C.G.A. §§16-11-200(b), 16-11-201(b), and 16-11-202(b). These cod... [\[read on\]](#)

2013 Annual (Open) Enrollment

The Annual Enrollment Period for the 2013 Plan Year will begin on Tuesday, October 9, 2012 and end on Friday, November 9, 2012. Process for Annual (Open) Enrollment: All employees will need to log-on to both, the Flexible Benefits and State Health Benefit Plan, Annual Enrollment web sites to complete their full enrollment process. There will be a Web portal-landing page: <http://tea...> [\[read on\]](#)

GBI: Notice of Proposed Amendments to Chapter 92-3

The GBI's Division of Forensic Sciences has recently sent out notification requesting that the Board of Public Safety amend the GBI rules that specify which breath testing equipment is approved for use in Georgia as required by O.C.G.A. §§ 40-5-67.1 and 40-6-392. This notification starts the formal process under the state's Administrative Procedure Act (APA), O.C.G.A. § 40-13-... [\[read on\]](#)

FYI: Fundraising Raffles

During each election cycle, the question of whether a raffle may be used for the purpose of fundraising is inevitably raised. In Georgia, raffles are only permissible if they are conducted pursuant to the requirements of O.C.G.A. § 16-12-22.1. Under this statute, only "nonprofit, tax exempt organizations" may operate a raffle. "Nonprofit, tax exempt organizations" are defined to include... [\[read on\]](#)

FYI: U.S. v. Skinner

In Devega v. State, 286 Ga. 448 (2010), the Georgia Supreme Court ruled that no court authorization was necessary for GPS tracking of the defendant's cell phone as he traveled on public roads. The Court cited U.S. v. Karo, 468 U.S. 705 (1984) and U.S. v. Knotts, 460 U.S. 276 (1983), for the long-held proposition that there is no reasonable expectation of privacy in one's location and movemen... [\[read on\]](#)

FYI: Wilson v. State

In Wilson v. State, S12G0370 (July 2, 2012), appellant was arrested after accepting delivery of 12.46 pounds of marijuana from an undercover officer who made a controlled delivery. Appellant was indicted for trafficking in

marijuana, possession of marijuana with intent to distribute, and felony possession of marijuana. At trial, the court charged the jury that OCGA § 16-13-31(c), the marijuana ... [\[read on\]](#)

Registry for Municipal Prosecuting Attorneys Opened

The Prosecuting Attorneys' Council has established a central registry for prosecuting attorneys of municipal courts in Georgia as required by O.C.G. A. § 15-18-91. The 2012 Georgia General Assembly enacted legislation that requires Georgia cities that have a prosecuting attorney's office for their municipal court to submit copies of the resolution or ordinance creating the office... [\[read on\]](#)

Legislation Enacted During the 2012 Georgia General Assembly

The below is a summary of the Bills and Resolutions impacting prosecutors or the criminal justice system that passed during the 2012 Session of the Georgia General Assembly and, in the case of Bills, were approved by the Governor. Summary of Legislation that passed the 2012 General Assembly (PDF) We have provided a brief analysis by the contributing authors for each of the 71 Bills and Resol... [\[read on\]](#)

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Loan Forgiveness

Public Service Loan Forgiveness

The College Cost Reduction and Access Act (CCRAA) passed by Congress in 2007 creates a new loan forgiveness option for borrowers who hold full-time public service jobs, including prosecutors. If you used Federal Direct loans to pay for college and/or law school, as a full-time prosecutor you may be eligible for an alternate repayment plan that will reduce your monthly payments and extend your repayment schedule. If you remain in public service for ten years and make regular monthly payments during that time, you will be able to have 100% of the remaining balance of the loan canceled. For further information about the CCRAA, go to <http://www.equaljusticeworks.org/>

John R. Justice Student Loan Repayment Program Details

The United States Congress funded the John R. Justice Student Loan Repayment Program in the 2010 Federal Fiscal Year. The program provides loan repayment assistance for local, state, and federal public defenders, and local and state prosecutors who commit to continued employment as public defenders and prosecutors for at least 3

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• [The Federal Student Loan Forgiveness Law: The College Cost Reduction and Access Act of](#)
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years. The purpose of the program is to encourage qualified individuals to enter and continue their employment as prosecutors and public defenders.

The Georgia Student Finance Commission (GSFC) is the state agency responsible for coordinating the John R. Justice Student Loan Repayment Program in Georgia.

The application is available on the the [Georgia Student Finance Commission's website](#):

You may download the program regulations [here](#).
Should you have questions, please call GSFC at 1-800-505-4732.

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- [Frequently Asked Questions Regarding Public Service Loan Forgiveness](#)

- [John R. Justice Student Loan Repayment Program](#)

- [John R. Justice Program Regulations](#)

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Employment

District Attorneys and Solicitors-General recruit and select professional personnel for their respective judicial circuits and counties. Vacancy announcements are posted as a service to these elected chief prosecutors. Please follow the reply instructions included in each announcement.

Other employment announcements from the prosecution community are also posted on a regular basis.

The Prosecuting Attorneys' Council of Georgia is an Equal Opportunity Employer. These positions will be subject to employment verification using the Department of Homeland Security's E-Verify system.

Please contact Human Resources Director [Gary Hoy](#) to add or remove an announcement.

Eastern Judicial Circuit

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(10/8/12)

The Office of the District Attorney, Eastern Judicial Circuit, is seeking applications for a county paid assistant district attorney position in our Savannah office. This position will be available immediately. The successful candidate should anticipate immediately handling felony jury trials. Preference will be given to applicants with prosecution experience. Membership in good standing with the State Bar of Georgia, employment background check and drug screening are required.

Please mail, or e-mail your resume to:

Linda Kaapa
Administrative Assistant to
The District Attorney
District Attorney's Office
P.O. Box 2309
Savannah, GA 31402
912-652-8009
lskaapa@chathamcounty.org

Waycross Judicial Circuit (9/24/2012)

The Waycross Judicial Circuit is seeking applications for an assistant district attorney position in our Waycross office. This position will be available in December 2012. The successful candidate should anticipate immediately handling felony jury trials. Preference will be given to applicants with prosecution experience. Membership in good standing with the State Bar of Georgia is required.

Please mail, fax or e-mail your resume to:

George Barnhill, Chief Assistant District Attorney
306 Albany Avenue
Waycross, Georgia 31501
Fax: 912-287-4399
E-mail: pwhaley@pacga.org

Clayton Judicial Circuit (9/24/2012)

The Clayton Judicial Circuit in Jonesboro is seeking applications for a Legal Secretary. The deadline to apply is Friday, September 28, 2012.

The successful applicant will perform legal administrative work including creating trial folders, attending court, as well as creating and filing dismissals, indictments and accusations.

The position also works with detainers for inmates that are in state custody. Duties also include working with extraditions and interstate detainers, preparing discovery, typing correspondence and assisting the Office Manager with other administrative duties.

Please send applications to:
Rhetta Shepherd
Clayton Judicial Circuit
Fax: (770)477-3342

Gwinnett Judicial Circuit (9/12/2012)

The Gwinnett County District Attorney's Office has an opening for an assistant district attorney to be assigned to the Superior Court Trial Division. The winning candidate will have several years of experience in all aspects of prosecution.

Candidates should e-mail a resume and cover letter to Chief Assistant District Attorney Dan Mayfield at Dan.Mayfield@GwinnettCounty.com.

Houston Judicial Circuit (9/11/2012)

The Houston Judicial Circuit is seeking applicants for a state-paid assistant district attorney position. The position starts in November 2012. The successful candidate will handle felony prosecutions in the theft and financial crimes division. There is no county supplement for this position. Preference will be given to applicants with at least 5 years of prosecution experience. The successful candidate should anticipate immediately handling felony jury trials. Membership in good standing with the State Bar of Georgia is required.

Please send resumes to:
Honorable George H. Hartwig, District Attorney
201 N. Perry Parkway
Perry, GA 31069
or via fax 478-218-4815

Tifton Judicial Circuit (9/10/2012)

The Tifton Judicial Circuit is seeking applications for a state-paid assistant district attorney position. The successful candidate will gain immediate courtroom experience. The county provides a salary supplement. Experience is preferred for this position. Membership in the State Bar of Georgia is required.

Please send resumes to:
Honorable Paul Bowden, District Attorney
P.O. Box 1252
Tifton, GA 31793-1252
or via fax 229-386-7957

The main office is located in Tifton, Georgia and can be reached at 229-386-7900. Tifton straddles I-75, providing easy access to the Georgia coast as Brunswick, Georgia is approximately two hours away, and Florida's gulf coast is nearby.

Office of the Attorney General (8/30/2012)

The Georgia Office of the Attorney General (Department of Law) is seeking an attorney for its Workers' Compensation Section. The primary responsibilities of the position include representation of State entities and the Department of Administrative Services in claims brought by State employees before the State Board of Workers' Compensation. You will be called upon to conduct discovery, appear at hearings, advise the adjusters, negotiate settlements as well as handle appeals. Travel is required. Preference will be given to applicants with Workers' Compensation experience.

Applicants must be a member of the Georgia Bar AND have graduated from an accredited law school. Additionally, all applicants must complete and submit a DEPARTMENT OF LAW Attorney APPLICATION AND WAIVER, which can be found at: <http://www.law.ga.gov/> (click Careers , click Applications). Please mail or fax (404-657-9853) your completed application and a resume to: WK Brown, Human Resource Director; GA Department of Law, 40 Capitol Square, Atlanta, GA 30334. Applicants will be asked to provide copies of their official undergraduate and law school transcripts along with two (2) writing samples. However, you may submit the application and writing samples with transcripts to follow. A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory result of the background investigation. Additionally, this position is posted at the Department of Law's web site: www.law.ga.gov (click Careers, click Vacancies).

SALARY is COMMENSURATE WITH EXPERIENCE. POSITION IS OPEN UNTIL FILLED.

Forsyth County District Attorney's Office (8/20/2012)

The Forsyth County District Attorney's Office has an opening for a county-paid investigator. Salary is commensurate with experience. Applicants must be P.O.S.T. certified.

Submit cover letter and resume to:

Penny A. Penn
District Attorney
100 Courthouse Square
Suite 200
Cumming, GA 30040
(770) 781-2236 (fax)
papenn@forsythco.com

South Georgia Judicial Circuit (8/14/12)

The South Georgia Judicial Circuit is accepting resumes for two county-paid positions:

ADA Position:

Assistant District Attorney position available. County paid position in South Georgia Circuit. Preference is for bi-lingual (Spanish) and lower level experienced prosecutors. Please apply to Joe Mulholland, P.O. Box 1870, Bainbridge, Georgia, 39818.

Victim Services Position:

Hiring victim service personnel to handle all areas of victim services. Must be proficient in accounting programs such as excel, word processing, and tracker. Also must have excellent interpersonal skills and enjoy working with victims of crime. Bilingual is preferred. Send resumes to Joe Mulholland, P.O. Box 1870, Bainbridge, Georgia, 39818.

Office of the Attorney General (7/23/2012)

The Georgia Office of the Attorney General is seeking an attorney for its Civil Rights Section. The primary responsibilities of the position include defending state officers and

employees in federal and state actions alleging civil rights violations, including primarily actions under the Americans with Disabilities Act and alleged violations of the United States Constitution. Travel is required as well as extensive research, writing and court appearances. Applicants are required to be an active member of the Georgia Bar AND graduated from an accredited law school. Preference will be given to applicants with a minimum of 2 to 3 years of litigation experience and/or civil rights related experience.

Additional Information: A criminal background check is completed on all candidates; employment is also contingent upon the completion and satisfactory results of the background investigation. Along with your resume, applicants are required to complete and submit a DEPARTMENT OF LAW application & waiver, which can be found at www.law.ga.gov, click careers, click, applications. Please also provide two (2) writing samples along with copies of official undergraduate and law school transcripts. You may submit the application & writing samples with the transcripts to follow.

Please mail your completed application/waiver to: WK Brown, Director of Human Resources, Georgia Department of Law, 40 Capital Square, Atlanta, GA 30334. Attorney files are set up on all applicants. Applications are reviewed by the Division Deputy; selection of candidates is based on the specific preferred qualifications needed by the position. Candidates that are not interviewed will have their application information held in the Applicant Pool and considered for future vacancies with the Department. Additionally, position information, along with other Department information, may be viewed at <http://www.law.ga.gov/>.

SALARY IS COMMENSURATE WITH EXPERIENCE. POSITION is OPEN UNTIL FILLED.

Fulton County District Attorney's Office (7/5/12)

The Records Administrator assigned to the Evidence Room for the District Attorney's Office is responsible for receiving, disseminating and preserving evidence in all criminal cases within the office. The Records Administrator is also responsible for maintaining a database of all evidence received within and disseminated from the District Attorney's Office.

Essential Functions:

- Oversees the storage, retention and destruction of records and/or evidence
- Assists in developing operating policies and procedures for records administration and control
- Investigates, researches, analyzes and resolves issues and problems with records and case files
- Oversees the storage, retention and destruction of records and evidence

Maintains records and documentation pertaining to evidence received and disseminated from the evidence room
Assists the attorneys and investigators with receiving and disseminating evidence in their cases

Essential Skills:

Knowledge of the principles and practices of criminal justice
Knowledge of court practices and procedures, and methods and techniques used to conduct criminal investigations
Knowledge of the safe use and care of firearms and other standard and specialized law enforcement equipment
Knowledge of personal computers and related software
The ability to prioritize and manage time wisely in a fast-paced environment
Strong interpersonal, communication, and organizational skills
Excellent oral communication skills
The ability to work independently and with a group

Qualifications:

Bachelor's degree required in business, public administration or a related field
At least five (5) years experience in law enforcement and/or criminal investigations
POST certification required
Excellent references

Salary: \$48,854.00

Please email resumes to:

Rhonda Brodsky
Deputy District Attorney
da.employment@fultoncountyga.gov
(404)612-3197

Fulton County/Atlanta Judicial Circuit (6/19/12)

Senior Assistant District Attorney
Complaint Room

The Office of the Fulton County District Attorney is seeking an experienced attorney to serve as a Senior Assistant District Attorney assigned to the Complaint Room. The attorney assigned to this position will process cases that are received in the Complaint Room and will be responsible for supervising the Assistant District Attorneys assigned to their shift. The hours for this position are as follows:

Tuesday: 9:00 a.m. – 1:00 p.m. (4 hrs)
Friday: 9:00 a.m. – 1:00 p.m. (4 hrs)
Saturday: 3:00 p.m. – 7:00 a.m. (16 hrs)
Sunday: 3:00 p.m. – 7:00 a.m. (16 hrs)

Essential Duties:

- Receive cases from all police departments within Fulton county
 - Communicate with police officers about charging decisions
 - Discuss cases with police officers and answer their questions
 - Ensure adequate staffing for scheduled shifts
 - Monitor case flow and case assignments
 - Approve the acceptance, decline or transfer of all cases received
 - Review and approve all charging decisions
 - Prepare cases for first appearance
 - Supervise Assistant District Attorneys in the Complaint room
 - Train support staff and attorneys on substantive and procedural issues related to their functions
 - Maintain training manuals for staff and certify training
 - Prepare daily, weekly and monthly reports as directed
 - Audit and control quantity of content, both data entry and document production
 - Maintain a high level of customer service
- Essential Skills:

- Excellent organizational skills;
- Excellent oral communication skills;
- Excellent legal research skills;
- Excellent working knowledge of Lexis-Nexis;
- Ability to adjust priorities and manage time wisely in a fast-paced environment;
- Ability to communicate in a clear, concise, understandable manner, and listen attentively to others.

Qualifications:

- A Juris Doctorate degree from an accredited law school
- Must be a member in good standing with the State Bar of Georgia or be in good standing of another state's bar association that is eligible for reciprocity admittance to the State Bar of Georgia.
- A minimum of five (5) years felony prosecution experience or related criminal law experience. Supervisory experience preferred.
- Experience working with law enforcement agencies preferred
- Jury Trial experience preferred

Salary: \$71,416.00

Please email resumes to:

Rhonda Brodsky

Deputy District Attorney
da.employment@fultoncountyga.gov

Enotah Judicial Circuit (5/23/12)

The Enotah Judicial Circuit currently has an opening for an Assistant District Attorney. All applicants must be members in good standing of the State Bar of Georgia. This is a County-paid position with State benefits. Prosecutorial or legal experience is preferred.

Please mail, fax or e-mail your resume to:

District Attorney Jeffrey Langley
65 Courthouse Street, Box 6
Blairsville, Georgia 30512
Fax: (706) 745-6029
E-mail: jlangle@pacga.org

Ocmulgee Judicial Circuit (4/11/12)

The Ocmulgee Judicial Circuit is accepting resumes for the position of Assistant District Attorney. Experience and proven trial ability are preferred. Applicants must be motivated to be top-quality prosecutors. Strong interpersonal skill required.

If interested, please send cover letter and resume to our Baldwin County office at:

District Attorney's Office
Ocmulgee Judicial Circuit
Baldwin County Courthouse
121 N. Wilkinson Street, Suite 305
Milledgeville, Georgia 31061



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

TO BE THE VOICE OF AMERICA'S PROSECUTORS AND TO SUPPORT THEIR EFFORTS TO PROTECT THE RIGHTS AND SAFETY OF THE PEOPLE



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Attention, iPhone, iPad & Android users! ▶

NDAAs is Moving

NDAAs will have a new address starting November 1, 2012:
**99 Canal Center Plaza, Suite 330
 Alexandria, VA 22314.**

The main number and fax numbers will remain the same. Some individual numbers will change. Please refer to the Contact Us page on October 29 to see those changes.

Recent Newsclips

- PROP. 34: Will voters abolish California's death penalty
- Report: N.Y. DWI convicts avoid getting engine lock
- R.I. crime lab again linking guns to crimes, but facing more cuts
- Animal cruelty: Humans may be next
- Boston girds for prisoners freed in drug lab scandal
- Supreme Court ruling may give those sentenced to life as juveniles a chance at freedom
- 'Natural life' sentence on the rise for Utah inmates
- Appeals court to consider DEA classification of marijuana

Clip Synopses and Links

The Press-Enterprise

PROP. 34: Will voters abolish California's death penalty

Voters in November will be asked if they want to get rid of California's death penalty, currently imposed on 726 inmates — 112 of them from Riverside and San Bernardino counties.

The state's death chamber has gone unused since 2006 because of a judicial review of the lethal injection protocol.

If passed, the Prop. 34 initiative will abolish capital punishment in the state and retroactively impose a new sentence of life in prison without possibility of parole for previously condemned inmates. It also directs grants of \$100 million over four years to law enforcement for investigation of murder and rape cases.

[Full Story](#)

Times Union

Report: N.Y. DWI convicts avoid getting engine lock

State government records show that only about a third of New Yorkers required to use special ignition locks after drunken driving convictions ever get the devices installed, the Buffalo News reported Sunday.

The newspaper said a review of records since the law took effect two years ago shows that 23,000 motorists in the state have avoided equipping their vehicles with the ignition interlock technology, often by taking them off the road to avoid the expense.

The devices sample a driver's breath and block a vehicle from starting if their blood alcohol level is 0.025 percent, well below the DWI level of 0.08.

Authorities said many motorists will simply stay off the road and wait out the six months to a year they would otherwise have to use the locks. But they said others are being caught behind the wheel of a friend's or relative's vehicle.

[Full Story](#)

Providence Journal

R.I. crime lab again linking guns to crimes, but facing more cuts

Two years after a financial crisis forced the Rhode Island State Crime Laboratory at the University of Rhode Island to stop its work on firearms, the laboratory is working through a backlog of hundreds of cases while, at the same time, receiving a record number of gun investigations from around the state, says lab director Dennis Hilliard.

As it studies the weapons, bullets and shell casings, the laboratory is discovering examples of how guns are being shared by criminals, a practice that's common knowledge to law enforcement.

[Full Story](#)

SAVE THESE DATES

NDAAs Fall Board Meeting

November 15-17, 2012
 Palm Springs, CA
 Hyatt Regency Suites
 285 North Palm Canyon Dr Palm Springs, CA 92262
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NDAAs Spring Board Meeting

March 21-23, 2013
 Hilton Head, South Carolina
 Omni Hilton Head Oceanfront Resort
 \$93 or current government per diem based on 2013 rates, plus \$12 resort fee.



The Boston Globe

EDITORIAL

Animal cruelty: Humans may be next

Two recent animal cruelty cases have shown that Massachusetts courts are serious about protecting animals from abusive or deranged humans. That's not just a victory for humane treatment of animals, but for law enforcement generally, because animal cruelty is often a predictor of violence against humans.

Late last month, an Everett landscaper was arraigned for attempting to poison dogs by scattering antifreeze-soaked hot dogs on a lawn he had recently cut in Charlestown. And more recently, a woman in Lawrence was sentenced to three months in jail for beating her neighbor's cat with a broomstick so severely that it had to be euthanized. These disturbing cases are among the many abuses probed by the Massachusetts Society for the Prevention of Cruelty to Animals-Angell Law Enforcement team. The organization investigated over 2,300 cases last year, and has filed criminal charges in eight cases so far this year.

Such vigilance is good for animals, pet owners, and the rest of us. In one well-known study carried out by Northeastern University, 70 percent of those who had committed crimes against animals had also been involved in other violent, property, drug, and disorderly crimes. Protecting the welfare of animals is a noble goal in itself. The fact that it does much to safeguard humans only boosts the case for continued attention to animal cruelty.

[Full Story](#)

The Boston Globe

Boston girds for prisoners freed in drug lab scandal

Fearing potential release of hundreds of convicted criminals, city and law enforcement officials announced immediate plans Thursday to put more specialized police units on the streets, saying the deepening fallout from suspected evidence tampering at a state lab demands aggressive action.

City officials said "crisis -reentry" teams of police, probation officers, and street workers will work with freed offenders to help them reenter society and send a message of "zero tolerance" for criminal activity.

"These are not low-level drug users," Suffolk District Attorney Daniel F. Conley said. "These are people with violent histories across the board, who are trafficking large amounts of drugs. This is a tough group of people."

[Full Story](#)

Detroit Free Press

Supreme Court ruling may give those sentenced to life as juveniles a chance at freedom

Maxey may be among the first in Michigan to benefit from the ruling. U.S. District Judge John O'Meara is expected to rule any day on the state's motion to dismiss an American Civil Liberties Union lawsuit challenging his sentence and the life terms handed to other juvenile killers.

Defense and appellate attorneys and the ACLU of Michigan say Maxey and Carp are among the types of defendants who don't deserve to die in prison: juveniles only peripherally involved in homicides; under the influence of peers or adults; ill-served by their lawyers, or unaware of their own best interest in pleading guilty to lesser charges with shorter sentences.

"I get that they did bad things," said Detroit criminal defense attorney Gabi Silver, who initially represented Maxey. "But they're children. These kids have absolutely no real appreciation of what the outcome will be when they refuse to take a plea to a lesser charge. They can't see beyond age 20.... And a kid who goes into prison at 17 is a far different person 20 years later."

[Full Story](#)

Salt Lake Tribune

'Natural life' sentence on the rise for Utah inmates

Inmates question Utah board's power to deny the possibility of parole.

When his death penalty was set aside in 1985, replaced with a new sentence of five years to life, ElRoy Tillman believed he might someday walk out of the Utah State Prison a free man.

A new man. Lesson learned. Debt paid. Time served — 30 years so far for killing a man in 1982, a crime Tillman denies committing.

But three years ago, the Utah Board of Pardons and Parole settled on the words "and which may be life" in his sentence, and decided that Tillman will never leave prison.

Tillman appealed the decision on constitutional grounds, arguing the board gave him an "illegal natural life prison sentence" and did not have the right to take away his possibility of parole.

"I'm just saying that the board is out of control," said Tillman, now 78, during an interview Friday at the prison. "They're giving people sentences that are not even on the books. ... The board thinks they're a court and want to retry the crime."

But two federal courts have since upheld the board's right to issue such decrees.

[Full Story](#)

McClatchy Newspapers

Appeals court to consider DEA classification of marijuana


Medical marijuana users will get a long-awaited day in the nation's second-highest federal court next week, when California-based activists argue for looser regulations.

While voters in Washington and two other Western states are preparing to vote on legalizing recreational pot use, the California activists hope to redefine how the federal government classifies the drug. The case, years in the making, could turn federal law enforcement on its head.

"It's symbolic, and it's extremely important," Kris Hermes, spokesman for Americans for Safe Access, said in a telephone interview Friday, "and it will force the federal government to rethink how it addresses this issue."

The drug regulation dispute will be taken up Tuesday by a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit, which is influential because it oversees many federal agency decisions. The half-hour oral argument, pitting Americans for Safe Access against the Obama administration's Justice Department, is the latest step in a drug regulation case begun a decade ago.

[Full Story](#)

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personnel at the Federal, State and Local level is essential. This is a full-time position.
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The HOE would be working primarily out of the main location listed above but required to travel around the region regularly and to travel outside of the area to conduct trainings 3-4 times a year.

As it stands now, the position will be for 1-2 yrs initially. Pay would be based on experience and current salary (to some extent) and at the GS-15 level. Pay in CA and Quantico should range from about \$123K - \$150K while pay in Okinawa and Camp LeJeune should range from \$113K - \$140K. Start date would be early fall 2012. HOEs would be eligible for health care and other benefits including a relocation bonus for those having to move.

Email resumes/references or any questions to john.s.dunn@usmc.mil and Capt Ferriter at john.ferriter@usmc.mil.

Law Clerk Position —Attorney General's Office-Republic of Palau

The Republic of Palau, a beautiful island nation in the Western Pacific is seeking applicants for an law clerk position with the Attorney General's office. This position is either for the summer or through the school year. We are seeking first, second or third year law students to work in our office ...

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AG Spotlight



Texas Attorney General Greg Abbott

Attorney General Greg Abbott was reelected as the 50th Attorney General of Texas on November 7, 2006. Prior to his election as attorney general, Greg Abbott served as a Justice on the Texas Supreme Court and as a State District Judge in Harris County. As the state's chief law enforcement official, Attorney General Abbott has made protecting families and values the focus of his administration. Shortly after taking office, Attorney General Abbott established a Cyber Crimes Unit to arrest criminals who use the Internet to prey upon children; a Fugitive Unit to arrest convicted sex offenders who violate their parole; and an expanded Medicaid Fraud Control Unit to crack down on elder abuse and waste of taxpayer dollars. Since taking office, General Abbott has collected more than \$15 billion in child support for Texas children. [More >>](#)
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- »» Addressing Legislative Corruption
- »» New Chair Selected for Multistate Antitrust Task Force
- »» NAAG Presidential Welcome Reception

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- »» Attorneys General Partner In Efforts To Prevent Medicine Abuse
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- »» Attend the NAAG
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October 28 - 31,
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Louisville,
Kentucky
Contact: **Rupalee
Rashatwar**

Deposition Skills

November 14 -
15, 2012
New Orleans, LA
Contact: **Bill
Malloy**

New AGs Orientation

November 26,
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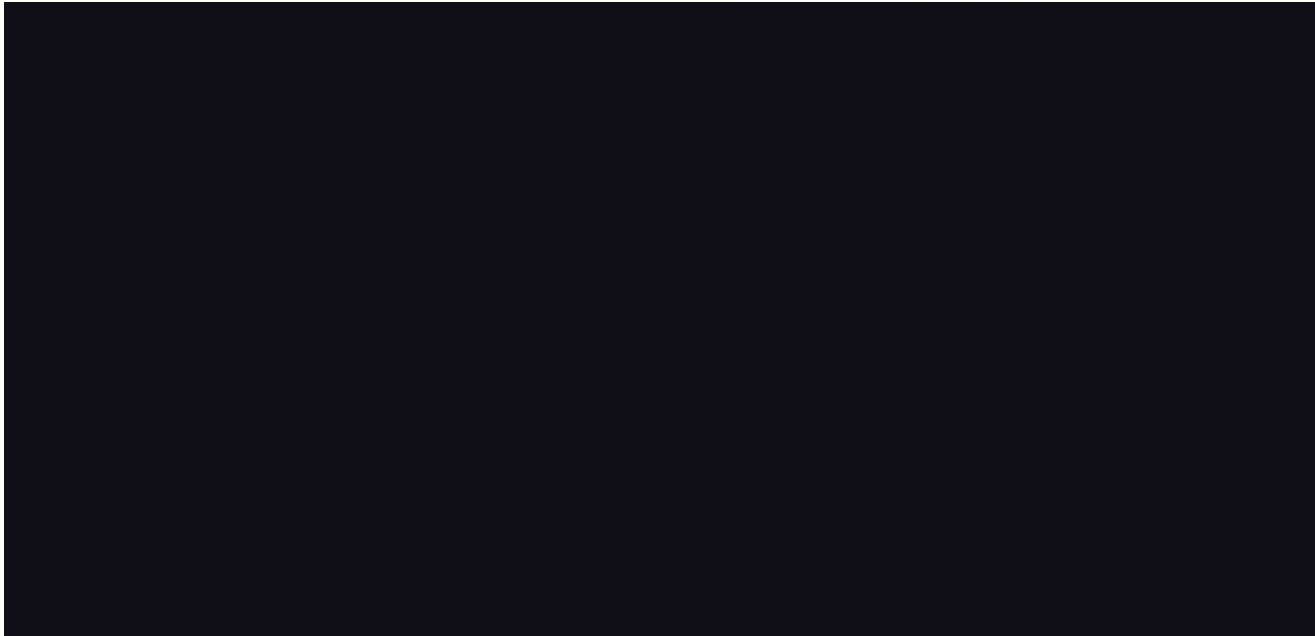
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JUSTICE NEWS



Two Kentucky Men Face up to Life in Prison After Federal Jury Convicts on Kidnapping Charges

Thursday, October 25, 2012

A federal jury late last night convicted two Harlan County, Ky., men on federal kidnapping charges and conspiracy charges, exposing them to a maximum of life imprisonment. The jury also acquitted the men of violating the sexual orientation provision of the Matthew Shepard James Byrd, Jr. Hate Crimes Prevention Act.

THE JUSTICE BLOG

October 24th, 2012

Working Together to Help Drug Endangered Children

October 19th, 2012

Sharing Best Practices on Reentry Efforts at First District-Wide Conference

October 12th, 2012

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David Jason Jenkins, 37, and Anthony Ray Jenkins, 20, were convicted on the kidnapping and conspiracy charges for their roles in kidnapping and assaulting 28-year-old Kevin Pennington, a gay man.

[Read more](#)



Former Texas Parole Officer Indicted for Bribery Scheme Involving Assigned Parolee

Thursday, October 25, 2012

A former Texas state parole officer was arrested today in Dallas on charges of engaging in a bribery scheme involving one of her assigned parolees.

[Read more](#)



Deputy Attorney General James M. Cole Speaks at the 2012 Red Ribbon Week Ceremony

Wednesday, October 24, 2012

"Like Special Agent Kiki Camarena, one person can and does make a difference. By joining me in wearing a red ribbon and gathering here today, and by celebrating Red Ribbon Week, you are helping make that difference," said Deputy Attorney General Cole.

[Read more](#)



U.S. Postal Service Mail Carrier Indicted for Involvement with Stolen Identity Refund Fraud Conspiracy

Wednesday, October 24, 2012

On Oct. 16, 2012, Vernon Harrison, of Montgomery, Ala., was indicted by a federal grand jury on charges of conspiring to file false claims, mail fraud, aggravated identity theft and embezzlement from the mail, the Justice Department, the Internal Revenue Service (IRS), and the U.S. Postal Service, Office of the Inspector General (OIG), announced today after the indictment was unsealed.

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A Comprehensive Anti-Violence Strategy: Reentry, Prevention and Enforcement

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Former Supervisor at Georgia Prison Is the Third to Plead Guilty to Conspiring with Other Officers to Assault and Injure Inmates

Wednesday, October 24, 2012

Emmett McKenzie, 31, from Montezuma, Ga., formerly a sergeant at Macon State Prison in Oglethorpe, Ga., pleaded guilty to conspiring with other correctional officers to violate the civil rights of an inmate in 2010, the Justice Department Announced today. McKenzie, who most recently served as a lieutenant at Dooly State Prison in Unadilla, Ga., is the third officer to plead guilty in the course of the ongoing federal investigation.

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Some Department vacancy announcements allow you to apply on-line through **Avue Digital Services, Inc. (ADS)**.

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Administrative Assistant

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Intelligence Research Specialist

Wed, 24 Oct 2012

IT SPECIALIST (SYSADMN/CUSTSPT),

GS 9/11 (EX)

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Legal Assistant (Office Automation)

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Budget Officer

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Telecommunications Manager

Wed, 24 Oct 2012

Supervisory Foreign Language Program
Coordinator, GS 12/13 (EX)

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Correctional Treatment Specialist (Drug
Abuse Treatment Specialist)

Tue, 23 Oct 2012

Office Automation Assistant

Tue, 23 Oct 2012

Grants Management Specialist

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Human Resources Assistant

Tue, 23 Oct 2012

IT Specialist (SysAdmin/CustSpt), GS 7/9
(EX)

Tue, 23 Oct 2012

Supervisory Security Specialist-CSO, GS 14
(EX)

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(Clinical Director)

Tue, 23 Oct 2012

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Medical Officer (Psychiatry)

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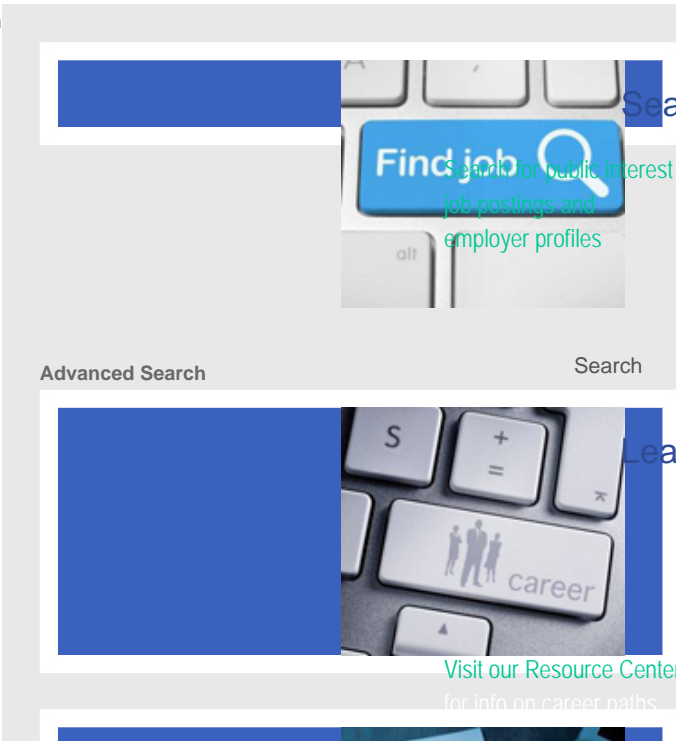
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Careers in Criminal Prosecution

Prosecutors work on at all levels of government – local, state, and federal. Larger cities may have their own prosecutors, in many instances an elected official. Smaller cities and towns may rely on the county or state prosecutors – sometimes referred to as county, district state attorneys’ offices. Sometimes, the responsibility for prosecuting misdemeanors and felonies is split among different offices in the same jurisdiction. Offices of state attorneys general may also have some responsibility for criminal matters of statewide significance or for criminal appellate or post-conviction matters. Federal criminal matters (e. g., financial crimes, drug enforcement, and organized crime) are typically handled by the U. S. Attorney’s Office either exclusively or in cooperation with the Criminal Division of the Office of the U.S. Attorney General.

Hiring by Federal Prosecutors - The [United States Department of Justice's Office of Attorney Recruitment & Management](#) provides information about federal prosecutor careers. U.S. Attorney’s Offices and the DOJ also take on law students for work experience. Learn more at [DOJ's Opportunities for Law Students page](#). Also, review the Harvard Law School [Fast Track to a U.S. Attorney's Office](#) publication, and the [Guide to Criminal Prosecution Careers](#), published by Yale Law School.

Hiring by Local/State Prosecutors' Offices - Immediate law graduates and experienced attorneys are hired by local and state prosecutors. Law students may also gain experience through various clerkship/internship/externship experiences. Harvard Law School’s [Sizing up the Prosecution Guide](#) provides detailed information on careers in local prosecution, and



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[Yale's Guide to Criminal Prosecution Careers](#) provides information on summer and career experiences in local prosecutors' offices. The [National District Attorneys Association](#) website links to [prosecutor job openings throughout country](#).

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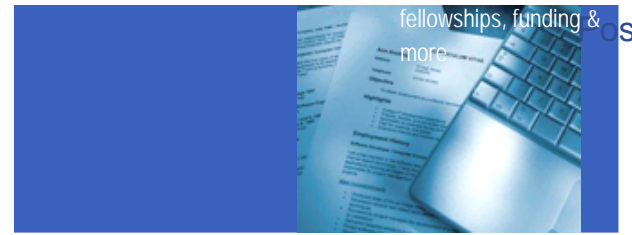
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A GUIDE TO SEEKING POST-GRADUATION EMPLOYMENT AS A PROSECUTOR

Alan A. Cook
Director of the Prosecutorial Clinic Program
University of Georgia School of Law

October 2010

A GUIDE TO SEEKING POST-GRADUATION EMPLOYMENT AS A PROSECUTOR

Alan A. Cook
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University of Georgia School of Law

October 2010

INTRODUCTION: This Guide is intended to serve as a general overview of the process and prospects of being hired as a prosecutor upon graduation from law school. Please feel free to meet with the Director of the Prosecutorial Clinic Program to devise a specific plan tailored to your particular circumstances. Also, don't overlook the Office of Legal Career Services as an additional source of information and advice.

FAQ'S: The following questions represent some of the most frequently asked questions regarding the process and prospects for post-graduation employment as a prosecutor.

Q: What's the difference between a District Attorney and a Solicitor-General and their duly appointed assistants?

A: Solicitors-General are limited jurisdiction prosecutors who typically prosecute only misdemeanor offenses (or municipal or county ordinance violations) in State Courts (or lesser city or county courts). District Attorneys have felony jurisdiction and prosecute felony offenses in Superior Courts. If, however, a county does not have a State Court, the District Attorney in that county would have both misdemeanor and felony jurisdiction.

Q: Do District Attorneys and Solicitors-General hire prosecutors on a regular, annual basis like large law firms do?

A: No. Most prosecutor offices are more akin to small or medium-sized law offices and thus hire on an "as needed" basis. Typically, District Attorneys and Solicitors-General only think about their hiring needs when they suddenly lose a prosecutor to private practice or to another prosecutor's office. The District Attorney or Solicitor-General will then post a notice seeking applications and begin the interviewing process. This could happen at any time during the year, not just at graduation time.

Some prosecutor offices, however, do participate in interviewing forums held during the academic year. These interviewing forums are often co-sponsored by the Prosecuting Attorneys' Council of Georgia (PAC) and the Office of Legal Career Services. These forums typically take place in conjunction with the PAC'S semi-annual training seminars for Georgia prosecutors held each January and July. The Georgia Public Interest Career Forum held each year also features many

interviewing prosecutor offices. Contact the Office of Legal Career Services for more details about these two programs.

Q: How do I find out about job vacancies in Georgia prosecutor offices?

A: Most prosecutor job vacancies in Georgia are posted on the official website of the Prosecuting Attorneys' Council of Georgia (PAC): www.pacga.org .

In addition to the PAC website, the Office of Legal Career Services offers a variety of job search tools including a weekly update of job announcements (the *LCS Express*) on its website: www.law.uga.edu/career/ .

Q: Will a District Attorney or Solicitor-General consider hiring me *before* I receive my Bar exam results?

A: Yes, but some are more willing to do so than others. In Georgia, assistant district attorneys and assistant solicitors-general must be members of the State Bar of Georgia, i.e., they must first pass the Bar exam and be sworn and admitted to the practice of law. Hence, some District Attorneys and Solicitors-General are reluctant to hire recent law graduates until after they have passed the Bar exam. (July Bar exam results are usually not available until late October.) (A survey of Georgia prosecutors a few years ago revealed that approximately 50% of the District Attorneys and 33% of the Solicitors-General had hired recent law graduates prior to their taking and passing the Bar exam.)

Q: If hired before taking and passing the Bar exam, will I be able to perform the duties of a real prosecutor?

A: Yes. Under Georgia Supreme Court Rule 97, et seq., a qualified law graduate may perform the duties of a prosecutor under the supervision of a District Attorney, Solicitor-General, or one of their duly appointed assistants. (Note: The Third Year Practice Act which enables a third year law student to practice under the supervision of a qualified prosecutor terminates upon the law student's graduation from law school. Fortunately, the Georgia Supreme Court adopted its Rule 97, et seq., to "fill the gap" between graduation and Bar passage.)

Q: If hired before taking and passing the Bar exam, will I be designated as an assistant district attorney or assistant solicitor-general?

A: No. You will be designated as a "law assistant" until you receive your Bar exam results. If you pass, you will then qualify to be sworn in as a full-fledged assistant district attorney or assistant solicitor-general.

Q: If hired before taking the Bar exam, will I be given time to study for the exam?

A: Yes. Most District Attorneys and Solicitors-General will give their newly hired recent law graduates time to study for the Bar exam. Some will even pay you for the time that you are studying.

Q: What if after being hired, I don't pass the Bar exam on the first try?

A: If you don't pass the Bar exam on the first try, your special status under Georgia Supreme Court Rule 97, et seq., terminates and your District Attorney or Solicitor-General may let you go. On the other hand, if you have impressed your boss and coworkers with your work ethic and abilities, you may be given a second chance to take and pass the Bar exam. You would not, however, be able to perform the duties of a prosecutor during the interim. (In the above-referenced survey of Georgia prosecutors, of the 7 reported cases of recently hired law graduates not passing the Bar exam on the first try, 4 were retained by their employers pending the outcome of their second attempt.)

Q: How much money does an entry-level prosecutor make?

A: It depends. Some assistant district attorneys and assistant solicitors-general are paid by the state according to a standardized pay scale. Others are paid by the governing authority of the county in which they work. And of those paid by the state, some receive a county supplement in addition to their state pay.

The entry-level state salary as of July 1, 2008 was \$42,081. (Note: If you are hired prior to Bar passage, you may be paid at an hourly rate below that of a full-fledged prosecutor until you pass.) Graduates of an approved prosecutorial clinic program like the Prosecutorial Clinic Program at the University of Georgia School of Law are entitled to start at a salary level above the entry level. (\$42,975 as of July 1, 2008.) Moreover, such graduates practicing under the Third Year Practice Act during their third year in law school are given up to one year of creditable service time toward promotion to a higher class.

County pay may be more or less than state pay depending on the county.

As a general rule, pay in urban and suburban jurisdictions is greater than in more rural jurisdictions. (Note: Competition for these higher paying positions will be great. Therefore, many recent law graduates find it much easier to obtain employment in rural areas of the state.)

Q: How quickly can I expect my salary to increase?

A: If you are in a state-paid position, your salary is tied to a state salary scale entitling you to an annual Step increase on the anniversary date of your hiring. Every few years, however, you are eligible to receive a promotion to a higher Class - typically resulting in a significant pay raise.

County-paid assistants are at the mercy of the county budgetary process, but usually receive annual “cost of living adjustments” (COLA’s).

Q: Can I get any help with my student loans?

A: Yes. The Law School's Downs' Loan Repayment Assistance Program (LRAP) provides graduates employed in the field of public interest law, including criminal prosecution, with funds to help repay loans for legal education. These funds are limited, however, and the Student Affairs Committee determines who will receive these funds among the many deserving applicants. For more details, go to the Legal Career Services website: www.law.uga.edu/career/.

In addition to the LRAP, two pieces of legislation, one state and one federal may provide much-needed relief to those foregoing the riches of private practice for public service. In Georgia, the General Assembly passed, but did not fund, a loan forgiveness act that would provide up to \$600 per month toward a prosecutor’s student loans. Recipients of this salary supplement would be required to remain employed as a prosecutor for up to 18 months after the last payment received. See O.C.G.A. 20-3-380 et seq.

Details of the federal legislation, “The College Cost Reduction and Access Act of 2007,” which has been funded, may be found at www.law.georgetown.edu/news/releases/documents/Forgiveness.pdf.

Q: What should I do in law school to make myself a more attractive candidate for a prosecutor job upon graduation?

A: Take as many criminal law and procedure courses as you can. Participate in the mock trial program, if possible. Consider doing a summer internship in a prosecutor office. Give serious consideration to enrolling and participating in the Law School’s three-semester clinical externship program, the Prosecutorial Clinic Program.

Q: How do I go about securing a summer internship in a prosecutor office?

A: Historically, there have been two publicly funded summer internship programs in Georgia that are available to students desiring to work in a prosecutor office. The first is the Governor’s Intern Program which provides funds for a variety of public sector internships. Interviews are typically held early in the spring semester each year. (The state’s fiscal situation in recent years has sharply limited if not eliminated entirely the availability of these funds.)

The second is the Prosecuting Attorneys’ Council Summer Internship Program. A student desiring to participate in this program typically finds a sponsoring District Attorney or Solicitor-General who makes a joint application with the student for these funds. Preference is to students desiring to perform their internships in rural

prosecutor offices. The application process typically begins in January. Contact Joe Burford at the PAC or consult the Office of Legal Career Services for details about the application process. (The state's fiscal situation in recent years has sharply limited if not eliminated entirely the availability of these funds.)

In addition to these paid positions, students enrolled in the Prosecutorial Clinic Program have the option of performing a summer externship in a prosecutor office for academic credit between their second and third year.

Q: When should I begin my job search?

A: Realistically, unless you can establish a relationship with an elected prosecutor during your law school career and that elected prosecutor is willing to hold a slot for you when you graduate, you will probably have to wait and hope that a vacancy in a desired jurisdiction occurs near your graduation day. This is why summer internships and academic externships can be so valuable. They give you an opportunity to prove yourself before you apply for the job.

Until recent years, turnover in prosecutor offices has been commonplace - less true in the current economic situation. Keep your eyes and ears open. Send out resumes to desired jurisdictions in the spring semester immediately prior to your graduation. As mentioned above, prosecutor offices generally don't look at resumes unless they have a current vacancy to fill. Resumes sent prior to spring semester, therefore, will probably be dropped into a file drawer, or worse, a trash can.

Q: Should I apply for a prosecutor job in an urban or a rural area?

A: Your best chance of getting hired straight out of law school is with a rural prosecutor office, i.e., one located outside the state's major metro areas where, relatively speaking, the turnover is high and the pay is low. District Attorneys and Solicitors-General in urban areas can usually attract applicants with 3-5 years of prosecuting experience to fill their vacancies because many experienced rural prosecutors apply for urban vacancies to take advantage of the higher pay. (Note: On the up side, because rural prosecutor offices tend to be less well staffed than their urban counterparts, you are more likely to be given greater responsibility earlier in a rural office.)

Q: Should I apply to District Attorney offices, Solicitor-General offices, or both?

A. It is generally a good idea to apply to both. Jobs in Solicitor-General offices, however, tend to be more plentiful and are usually more willing to consider applicants with no prior experience. If your ultimate goal is to work in a District Attorney office, a few years experience as a Solicitor-General will surely make you a more attractive candidate for that job than someone having no prosecuting

experience. On the other hand, you might find that the fast pace and increased trial opportunities of a Solicitor-General's office is just what you're looking for.

Q: What about federal prosecutor jobs?

A: Federal prosecutors are rarely hired straight out of law school. They are more frequently recruited from the ranks of experienced state prosecutors, legal counsel in federal agencies, or from the pool of candidates having completed prestigious federal clerkships.

Q: After a few years, will another prosecutor office consider hiring me if I choose to relocate?

A: Yes. Georgia's elected prosecutors are not timid about "stealing" prosecutors from other offices. Urban offices frequently hire rural prosecutors with the lure of higher pay. District Attorney offices frequently hire assistant solicitors-general with the lure of a felony caseload.

Q: What should I do and say if granted an interview?

A: Tell the interviewer that you want to be a prosecutor, not that you want to "get some trial experience." If you say the latter, you might as well say: "I want to use you so I can go out in a few years and make more money doing something else." Indicate a willingness to move to the area, put down roots, and stay for the foreseeable future. (Note: Training a new prosecutor takes time. It takes about one year to fully train a new prosecutor in all aspects of the job. If the interviewer gets the impression that you might move on after a year or so, he or she is not going to be willing to invest their time in you.)

Q: If hired, will I have to make a commitment to stay for a particular length of time?

A: Yes. Most District Attorneys and Solicitors-General will ask you to make at least a two-year commitment. Most, however, will understand if an unexpected job offer falls into your lap or if you must leave to follow a spouse to his or her new job. Also, keep in mind that if you apply for and receive loan forgiveness benefits (see above), you must either "stay or repay."

Q: Once hired, how quickly can I expect to be promoted to a position with greater responsibility and pay?

A: Until recent years, turnover in prosecutor offices has been commonplace - less true in the current economic situation. Nonetheless, opportunities for promotion abound. This may mean moving from a county-paid position to a state-paid position (which usually involves a significant pay increase and better benefits). Note: Whereas young prosecutors in large urban prosecutor offices may remain in

relatively unchallenging positions for several years, most rural prosecutors will be handling their own caseloads and trying serious cases in the first year.

Q: What are my chances of one day becoming the elected District Attorney or Solicitor-General in my chosen jurisdiction?

A: It's a numbers game. In Georgia, there are only 49 elected District Attorneys and approximately 70 elected (or appointed) Solicitors-General. Statewide, however, there are over 700 prosecutors! In addition to competing with the other prosecutors in your office, you would probably also have to compete with some of the attorneys in private practice in your jurisdiction. Your chances, therefore, are probably better in a rural jurisdiction where there is less competition. (And speaking as a former thrice-elected District Attorney, be careful what you ask for!)

Q: What if I have more questions about the process and prospects of being hired as a prosecutor upon graduation?

A: Make an appointment to speak with Alan A. Cook, Director of the Prosecutorial Clinic Program or with the Director of the Office of Legal Career Services Office, Beth Kirch.

APPENDIX

Criminal Prosecution



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CHAPTER 1

CRIMINAL PROSECUTION

A. Overview

Criminal prosecution in the U.S. is conducted at the federal level predominantly by the Department of Justice through “Main Justice” in DC and the U.S. Attorneys Offices (USAOs) that are scattered across the country. At the state and local level, District Attorney Offices (sometimes referred to as County or State’s Attorneys), which are distributed across the major cities of most states, take the laboring oar, typically with some involvement of the State Attorney General’s Office.

Many Yale law students are interested in finding summer employment at a U.S. Attorney’s or District Attorney’s (DA) Office due to the exciting cases, solid litigation experience, and public service that these offices provide. Careers in criminal prosecution attract many of our alumni, for reasons best expressed by them.

In this job, you never feel that what you do on a day to day basis does not matter; you are always working hard to help make communities safer and to represent fairly and objectively the interests and rights of those who are impacted by crime.

There are very few jobs where young attorneys get so much responsibility so early in their careers.

Quite frankly, this is not a job you take for the money...The real reward of this job...is in going to work each day knowing that what you are doing makes a real and positive difference in people’s lives.

In a typical day, I’ll see something hilarious and something heart-breaking, something rewarding and something frustrating, but never, ever boring.

Along with the pleasure of puzzle-solving come the same fascinating underlying facts in immense variety, and the satisfaction of litigating cases that matter.

I wanted a job where I was doing work that mattered, where I was fighting about issues like justice and liberty rather than about money, and where the marching orders were to do the right thing rather than to win at all costs. I am happy to report that the job...is all those things and more.

This guide will explore these careers and provide guidance in pursuing the path of criminal prosecution.

1. Summer Internships

a. Benefits

During the summer many U.S. Attorneys’ Offices and District Attorney Offices employ first- and second-year law student volunteers. There are a number of reasons that these offices attract a large number of students year after year. First, volunteering at a criminal prosecution office for a summer provides students with an opportunity to experience the inner workings of the courtroom with some of the best trial lawyers in the country. For those who want to become prosecutors or other types of trial lawyers, these jobs provide both helpful experience and valuable contacts. Even for students who choose not to continue

in a related field, most USAOs and District Attorney Offices are widely respected places to work and the experience will be an asset in future job searches.

b. Qualifications

Hiring decisions rest heavily on outstanding recommendations and a resume that demonstrates intelligence, commitment to public service, and good research, analysis, and writing skills. Trial experience is also a plus but not expected for summer positions. If you are a first-year student, you will probably not have had much of a chance to differentiate yourself from your classmates in terms of legal experience, but if you have handled a project for the Pro Bono Network, worked at the Temporary Restraining Order Project (TRO), or are planning to take a clinic in the spring, definitely include these experiences in your resume. Relevant experience also includes any paid or volunteer position where you were called upon to research, write, advocate, present, exercise judgment, or use any other lawyerly skills. Also include activities that show an interest in government work, litigation, or criminal and civil justice including prior work, volunteer experiences, or your choice of law school classes.

c. Procedure

Your cover letter should state your strong interest in working for the particular U.S. Attorney's or District Attorney's Office to which you are applying. Detailed information about the unique qualities of each office can be obtained by contacting students who have worked in them, writing to the graduate mentors included in this guide, or contacting the offices directly. Refer to CDO's *Introduction to Career Development* for examples of resumes and cover letters.

The Interview

Summer positions are usually obtained through a short (20-30 minute) interview, either on the phone or in person. Interviewers are typically one or more prosecutors involved in the summer hiring program. Second-year students applying to DA offices which might consider making permanent offers after the summer, should be prepared for a longer interview process, possibly involving a second round of interviews with a panel. Typical questions explore why the student wants to work in a criminal prosecution office, why they want to work in that particular office, and other general questions about law school and past experiences. The use of criminal hypothetical questions is rare at this type of interview, although commonly used in interviews for permanent positions.

2. Attorney Hiring

a. Qualifications

Law School

Because only experienced attorneys are typically hired for Assistant U.S. Attorney (AUSA) positions, law school activities are usually eclipsed by subsequent employment experience. It is possible to get a District Attorney position just after graduating from law school, but law school activities will receive greater scrutiny. A new graduate without at least one clinic, summer job, or significant experience related to criminal justice work may be hard pressed to convince a DA office that they are truly interested in criminal law. Either way, law school experiences can help to inform students about the role of a criminal prosecutor, prepare the student for the duties involved in the job, demonstrate the student's skills and interests, and establish strong references. YLS offers a variety of experiences through student groups, journals, moot court, clinical programs, externships, and CDO programs to accomplish these goals. For example, clinical work, and membership in a student organization, such as the Green Haven Prison Project, demonstrate strong interest in the criminal justice system.

The activity that probably best demonstrates a student's strong interest and ability to be an AUSA or work with the DA's office is the prosecution externship. Students who participate in this externship assist either state or federal prosecutors in a variety of tasks, including preparation of appellate work and prosecution of both misdemeanors and felonies. Placement in a U.S. Attorney's Office for the externship must be arranged at least four months in advance so that a security clearance may be obtained. To learn more about this opportunity, contact Professor Jay Pottenger at (203) 432-4821.

One alumni who is now an AUSA warned that some offices may be skeptical about applicants' commitment to working for the prosecution, especially graduates from highly-ranked law schools like Yale which are perceived as being "liberal" or "pro-defense." These offices may question whether you are really committed to working in the public interest and specifically for the prosecution. They will want to see that you're really "in it for the long haul," rather than just for the prestige or the excellent trial experience the job provides.

Experience

A USAO typically requires several years of experience for a permanent hire. District Attorney offices are more likely to be willing to hire a graduating student and train them on the job, but will also hire laterally. There are three steps attorneys can take to obtain the best recommendations and experience possible for an application to the USAO or a District Attorney's office. First, do excellent work in all of your jobs so you and your employers will have no problem speaking of your skills, accomplishments, and dedication. Second, be aware that past employment and employer recommendations will be judged not only as to their content regarding your experience and character, but also by the perceived quality of the former employer's office. Knowing that you will be judged by your employment choices makes it all the more important to choose employers who do good work and provide solid training and an environment for excellence. Finally, choose employment or experiences that allow you to develop relevant skills and that demonstrate your commitment to public service generally, or to the criminal justice system specifically.

Because U.S. Attorneys and District Attorneys are responsible for their own hiring, and these individuals differ in what they regard as the best prior work experience for becoming a criminal prosecutor, it is difficult to describe any "correct" path. For example, a number of AUSAs have moved directly from the Department of Justice (DOJ), as the Honors Program hires directly from law school. Some U.S. Attorneys prefer candidates who have worked in a District Attorney's office because of the prosecutorial experience, while others question the quality of the training received at a given District Attorney's office because of the demands of their heavy caseloads. Working with a State Attorney General's office provides experience that may be valued in the hiring process. In addition, working in a litigation department of a law firm is often considered to be worthwhile, but working in the trust and estate or corporate department may not be highly valued. In developing your experience keep in mind that most USAOs and District Attorneys keep a strong emphasis on substantive trial experience, including extensive research, writing and analysis.

Summer or term time work in criminal prosecution is obviously highly relevant for several reasons. It not only helps you to develop relevant skills, but also allows you to get to know AUSAs and Assistant District Attorneys (ADAs), or even the U.S. Attorney or District Attorney. These individuals can then vouch for your ability and commitment, if not hire you themselves, when you are later looking for this type of work.

Judicial clerkships are also generally regarded as a plus since most employers feel they help develop research, analysis, and writing skills and provide their own brand of courtroom experience. For an AUSA, the federal clerkships have several other advantages. A law clerk will hopefully be able to obtain a solid reference from his or her judge, probably an individual who is highly respected in the U.S. Attorney community. In addition, a law clerk will have an opportunity to meet the AUSAs appearing before the

court and to establish a working relationship with them that may serve him or her well later on. This is especially helpful if a law clerk is clerking in the district in which he or she plans to practice.

Character

A hiring criterion consistently emphasized by criminal prosecutors is the importance of a strong commitment to the criminal justice system and to public service. The unique and powerful role played by prosecutors in our criminal justice system requires that individuals who carry out this function have a strong respect for the process. While the U.S. Attorneys' Offices and District Attorney offices look for individuals who are comfortable advocating the punishment of convicted defendants, they also look for individuals who will have the sense of fairness that ensures the credibility of the entire criminal justice system.

In addition, an AUSA represents the United States of America and an ADA represents the state. These prosecutors work closely with victims, witnesses, opposing counsel, defendants, juries and judges. All should be left with a sense of the competence and fairness of the individual, and the office. Lest this leave you with the sense that you must present a Lincolnesque demeanor, prosecution offices, like most employers, really value a person of maturity and judgment who will "fit" in the office. A sense of humor, good interpersonal skills, and a sense of professionalism can go a long way.

b. Procedure

The Interview

Interviews for positions as a criminal prosecutor tend to be different from a typical law firm or even public interest interviews, both in rigor and content. Although each of these offices is independent in their hiring process and can follow their own unique procedures, it is common to find multiple rounds of interviews for a permanent hire and the use of certain questions to probe the candidate's commitment to criminal justice and ethics.

Rounds

For both USAOs and DA offices, it is not uncommon for there to be two to four rounds of interviews prior to an offer. These interviews can range from one-on-one meetings with the recruiter, to five-person panel interviews. A very common element is a final interview with the District Attorney or U.S. Attorney. Although several rounds of interviews are common, it doesn't always mean they are on different days. If a candidate has traveled far for an initial interview, the committee may try to stack the rounds in one visit to spare the candidate travel expenses since prosecution offices cannot cover interview expenses.

Below are examples of the interview process for several offices that are popular among YLS students.

Connecticut U.S. Attorney's Office, New Haven:

1. First interview with the hiring committee of 6-10 people
2. Second round with the potential direct supervisor(s)
3. Final interview with the U.S. Attorney

Eastern District of New York (EDNY):

1. First round with 3 senior AUSAs
2. Second round with the Division Chief
3. Final interview with the U.S. Attorney

New York County District Attorney's Office (Manhattan):

1. First interview with one Hiring Board member
2. Panel interview with three Hiring Board members
3. Executive Panel interview with the Director of Legal Hiring and two ADAs from the Executive Staff
4. Interview with District Attorney Cyrus R. Vance, Jr.

Suffolk County, MA District Attorney's Office:

1. One-on-one interview with an ADA
2. Second interview, typically with two individuals, usually including the District Court Chief

Philadelphia District Attorney's Office:

1. Prescreen interview with an ADA
2. Full committee interview (20 minutes) with at least five members of the Hiring Committee

Interview Questions

Before going into what will likely be a rigorous interview, candidates should familiarize themselves with the distinctive interview process for prosecutorial positions. In addition to possibly speaking to a CDO counselor or consulting with a classmate who has gone through the process, candidates should glance at a couple of short guides, which offer helpful pointers about these interviews. Two helpful resources are *The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process* and *Sizing Up the Prosecution: A Quick Guide to Local Prosecution*, which are both available in CDO's Handouts Drawer. These guides provide examples of standard hypothetical questions and possible responses.

Typical interview questions attempt to probe four areas: knowledge and desire for the job, legal qualifications, ethical qualifications, and fit with the office culture.

To explore the candidate's knowledge and desire for the job, the employer will ask why the candidate wants to be a DA or AUSA and why they want to work at this particular office. A prepared candidate should be ready to demonstrate their commitment to public service, interest in the criminal justice system, and knowledge of the particular office in issue.

The interviewer will try to examine the candidate's legal qualifications for the job by learning more about the specifics of their training in litigation skills and criminal justice. Not every candidate has solid litigation or criminal justice experience, but a successful candidate will be prepared to discuss how either their courses, legal experience, or other activities demonstrate their ability to take on this difficult practice. It is important to note that USAOs tend to focus more on practice experience since they almost never hire students immediately after graduation, but instead look to the intervening years as a more accurate assessment of skills and interests. For DA offices that hire right out of law school, law school courses, clinics, and summer jobs assume more importance.

Ethical qualifications are most commonly explored through the use of one or more hypothetical question(s). A prosecution office may choose a hypothetical to ask of every applicant to try to learn more about how they would handle a legal and ethical problem. They are looking at the candidate's thought process, communication skills, and judgment. Whether the answer is legally correct is of less concern at this juncture, although a grasp of the Fourth Amendment and criminal law issues will serve a candidate well. The hypothetical also allows the office to assess whether a candidate is able to think on their feet, ask the right questions, exercise judgment, and take responsibility. An example is as follows:

You are a new attorney with the office, having your first opportunity to act as first chair at a trial. There is no other USAO present in the courtroom. You put a cooperating witness on the stand and they testify according to plan. The Defense Attorney then begins his cross examination and your witness begins to

say things you have never heard before. You think he might be making it up to bolster his story. What do you do?

Obviously the attorney could do nothing, probe this on redirect, leap up in court and call the witness a liar, or ask the judge and defense counsel for a recess. Verbalizing your thought process, which includes ethical standards as well as the goal of successful and fair prosecution, is the best avenue. According to NALP's *The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process*, "Candidates should remind themselves that their thought processes and ethical awareness will be valued more than the 'correct' legal answer. If students engage in conscientious thinking about their own interests, skills, and understanding of the law, they will be well prepared to tackle the distinct challenges of an interview with a prosecutor's office."¹

Fit with the office culture is largely determined by having several attorneys from the office talk with the applicant and assess his or her character and personality. It does not hinge on political party affiliations or conservative versus liberal ideology, but on character, judgment, collegiality, and perhaps even a decent sense of humor!

B. The U.S. Attorney's Office

There are approximately 5,800 Assistant United States Attorneys who work in 93 United States Attorneys' Offices located throughout the United States, Puerto Rico, the U.S. Virgin Islands, and Guam. While the range of litigation in which U.S. Attorneys' Offices are involved has grown over time, their activities are generally divided into the criminal and civil divisions. Each of these divisions is commonly subdivided for increased specialization. Within the criminal division, U.S. Attorneys handle the majority of federal criminal prosecutions, including everything from organized crime and white collar crime, to child pornography and human trafficking, to drugs and firearms offenses. Within the civil - division, the U.S. Attorneys are responsible both for pursuing affirmative litigation, such as the enforcement of federal housing regulations, and for defending the government in cases involving the interests of the United States. The civil cases handled by AUSAs represent more than one-third of the workload of the U.S. Attorneys' Offices. Although this guide will focus on the criminal work, additional information on the civil divisions can be found on the DOJ website (www.usdoj.gov) and from our students and alumni who have pursued those avenues.

1. Summer Internships

a. Type of Work

The work of each USAO is influenced by the office's geographic location and its resulting size and focus. For example, although many YLS applicants apply to offices in large cities where they feel the criminal division tends to prosecute the biggest cases, some medium-sized offices in smaller cities also have a significant criminal practice with a full range of size and complexity of cases. Additionally, smaller cases can provide greater opportunity for interns and new attorneys to take on significant responsibility and a broader range of experience.

Because of the variations among offices, students should contact interns from prior years to get a feel for each office's individual policies. Current YLS students who summered in a USAO are listed in Chapter 2. In addition, the summer evaluations of YLS students (available online) provide further information on summer work in U.S. Attorneys' Offices.

¹ *The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process*, (NALP Bulletin / Nov 2006), pg. 9.

b. Demand

Each summer the U.S. Attorneys' Offices are among the most popular destinations for Yale law student summer employment and for law students generally. The number of law students hired by each USAO varies by the size of the district and their attitude toward student assistance. For example, the projected number of summer volunteers needed for summer 2013 for these popular offices is:

- the District of Columbia—100
- the Eastern District of New York—79 (24 Civil and 55 Criminal)
- the Southern District of New York—50 to 55
- the Eastern District of Pennsylvania—25
- the District of Connecticut—18 (New Haven 10, Hartford 4, and Bridgeport 4).

Projections for these and other USAOs are available in *Volunteer Summer Legal Intern Positions*, produced by the DOJ in December preceding the summer in question and found on the CDO reception area shelves or on the Internet at www.usdoj.gov/oarm under *Legal Careers at Justice*, then *Opportunities for Law Students & Entry-Level Attorneys* and then under *Volunteer Legal Intern Opportunities*.

c. Procedure

If your goal is to work at a U.S. Attorney's Office as a summer volunteer, you have the best chance of obtaining a position if you are willing to explore a variety of geographic options. Although the competition at some offices can be quite stiff, there are a number of things you can do to increase your chances of receiving an offer. While none of the offices will accept first-year resumes until December 1 (in compliance with NALP guidelines), they tend to move rather quickly after that date, so applicants should send in their cover letters and resumes as soon after December 1 as they are ready. If you wait until mid- to late January to apply, finding open positions in popular cities may be difficult. Second-year students should make their first contact in the fall and comply with the individual office's hiring timeline.

d. Requirements

Security and Suitability Clearance

All law student and lawyer applicants to a U.S. Attorney's Office must go through a security clearance like those who apply to work for the DOJ in Washington, DC. You will be asked to fill out a standard form (SF) and to submit to checks regarding your credit, fingerprints, name, and drug use (although typically drug testing is only required of paid summer interns, and not of volunteers). The form will be mailed to you after a tentative offer of employment is extended. No candidate will be hired without successfully passing the suitability review. The forms are available in the *DOJ Security Form* binder in CDO or at www.opm.gov/forms/ under *Standard Forms*.

USAOs typically require summer interns to complete the most basic form, SF-85. This requests information regarding illegal drug activity, including use, sale, possession or manufacture. The other forms, which may be required by your USAO, especially if you will be working in a highly sensitive area, are SF-85P, SF-85P-S and (in rare cases) SF-86. These forms request more extensive information on illegal drug activity, and may include inquiries regarding a police record, use of alcohol, financial records, foreign countries you have visited, and consultations with a mental health professional. In addition, a few USAOs have added their own suitability form. The *DOJ Security Form* binder in CDO has some examples of this.

You should review the relevant forms prior to applying to the U.S. Attorney's Office to make sure that

you are comfortable with the questions and to address any concerns you may have in a timely manner. You should also read CDO's brochure, *Before You Apply: Understanding the DOJ Security Clearance Procedure*.

Although the Department of Justice and USAOs generally want law abiding citizens to work for them, they are most concerned with recent or current illegal activity. The standards regarding past misdeeds are somewhat flexible and will be determined at the discretion of the staff at the Office of Attorney Recruitment and Management (and possibly at the USAO) on a case by case basis, but in our experience, it appears that any illegal drug use within one year of application will disqualify an applicant for a summer intern position. Additionally students have been precluded from obtaining a security or suitability clearance based on credit problems, conflicting information on their security forms, or residency issues (interns compensated by the DOJ are subject to a residency requirement). Any candidate who has lived outside the United States for two of the past five years may have difficulty being approved for appointment by the Department's Security Staff. Federal or military employees, or dependents of federal or military employees serving overseas, are exempted from this requirement. The Office of Attorney Recruitment and Management will take anonymous phone calls regarding background information and suitability issues after an offer of employment has been extended. Call the Office at 202-514-8900 and ask to speak with an attorney for advice regarding background checks.

Despite these difficult questions and unhappy consequences: **DON'T LIE ON THE SECURITY FORMS!** You are required to sign these forms attesting that they are true and acknowledging that a false statement can be punished by fine or imprisonment under federal law. Beyond that, you do not want to start your legal career by lying in writing to the federal government. If you have an issue of concern, discuss it with a law school career counselor or give a call to the DOJ. Because of the look-back period, simply waiting a year to apply may solve your problem.

Also note that from time to time a student will report to their summer job at a USAO only to discover that they cannot start work since their security review has not been completed. To avoid this unfortunate event, we suggest that you request and fill out the Standard Form immediately upon receiving a tentative offer from the USAO. Return the form to the USAO, and request, ever so politely, that they FEDEX it to the DOJ for review. Some of the delay problems may occur when a USAO holds the forms until all summer interns are selected and have returned their forms. Feel free to tell them that your Career Development Office suggested that you request these procedures to make sure you would be able to start on time.

U.S. Citizenship

Although some DOJ positions will occasionally consider a non-U.S. citizen applicant, U.S. Attorneys' Offices will not. The U.S. citizenship requirement is a policy of the Executive Office of United States Attorneys. Dual citizenship is handled on a case-by-case basis.

e. Salary

Because all summer positions at U.S. Attorneys' Offices are typically volunteer, second-year students will probably enjoy an advantage at many offices because of their more extensive experience. While some compensated positions have been offered through special grant funding for certain USAOs, summer internships have been unpaid by the DOJ in the past and are expected to be unpaid again for future summers. Luckily, Yale's Student Public Interest Fellowship Program will provide funding for students interested in working for a U.S. Attorney who need the grant to cover expenses for the summer.

f. Avoiding Conflicts of Interest

Students should be mindful that in every jurisdiction the Rules of Professional Conduct, or other applicable ethical rules, impose the obligation to avoid conflicts of interest. This could arise in a clinic or internship if you are “on the other side” from your future employer in a case or transaction. Legal employers are responsible for inquiring about possible conflicts of interest, but you should consider whether your past legal work (e.g. cases you handled during your 1L summer) or ongoing legal work (e.g. clinic or externship casework in which you are currently involved) may present a conflict and bring any potential issue to the attention of the hiring attorney as soon as it is feasible. This is especially true if you are planning to work for the USAO. If you have questions as to whether your specific situation could possibly be a conflict of interest with your employer, make an appointment to talk it over with a career counselor.

2. Attorney Hiring

a. Demand

In Fiscal Year 2011, 329 attorneys were hired and 412 attorneys left the collective USAOs. In the previous Fiscal Year, 342 attorneys were hired and 290 attorneys left the collective USAOs. Regardless of the year, there are many attorney hires in the U.S. Attorneys’ Offices and competition is fierce for these highly sought-after positions.

In general, large U.S. Attorneys’ Offices are more likely to have positions available. Large offices also tend to be in major cities and often experience higher turnover rates because of competition with private firms that may offer higher salaries. The District of Columbia is the largest United States Attorney’s Office in the country because the office handles federal legal matters and also legal matters that normally would be handled by state and local prosecutors. The Southern and Eastern Districts of New York, Southern District of Florida, and Central District of California also are very large offices.

For example, in 2011 the offices below had the following number of attorneys working with them:

- the District of Columbia Office had over 320 attorneys;
- the Eastern District of New York had over 155 attorneys;
- the Southern District of New York had over 220 attorneys;
- the Southern District of Florida had over 220 attorneys.

The average age of an AUSA is 46. The average length of service for non-supervisory attorneys is 11 years. The average length of service for supervisory AUSAs is 22 years. These numbers indicate that although some attorneys may briefly pass through a USAO to gain valuable experience, many more are pursuing a significant part of their career in this environment.

b. Procedure

Some AUSA positions are listed on the websites of the specific offices, which can be found through the DOJ website at www.usdoj.gov/usao/offices. This site also lists contact information for each office. In addition, the DOJ requests that all USAOs post their job listings with the DOJ at www.usdoj.gov/oarm under *Legal Careers at Justice*, located on the left side bar. However, not all offices have a website or post their vacancies on the DOJ site, so you should also contact the office of interest to learn about openings and to submit your material.

c. Requirements

All AUSAs must be residents of the districts to which they are appointed, or live within 25 miles thereof. However, they need not be residents at the time of application.

The U.S. Attorney in charge of each office, or his or her designee, has the authority to hire the Assistant U.S. Attorneys for the office. Generally they will only hire experienced attorneys, typically lawyers with at least two to three years of experience. In addition, several USAOs require a specific longevity commitment from new hires. For example, DC requires a four-year commitment, while the Eastern District of Michigan and the Southern District of New York require three.

An AUSA recruit must go through a more in-depth security clearance than summer volunteers and interns. This requires a more intrusive form, a credit report, fingerprint and name check, drug test, and tax record review prior to receiving a temporary appointment. After an FBI background investigation is successfully concluded the appointment becomes permanent.

d. Salary

AUSA positions are paid under an administratively determined pay system which is approved by the Attorney General. They are not a part of the GS pay system, which covers most other attorneys in the Department of Justice. Base starting salaries for non-supervisory AUSAs with up to three years experience range from \$44,581 to \$67,987. These figures do not include additional locality pay, which is the same as that paid for GS attorneys, and which is based on the geographic location of the position. Locality pay varies from a low of 14.16% to a high of 28.71% added to basic pay. For specific information about the locality rates for a given location, visit the Office of Personnel Management website at <http://www.opm.gov/oca/12tables/pdf/saltbl.pdf>. Each year, AUSAs receive a pay review in which their performance rating, pay range, and experience will be evaluated to determine if a salary increase is appropriate. The maximum rate of basic pay, i.e., not including locality, for a non-supervisory AUSA is \$131,534.

C. The District Attorney's Office

In a typical state, criminal prosecution cases are prosecuted by a District Attorney's office, with the exception of a few cases handled by the State Attorney General's Office. District Attorneys' offices may be organized by county or judicial districts, and are typically led by an elected or appointed District Attorney. In some states, the attorneys in these offices may be called "prosecuting attorneys," "state's attorneys," or "county attorneys." Because this structure is determined by state law, the jurisdiction and organization of these offices vary greatly. Some also handle civil cases and other responsibilities such as providing legal advice to county officials. Some are free-standing, while others may be incorporated into the State Attorney General's Office or under its oversight. Descriptions of the organization and legal jurisdiction of the 50 states' prosecuting attorneys' offices, and contact information for the offices, can be found in the *National Directory of Prosecuting Attorneys* in the CDO library. Information regarding District Attorneys can be found at the National District Attorneys Association website at www.ndaa.org.

1. Summer Internships

a. Type of Work

The model of the Summer Intern Program varies greatly from one office to the next. Some offices, such as the Philadelphia DA office, administer different first-year and second-year law student programs. The

first-year law student is assigned to one of the twenty-two units. The second-year law student program consists of three three-week rotations and a one-week training period, and it allows students the opportunity to try cases and advocate for crime victims.

Some offices also have an educational program, such as the New York County DA's office, which conducts a weekly lecture and field trip series to expose law students to various aspects of the criminal justice system. In many offices, second-year interns interested in full time work after graduation will be granted an interview at the end of the summer.

Due to the variations among offices, students should conduct research on specific DA offices. Many of the offices list details of the Summer Intern Program directly on their websites. Students are also encouraged to contact current and former summer interns to get a feel for each office. In addition, the summer evaluations of YLS students (available online) provides information on summer work in District Attorneys' offices for your review.

b. Demand

In the summer of 2012 hundreds of law students worked in District Attorneys' offices across the country. The number hired in a particular office varies by the size of the district and their attitude toward student assistance. For example, the number of summer volunteers for summer 2012 for these popular offices are listed below:

- the Suffolk County, MA District Attorney's Office—35 1Ls, 45 2Ls
- the Philadelphia District Attorney's Office—24 1Ls, 26 2Ls
- the New York County District Attorney's Office—51 interns.

See *For the Prosecution: Internships with America's Prosecutors*, located online at <http://cei-internship.squarespace.com/>, for details on all the DA offices and the class years that they hire (contact CDO for login information).

c. Procedure

Although many of the DA offices have a deadline of March 1, first-year students are encouraged to apply in early December since interviews are conducted from January through March, with offers being made up to and well into April. Second-year students should apply in early fall as interviews in many DA offices conclude by mid-December.

d. Requirements

Security Clearance

Once a student has accepted a summer position, they must go through a security clearance. The background check usually includes a criminal record check at the internship level. Some offices will also ask interns to be fingerprinted. The clearance for internships at District Attorney's offices does not typically include a drug test, auto violations search or credit check.

U.S. Citizenship

Typically, a student without U.S. citizenship can work in a District Attorney office for the summer as long as they have the proper working papers.

e. Salary

Although salaries will vary from office to office, the majority of District Attorney offices do not pay at the intern level. Students should, however, check with any office(s) of interest, as there are weekly stipends at some offices.

Below are some examples of internship salaries:

- the Kings County (Brooklyn) District Attorney’s Office—unpaid both years
- the New York County District Attorney’s Office—receive a stipend of \$500/week
- the Philadelphia District Attorney’s Office—first-years are unpaid; second-years (who are not in work study) receive \$460/week
- the Queens District Attorney’s Office—unpaid both years
- the Suffolk County, MA District Attorney’s Office—unpaid both years.

2. Attorney Hiring

a. Demand

Assistant District Attorney positions are extremely competitive. Like most employment opportunities, there will be more openings in larger cities. To take just one example, the New York County DA’s office received over 1,600 applications from graduating law students last year and hired 38 ADAs; this office hires approximately 40 to 50 new attorneys in a typical year. As mentioned earlier, 2L DA interns interested in post graduation employment often receive interviews at the end of their summer, thus giving them an advantage over other applicants.

b. Procedure

Since deadlines for ADA positions can be as early as late October/early November and most DA offices do not usually participate in FIP, students interested in these opportunities are encouraged to check with the DA office they are interested in for specific timelines. It is not uncommon to apply in the late summer of the second year or early fall of the third year. Most applications require a cover letter, resume, official law school transcript, writing sample, and a list of professional references. Lateral hires are taken throughout the year.

c. Requirements

All ADA positions require bar passage eventually; however, most do not require bar passage prior to hiring a new graduate and commencement of work. New graduate hires, however, are expected to have taken the Bar in the summer prior to starting work. Since DA offices in different states are governed by different practice laws, they may differ in whether new hires can handle cases in court between the time they take the bar exam (usually the July after graduation) and when they receive their results (usually October). Some offices, like Suffolk County, MA and Philadelphia, PA require candidates to secure certification under a specific provision of a court rule (Supreme Judicial Court Rule 3:03 in MA) during their 3L year once they have accepted an ADA position. This certification, which basically allows the recent graduates to practice in court before receiving their bar results, is considered a “good standing” certificate of character.

Attorneys must go through a thorough background check which can include a criminal record search and possibly a drug test, auto violations search, and a credit check. If you have outstanding auto violations,

you could be required to make sure all accounts are up to date before starting employment. Although it will be unlikely to pass the background check with a juvenile or adult felony conviction on your record, there may be misdemeanors that could be explained, depending on the situation. In all cases, disclosing all information in the beginning and explaining everything up front is the best course of action.

U.S. citizenship is required to work as an attorney in a District Attorney's office. Some District Attorney offices require that you are a resident of that particular state before starting employment. Others require a commitment to stay with the office for several years. For example, the New York County and Queens offices require new ADA's to serve the office for a three-year minimum.

d. Salary

Salaries for ADA's vary depending on the location. For more information on a range of salaries for ADA's, refer to the *NALP Public Sector and Public Interest Attorney Salary Report* in CDO's Library.

Below are some examples of salaries for 2012:

- the Suffolk County, MA District Attorney's Office—\$40,000
- the Philadelphia District Attorney's Office—\$48,975
- the Manhattan District Attorney's Office—\$60,000
- the Bronx District Attorney's Office—\$55,500
- the Queens District Attorney's Office—\$58,000.

Note: Pages 16 - 20 are omitted from the public version of the guide.

D. Online and Print Resources

Online Resources

<http://cei-internship.squarespace.com/>

Yale Law School provides students with a subscription to *For the Prosecution: Internships with America's Prosecutors*, an online resource providing information about internship opportunities at U.S. Attorneys' offices and District Attorney's offices across the country. Contact CDO at (203) 432-1676 for login information.

www.law.virginia.edu/pdf/prosecutorhowto.pdf

How to Get a Job in a Prosecutor's Office by Richard Armstrong, University of Virginia Law School, 2001

www.ndaa.org

Website for the National District Attorneys Association (NDAA). The NDAA is the oldest and largest professional organization representing criminal prosecutors in the world. Its members come from the offices of District Attorneys, state's attorneys, attorneys general and county and city prosecutors with responsibility for prosecuting criminal violations in every state and territory of the United States.

www.usdoj.gov/usao/offices/

Website provides contact information for U.S. Attorneys' Offices. Includes links to websites and press releases of individual offices.

Print Resources Available in the CDO Library

National Directory of Prosecuting Attorneys

National District Attorney Association / 2007

Resources Available in the CDO Handout Drawer/Brochures

Before You Apply: Understanding the DOJ Security Clearance Procedure

CDO Brochure / 2011

The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process

NALP Bulletin / 2006

Sizing Up the Prosecution: A Quick Guide to Local Prosecution

Harvard Law School / 2010

CHAPTER 3

PERSONAL NARRATIVES

A. Attorneys

1. District Attorney

SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE

Stephen Kerr '07

After graduating from law school, I worked for a year as an Assistant District Attorney in the Appellate Unit of the Suffolk County District Attorney's Office in Boston, Massachusetts. My experience was largely positive and I consider it one of the best jobs I have had. What first impressed me about the job was how quickly I was given responsibility for cases. The day I moved into my office, after one and a half weeks of training, I found that I already had two appellate briefs assigned to me. A couple of weeks later, the Chief of Appeals asked me if I wanted to argue a case before the Massachusetts Appeals Court. Within four months of starting my job, I had authored numerous appellate briefs, argued before the Massachusetts Appeals Court, second-sat trials in district and superior court, and gone up against the founding partner of a Boston law firm in a district court case of first impression concerning the constitutionality of a Massachusetts criminal law. I don't know where else I could have gotten as much courtroom experience or otherwise been entrusted with as much responsibility so early in my legal career.

Because I was thrown almost immediately into work, most of my training took the form of learning-by-doing. Fortunately, all of my colleagues in the Appellate Unit had an "open door" policy and the more senior attorneys were able to answer most every question I thought to pose. Also, every brief produced in the Appellate Unit was reviewed by the Deputy Chief of Appeals, who would sit down with the drafting attorney to discuss useful edits and general ways to improve the attorney's writing. The tutelage of my colleagues at the District Attorney's Office was extraordinarily helpful to my development as an attorney.

Given that I will spend much of my life at work, it is important to me that I love my job. In my experience, there are a few factors that most determine my job satisfaction: 1) whether I am working for a cause I believe in, 2) whether I am intellectually stimulated by my work, and 3) whether my work environment is pleasant. I was fortunate to find all three factors present in large part in the Appellate Unit of the Suffolk County District Attorney's Office. First, I was able to take pride in the work that I did. Assistant District Attorneys represent the state in criminal cases, fight to protect the public, and advocate on behalf of victims of crime. Also, theoretically, a prosecutor has no human client and no interest in a case but to see that justice is done. On this last point I must say a bit more. Due to the adversarial nature of the American legal system, institutional pressures that may be present in a District Attorney's Office, and the hierarchy of decision making in the office, the reality of practice is that a newer Assistant District Attorney may be called upon to prosecute cases or make legal arguments that he or she would have chosen absent these factors. That said, taking official positions which may diverge from one's personal views is part of being an attorney, and Assistant District Attorneys are perhaps called upon to do this less often than other attorneys.

Second, working in appeals afforded me ample intellectual stimulation. Legal research and writing was the bread and butter of my day, and the breadth of legal issues I worked on was amazing. Not only had I to familiarize myself with the laws of evidence, the Massachusetts penal code, and the constitutional issues that most commonly arise in criminal cases, but I had also to learn any other rules of law that applied to the specific facts of a given case I was working on. For example, I found the answer to one of my appellate cases in the law of property, specifically in the law of implied easements arising from

necessity. As another example, in the case of first impression that I mentioned, the defendant claimed that the First Amendment protected her conduct, and that the Massachusetts law that criminalized her conduct was overbroad and void for vagueness. To respond to her defenses, I found myself skimming constitutional law casebooks and treatises, as well as reading federal and state court decisions on the relevant topics. Even when a case I am working on involves the same area of law as a previous case, the facts of the case are always different and require that I learn something new, which furthers my understanding of the nuances of law.

Finally, the Appellate Unit had a great office culture. The vast majority of my colleagues were exceedingly friendly, expressing a genuine interest in my life, well-being, and professional development. Furthermore, because there is no pressure to bill a certain number of hours at a District Attorney's Office, the only pressure I felt was the pressure I put on myself to get work done and to do it well. This was very different from the experiences of my friends at law firms. Also different from the experiences of those friends was that the my boss, the Chief of Appeals, was very generous in giving younger attorneys opportunities to take on great, and sometimes high profile, cases. Four days after being admitted to the bar of Massachusetts, a colleague of mine argued before the Massachusetts Supreme Judicial Court a case that was the subject of a BBC documentary. Within eight months of starting work at the office, he was again before the Supreme Judicial Court, this time on a case involving a quadruple homicide arising out of a dispute over territory between rival crime families in Boston. Both of these cases and the case of first impression I worked on garnered significant media attention. In many other organizations, perhaps including other district attorney's offices, more senior attorneys likely would have claimed such cases for themselves.

The Appellate Unit of the Suffolk County District Attorney's Office also allows attorneys the flexibility of alternative work schedules. Due to family obligations, a number of my colleagues took advantage of this. One colleague worked four days a week, another worked three days a week, and a third worked at 87.6%-time. A fourth coworker, whose husband is a merchant marine, worked full-time the 26 weeks that her husband was at home and worked three days a week the 26 weeks that her husband was at sea, so she could spend more time with their young daughter when her husband was away. Even those of us working full-time in the Appellate Unit were given leeway in our work hours. Some attorneys came to work later in the day while others, who had to pick up children from school, came and left earlier. A number of attorneys broke up the day with a walk in downtown Boston or a trip to the gym. Our work had to get done, however, and when my colleagues and I had a brief due or an upcoming argument, we would often take work home with us.

I highly recommend work as an Assistant District Attorney, whether in an appellate unit or a trial unit, and whether for one's whole career or just to begin one's career. The job provides a great opportunity to feel good about what you do, be constantly stimulated, and work alongside caring and committed people.
2012

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

Martha Bashford '79

I am the chief of the Sex Crimes Unit in the New York County District Attorney's Office, supervising more than 50 lawyers handling sexual assault cases. Before that, I was chief of the Forensic Sciences/Cold Case Unit, and before that I had been one of two attorneys in the Sex Crimes Cold Case DNA Project.

While at Yale, I had been a summer associate in a Wall Street firm and in a small firm in upstate New York. The people were nice, the pay was spectacular, and the work was deadly dull. Robert M. Morgenthau, then the Manhattan DA, came to Yale my third year to do recruitment. He offered low pay (I

believe back then it was around \$17k) and long hours. But this was the clincher: he promised I would never be bored. I took him up on his offer, intending to fulfill the three year commitment and move on, with solid trial experience under my belt. It's been 33 years, I'm still here, and he was right; I have never been bored.

Many colleagues have moved on over the years. When we get together, the universal refrain is that this was the best job they ever had. The working atmosphere is unsurpassed. People are supportive and encouraging. Your colleagues take pleasure in your successes and commiserate with your setbacks. Unlike firms, where only a few partnership positions may be available, internal competition is not part of the daily environment.

There are very few jobs where young attorneys get so much responsibility so early in their careers. Is a witness truthful or not? Is a witness' identification accurate or mistaken? Given this set of facts, what crimes, if any, have been committed? What is the appropriate resolution of this case? Who should I pick for this jury? What am I going to say in my closing argument? These are all questions ultimately answered by the attorney assigned to a particular case.

After 20 years of prosecuting a variety of street crimes (primarily homicides and sexual assaults), I turned to unsolved sexual assault cases, going back 10 years. I review the old police files, locate untested evidence, and see if we can develop the DNA profile of the attacker from that evidence. That profile is then entered into the DNA databank system, often resulting in a DNA cold hit match, and subsequent prosecution. Cyrus R. Vance, Jr., the current DA, expanded this work to unsolved homicides. There is nothing more rewarding than letting a victim or a victim's family know that despite the passage of many years, their ordeal has not been forgotten and their case has been solved.

It hasn't always been easy juggling work and family. My husband also is a public service lawyer, so money can be tight, particularly with getting a daughter through college.

When I am on trial, the trial is all-consuming. When I am not on trial, I have a great deal of flexibility in my schedule. In a typical day, I'll see something hilarious and something heart-breaking, something rewarding and something frustrating, but never, ever boring. Few lawyers can say that.

2012

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

Jorge Xavier Camacho '10

When I applied to the Manhattan District Attorney's Office, I did so largely based on the reputation of the office as perhaps the premiere prosecutor's office in the country and on the recommendations of people I knew who had worked there. I was told by countless people how their time at DANY, as it's commonly known within the office, was the highlight of their careers. I, myself, had never previously worked there, so all of my knowledge of what to expect came from what others told me. In light of the constant stream of praise heaped onto the DA's office, I expected a lot out of my career there. As I write this narrative, two things are true: first, I'm about nine months into my career there, and second, all of my expectations have already been exceeded. Without exaggeration, I cannot imagine a better place for any lawyer to work, particularly those looking for a job that affords them independence, immediate responsibility, and most importantly, interesting and fulfilling matters to work on.

One of the best parts of working at DANY is the fact that, even if pressed for an answer, I would not be able to describe what a "typical" day would be. On any given day I might be conducting arraignments, drafting criminal complaints against newly-arrested defendants, conducting investigations into any of my 200 or so open cases, sitting in on a particularly interesting trial, conducting a hearing over someone's

status as a sex offender, meeting with witnesses, victims, or even defendants, or preparing for my own trials. What makes this job so exciting, and equally terrifying depending on your outlook, is the fact that your day can change momentum without a moment's notice, going from zero to sixty and back within a matter of minutes.

I had a day where, in the middle of interrogating a domestic violence defendant, I was called to court by a judge who was threatening to dismiss one of my cases because he thought I was beyond the time limit imposed under law for bringing the case to trial. I had to take a break from the interview, run to court, argue (successfully) that I was in fact nowhere near the time limit, then run back to the interrogation room to continue my investigation. Another day, while in court, I received a message that a case I had agreed to cover for my officemate while she was on trial was itself proceeding to trial in a few minutes, forcing me to rush out, gather the case file, educate myself as to what the case was about, gather the witnesses who were waiting at our office, escort them to the trial courtroom, then start the trial, which itself consisted of doing preliminary hearings, jury selection, and pre-trial motions practice, all within the span of an hour or so, before even beginning the trial itself and on a case I had little prior familiarity with. On other days, I've had to run out of my office to meet with victims who suddenly showed up to the office unannounced or to cover another ADA who had to leave court to deal with any one of their unexpected crises. Every day is filled with uncertainty, and every day poses its own unique, unexpected challenges that need to be dealt with on top of the everyday responsibilities that ADAs are entrusted to undertake. Needless to say, this job is not for those who do not deal well with such uncertainty or who are unable to think quickly and decisively on their feet. Every single day is filled with decisions that have to be made immediately and with imperfect knowledge, decisions that will have impacts on defendants, witnesses, victims, and on you.

Despite the fact that so much of your day is spent putting out fires, so to speak, the first-year experience at DANY is perhaps the most formally structured out of all the class years at the office. The trial division of the DA's office is divided into six different trial bureaus, each with their own chief and assigned ADAs. Each month, each bureau is assigned to staff certain institutional assignments, like arraignments, the complaint room, community court, the domestic violence court, or various other courts. It's the rookies at DANY who actually staff these assignments, with your assignments varying month-to-month depending on your bureau's schedule. For example, in one month, your bureau might be scheduled to staff arraignments on the weekends, the complaint room at night, and the felony arraignments court. This means that each day, rookies from that bureau are assigned to staff each of these assignments. The next month, the rotation may take you out of felony arraignments but put you in community court instead. After your rookie year, you no longer have to staff these assignments, leaving you mostly with free days where you're unassigned and are able to dedicate the bulk of your time to investigating and pursuing your cases.

This set up effectively means that the rookie year tends to be the busiest in terms of workload and number of hours spent at the office, because after you're done staffing whatever assignment you have for the day, you'll usually return to your office and actually do work on your caseload. Because institutional assignments take up the entire day, this means that you'll arrive at work between 8 and 9, be in court until around 5, then return to your office and deal with the ever-growing caseload assigned to you. I've settled into a routine of spending anywhere between 2 to 4 additional hours at work after my assignment for the day just to try to keep on top of my cases, which means that I usually leave work sometime between 7 pm and 9 pm. In slower months, I may leave closer to 5. As you become more senior, however, your caseload goes down and you staff many fewer assignments, leaving you with more time during the day to work on your cases. Of course, the more senior you get, the more serious your cases, which is the reason for the heavy assignment load for rookies. More senior ADAs need more time to do thorough investigations for their higher-stake cases.

But this is not to say that rookies themselves do not have serious cases. Currently, I have cases dealing with assaults, menacing, sex abuse, drug sales, weapons possession, child endangerment, thefts, and drunk driving. Each case has its own story, its own cast of witnesses, its own set of evidence, and, of course, its own unique set of legal and factual problems that make them exciting to work on. While the caseload itself can get overwhelming, the office entrusts you with the responsibility to do what needs to get done to make sure that important cases don't fall by the wayside, and expects you to be able to prioritize your cases accordingly. No one expects you to be 100% on top of all 200+ cases, but they do expect you to exercise sound judgment when determining which cases to pay attention to. Luckily, the office is full of wonderful support staff who help us investigate cases, reach out to witnesses, and provide victims with much needed services and support.

I could honestly continue for pages and pages about my experience at DANY, but I'll sum up with the following: there is simply no better job for a young lawyer (or any lawyer, for that matter) to have. District Attorney's Offices all over the country, and especially in New York, have their finger on the pulse of their respective cities. There is something uniquely satisfying about seeing the work of your office making the front page of every area newspaper, and many national newspapers, on a daily basis. You will read about familiar cases or familiar people, and may even have the fortune (or misfortune) of reading about one of your own cases or defendants in the paper, which drives home the point that the work you're doing is meaningful, important, and noteworthy. I have no regrets about my decision to become a prosecutor or to make the Manhattan DA's office my home, and I encourage all law students to explore this career path. I'm sure that they will not be disappointed.

2012

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE²

Mark Dwyer '75

I graduated from law school in 1975, spent a year as a federal law clerk, and thereafter took a one-year position as a legal writing instructor at a New York law school. I began work for the New York County District Attorney's Office in 1977, and stayed through 2009. My expectation was that I would try cases, but the Office initially placed me in the Appeals Bureau. I never asked for a transfer.

Why did I stay so long? It was not the money. The starting salaries are now around \$60,000, which is of course not quite what they pay at the big firms. The pension plan and other benefits are notable, and while I was there I typically received a yearly \$5,000 or \$6,000 raise during good behavior. But one does not go to a DA's Office expecting to get rich. You go for the fun. In whatever part of the office you work, you almost immediately begin to make the decisions in cases. There is no senior partner to ruin your plans for the weekend. Rather, you make the choice to go to the office on Saturday because you care about the cases (your cases) and you want to do what needs to be done. And it adds a lot that you are not settling how much A pays B in damages after a slip and fall. You are helping determine whether a crime victim and an accused will receive justice. If you were born to litigate, then for you that is fun. The typical ADA ultimately leaves the office not because he or she wants to, but only because life circumstances compel that decision.

That is not to say that the rookie prosecutor is handed the Son of Sam case and told to wing it. In the Trial Division there is a natural progression through the innumerable simple cases, typically misdemeanors like minor assaults and petty thefts, through the robberies and burglaries, to the sex crimes and homicides. You are trained and watched. But the invaluable opportunity at an office like this one is to become a veteran trial lawyer by doing the job: by picking the juries, questioning the witnesses, arguing the law and the facts-and by making both mistakes and brilliant moves. You will not be carrying anyone else's

² Mark Dwyer left the New York County District Attorney's Office in 2009.

briefcase.

It helps as well that Manhattan is the home to just about every kind of depraved behavior that can be imagined, including the biggest white collar frauds, the most organized of criminal conduct, and the most gruesome street crimes. ADAs take incredible satisfaction from ensuring that those who commit such crimes are incapacitated. And it must be said, the facts can be simply fascinating. That is why “Law & Order” elected to “rip” so many scripts from our headlines.

As I noted, however, I personally did not do the trial work you see on TV shows. I did appellate work. What suits me about that work is that every case presented a unique legal puzzle. Typically Appeals ADAs defend convictions, and the appellant has filed a thick brief making the case against the prosecution evidence, the judge’s rulings, the defense attorney’s trial strategy, or any number of other things. The job of the appellate prosecutor is to search the trial transcript, the law, and the imagination to find the most persuasive answers to the questions posed. Along with the pleasure of puzzle-solving come the same fascinating underlying facts in immense variety, and the satisfaction of litigating cases that matter.

On that front, make no mistake: an appellate prosecutor is a litigator. He or she is engaged in legal combat with an opponent, and has the same instinct to “crush” the opponent that moves every successful litigator. Appellate litigation is simply a bit more civilized in form. ADAs submit briefs, and then argue cases in front of appellate panels made up of smart judges looking for holes in the prosecution presentations. Trial lawyers speak “at” the jury in summation, perhaps pounding the podium while doing so; but during appellate arguments the judicial audiences talk back, challenging the premises of the parties’ positions and keeping the lawyers nimble. And that challenge too is fun.

Appellate work is not for everyone. For example, some lawyers will prefer constant and hectic interaction with jurors, witnesses, police officers, and defendants. But I submit that appellate work is often an overlooked career path, and one that is very well-suited for the litigator who loves the law and loves to persuade through the written word. You might consider it.

Two notes: from the years I spent on our hiring board, I would recommend that any applicant to a district attorney’s office make sure that his or her resume refers to at least one clinic or summer job related to criminal justice work. There are so many applicants that some are rejected simply because the interviewers are not sure that they are truly interested in the criminal law. And if you might want to do appellate work, mention it in the interview. Every office is looking for more good appellate lawyers.
2012

NEW YORK COUNTY DISTRICT ATTORNEY’S OFFICE³

Olivia Sohmer ’86

I worked as a prosecutor under Robert M. Morgenthau at the New York County District Attorney’s Office from 1990 to 2010. The experience was challenging and rewarding, and I worked with many skilled attorneys and fine human beings.

I was bitten by the DANY bug during the summer after my first year in law school. I was fortunate enough to get a position in the summer intern program—not quite a volunteer position, but hardly a lucrative one. I spent that summer in a Trial Bureau, assigned to work with two senior Assistant District Attorneys on their homicide investigations and trials. I still remember watching, dissecting, and trying to

³ Narrative was written while Robert Morgenthau was District Attorney of New York County. Olivia Sohmer no longer works for the New York County District Attorney’s Office.

reconcile the contradictory videotaped statements of three men arrested for beating a fourth with sticks and bottles.

After law school, I spent a year clerking for a magistrate judge in the federal court, and then 2 ½ years in the Litigation department at Wilkie Farr & Gallagher (where I had worked the summer after second year), before returning to DANY as a lateral hire. The availability of lateral hire positions has varied over the years, and changes with budget and administration concerns. By working in four different bureaus at the Manhattan District Attorney's Office, it was as though I had four very different jobs.

Coming to DANY as a mid-year lateral, I did not follow the usual path of a rookie: intensive training and orientation followed by writing up and handling misdemeanor cases. Instead, I started in the Career Criminal Program, a bureau that is now essentially dissolved. At the time, CCP was referred cases from a Career Criminal Squad of the NYPD Detective Bureau, whose mission was to gather supporting evidence to strengthen the prosecution of recidivists. I spent three years there, trying pickpockets, robbers and burglars. Almost every case I had was one that I handled from the moment of learning that the police had an arrest—or even just a suspect who needed to be put into a lineup—through to sentencing. That “vertical” assignment of cases, which is the paradigm throughout DANY, provided an invaluable education in how to assemble a case. There's nothing like discovering in the middle of a trial that you don't know a fact or have a piece of evidence to teach you what you should have asked at the first interview.

After three years with CCP, I moved to the Labor Racketeering Unit, where I would spend seven years investigating and prosecuting organized crime influence on the trade show industry in New York, unemployment insurance fraud, and bribery of various types of inspectors. The pace there was very different. In the trial division, the life cycle of a case averaged 6-8 months. In LRU, the grand jury presentation itself could take that long, and might be preceded by a year or more of working with undercover officers and confidential informants, applying for and supervising wiretaps, and sifting through the proceeds of meticulously drafted search warrants. Then, once arrests were made, there would follow complex pretrial litigation of all the issues that we had tried to anticipate during the investigation. Many of the cases in LRU were disposed of by pleas, but when they went to trial, the trials were long and complex, with eavesdropping evidence and financial analysis.

My next position was with the Family Violence and Child Abuse Bureau, prosecuting felony charges of physical and sexual abuse of children under the age of 14, usually committed by those entrusted with caring for those they victimized. For six years my job was almost as much social worker as lawyer. I listened to children describe horrific allegations and tried to help them discover that, through the criminal justice system, they could be more than powerless victims. At all times, it was essential to be alert to the very real possibility of false accusations. The hours were long, the work was emotionally draining, and it is no hyperbole at all to say that I consider the work that is done in that bureau to be the most valuable and rewarding work that a prosecutor can do.

Finally, I spent four years in the Appeals Bureau, handling and arguing cases in the Appellate Division and Appellate Term, and occasionally trying to reach—though usually trying to stay out of—the Court of Appeals. Once again, the pace is dramatically different: it is generally a month from case assignment to printed brief. In Appeals, an ADA has an opportunity to become an expert in a wide variety of issues, both substantive and procedural. Every case affords the chance to learn from the example—and the mistakes—of judges and attorneys. Of course, Appeals is the place to hone your writing and editing skills, since almost all briefs are written by one ADA and edited by another. And, presenting a legal argument in six minutes, with five judges peppering you with questions, and white and red lights alerting you to the expiration of your time, is an in-court experience utterly different from trial work.

Quite frankly, this is not a job you take for the money. You will probably be paid more even at the smallest personal injury law firm, and you might even get into court as often. But, in the grand scheme of things, compared to non-legal careers, the pay is not bad at all. And the position is secure, since there is, unfortunately, no shortage of work to be done. The real reward of this job, however, is in going to work each day knowing that what you are doing makes a real and positive difference in people's lives.

2012

EL PASO COUNTY DISTRICT ATTORNEY'S OFFICE

Rebecca Tarango '96

I didn't graduate law school with the intent, or even imagine the possibility, of being a career prosecutor. My husband and I had a baby during my third year of law school, and while we always wanted to return to El Paso, having a baby clinched the decision for us, as our entire support network was here. El Paso's a great place to live and raise a family, with warm, friendly people and the best Mexican food in the world. After graduation in 1996, we came home and I started working at a private firm in their international/immigration law section. I was not happy with the work, and felt that being an advocate for our clients at times conflicted with my own values. I also felt more like a secretary than a lawyer. I'd spend 12 or more hours a day at the firm, often being told to just sit and wait for instructions, which was hard not only on my ego, but also on my baby.

When a high school friend who was working at the El Paso District Attorney's Office told me that they were hiring, I asked my supervisor's permission to take a lunch hour the following week—and used that hour to interview at the DA's Office. That was one of the best decisions of my life. I was nervous about being a real trial lawyer, because I didn't have any prior trial work experience and I hadn't even taken any trial advocacy classes during law school. However, when I started, I didn't have time to be nervous anymore, and the on-the-job training began. There was a lot of work to be done, and the way to learn it was by just being thrown in and doing it. The DA's office also sent me, along with the other recent hires, to what we call "Baby Prosecutor School" in Austin.

When I started in July of 1997, I was first assigned to screening misdemeanor and felony cases for prosecution. At first, I was a little worried that my pay cut would hurt our family, but at \$37,000, I was still making more than most El Pasoans, and much more per hour than I was earning at the firm. I generally worked 8 to 5, and still do, unless I'm in a big trial. After a few months, I was moved into a misdemeanor court where I tried a case my first week. After another few months, I was moved up to a felony trial attorney position. I tried a couple of murder cases along with other felonies within my first few months as a felony trial lawyer. Then, I took a year and a half off after having our second baby. Our District Attorney hired me back once I was ready to return to work, and I've been here since 2000.

During my years as a prosecutor, I have made some of the best friends of my life. There is something to working with people who, despite cultural, political, and religious differences, all have a common goal—to see that justice is done. I have also tried dozens of cases, from misdemeanor assault cases all the way to capital murders. Trial is challenging, exhilarating, and incredibly fun. Every case is different, and every trial evokes powerful emotional responses, ranging from sorrow to hilarity, from fear to rage. It is very freeing to be able to do the right thing, always, despite whether it helps or hurts our client, the State of Texas. As a prosecutor, I've never felt I had to compromise my beliefs or do anything distasteful in furtherance of a goal. Because our aim is justice, all we have to be is fair and truthful.

I have spent the largest portion of my time with the DA's Special Crimes Unit, handling predominantly homicides. There, my job was to ensure that murder cases were ready for trial by assisting detectives with various types of search or arrest warrants and serving as a sounding board for investigative strategy, reading final police reports and witness statements, analyzing the collection of evidence and taking of

confessions for legality, organizing and presenting cases to the grand jury, preparing all the written discovery to be filed in court, and writing briefs or doing research pertaining to legal issues that affected each case. My work involved daily dealings with law enforcement officers, other prosecutors, defense attorneys, forensic experts, and judges. I tried several of the more complicated or difficult murder cases. Being in trial is absolutely, without a doubt, the greatest part of this job.

Recently, I was promoted to the position of misdemeanor Trial Team Chief. In this position, I supervise 6 misdemeanor trial attorneys. This involves day-to-day administrative duties and guiding and training new lawyers. I still have cases from my time in the Special Crimes Unit, so I also have regular court hearings and trial preparation in two separate capital murder cases. I'm still trying to balance these two jobs during this transition period.

Over the years, my skills have improved through experience and watching my fellow prosecutors in trial. My salary has more than doubled, and our family life is great. We can enjoy our large home, frequent vacations, and mostly, time together. I have the great satisfaction of knowing that I've helped to put away serial killers and other dangerous felons, and helped the families of the victims receive some measure of justice. While it can be very emotionally draining to deal with the victims of crime, particularly abused children or families of murder victims, there is still nothing I can think of that's more rewarding than to be able to tell them that you're fighting for justice on their behalf. I love wearing the white hat. I think I have the best job in the world, and I am very grateful for it.
2012

2. U.S. Attorney

CENTRAL DISTRICT OF CALIFORNIA

Carol Chen '00

I am an Assistant United States Attorney in the Organized Crime and Drug Enforcement Task Force (OCDETF) section of the United States Attorney's Office in the Central District of California. I have been in OCDETF for about a year, after having completed the requisite stint in the General Crimes section, which is the training/trial section for rookies. As a line assistant in the OCDETF section, I prosecute cases against high-level, multi-national drug trafficking organizations, cartels, and large violent street gangs for violations of federal drug, money laundering, and racketeering statutes.

Since the twelve years that I have graduated from Yale, I have had many legal jobs – Ninth Circuit law clerk (for the late Pamela Ann Rymer), district court law clerk (for Lourdes G. Baird), litigation associate for a large LA-based law firm (Latham & Watkins), and an Assistant United States Attorney in the Civil Division of the United States Attorney's Office – each of which I greatly enjoyed both professionally and personally. Indeed, I have been blessed with the privilege of working with and learning from two brilliant, well-respected, and fair jurists and unlike many others, I actually enjoyed the big firm life. But, I can say without a doubt that my current job as a federal criminal prosecutor is the best and most satisfying legal job I have ever had.

You never forget or doubt what your goal is each day on the job, which is to always do justice, always do what is right, even when it is politically inexpedient to do so or the criminal defense attorney on the other side seemingly is doing everything in his/her power to make you hate him/her/the defendant (believe me, this happens more often than not) and/or does something underhanded. Though it may sound pollyannaish and self-serving, it means something to be a member of the Department of Justice – you do justice. That in and of itself is a reward that is absent from most other legal jobs.

In terms of intellectual stimulation and excitement, you cannot find a better job. No two days are ever the same. On any given day, you work with a variety of individuals, from federal agents to local task force officers to various units within Main Justice in Washington, D.C., to United States Probation Officers, United States Marshals, and Pre-trial Service Officers. You might work on an application to intercept wire and electronic communications of a target; read the line sheets of wiretap calls between drug dealers or violent gang members speaking in coded terms about drug deals, money laundering, or murders; write a warrant to obtain judicial authority to put a GPS tracker on a target's vehicle or to get GPS coordinates of a target's telephone; draft a search warrant or a complaint; present an indictment to the grand jury; handle arraignment for one of your defendants; do a change of plea; and/or sentence a defendant – perhaps all while preparing for a multi-defendant trial.

The work is fast-paced and the opportunity (or challenge of having) to think on your feet presents itself on a daily basis. Because you have a mix of both pre-indictment investigations and reactive cases which have already been indicted, you will be both in court, on your feet arguing something and working closely with a federal agent to further a pending investigation on any given day. You do exciting, interesting work that matters. No matter what section you are in – whether in OCDETF or Major Frauds or Environmental Crimes or Violent and Organized Crimes or Cyber and Intellectual Property Crimes – you know that what you do has a practical and immediate impact on real individuals - the victims and their families, the defendants and their co-conspirators, and the city in which you live.

Of course, no job is completely perfect (even though this one comes pretty close to it). I, for one, took a 6-figure pay cut when I left my big law firm as a fifth year associate to come back to the federal government; if your goal is to maximize your earning power or lead a lavish, glamorous lifestyle, this job is probably not for you (though this job might help you land a partnership position at a law firm later on). The hours are long and the job can be, and often is, extremely stressful; you get a lot of responsibility starting from your first day on the job and there is an awful lot at stake. Indeed, you literally have someone's liberty/life in your hands and you never ever take that for granted. There is also a lot of scrutiny; courts (at least here in the Central District of California) are much tougher on the government than they are on the defense and while that should be the case, you often have to fend against baseless, reflexive claims of wrongdoing from overzealous criminal defense lawyers seeking an advantage in front of judges who hold the government to a much higher standard. But I will happily take these “negatives” of the job because there is nothing comparable to being a federal criminal prosecutor.

2012

CENTRAL DISTRICT OF CALIFORNIA

Wesley L. Hsu '96

Control of your cases, going to trial, and always trying to do the right thing. These are, in my view, the best parts of being an Assistant United States Attorney. The U.S. Attorney's Office does not overstaff cases, so AUSAs have a great deal of decision-making authority in their cases. Criminal cases go to trial far more often than civil cases, so AUSAs get excellent trial experience. Not as much as in a district attorney's office or even a city attorney's office, but I think AUSAs get a healthy balance between considering legal issues, which DA offices often have too many cases to do, and trial experience. Finally, AUSAs are tasked with doing justice, not just what the client wants, and that is perhaps the best part of the job.

There are other benefits as well. AUSAs do not have to bill their time in six minute increments, and you should not underestimate how nice that is. Because AUSAs have control of their cases, AUSAs also have more control of their schedules and time than in private practice. AUSAs work hard—as hard as law firm associates lots of times, but it is rare when an AUSA has to work over the weekend or late into the night unexpectedly. Generally, AUSAs have some control over when they will have to put in overtime. More

time in court, in front of the bench, also provides AUSAs an excellent opportunity to build their reputation in the legal community (OK, this last one can be good AND bad).

The primary drawback to being an AUSA is the pay. In most cases, AUSAs make far less than their private practice counterparts. Also, AUSAs have to do a lot of their “grunt” work for themselves as USAOs simply cannot afford to have the armies of support staff that law firms do. The most challenging part of the job is, not surprisingly, trial. Trial is extremely hard work, and getting it right is pain-staking. On the other hand, for a litigator, trial is also the most rewarding aspect of the work.

AUSAs have many other responsibilities other than trial. We advise federal law enforcement agencies on conducting investigations into crimes. We often train these agencies, and other AUSAs, on legal developments and certain subject matter areas of the law. We also spent a great deal of time doing pre-trial motions practice. In these situations, of course, we always have our eyes on the trial ramifications of our advice and motions work. In the Los Angeles USAO, we also handle our own appeals. We handle guilty pleas, sentencing, and post-conviction collateral attacks.

I think the “typical” candidate for an AUSA position is someone who has clerked for a federal judge and who has spent a few years at a law firm as a litigator. An externship at a USAO is a great thing to have on an applicant’s resume—it demonstrates early interest in a job at the USAO. Trial experience in any form is a huge plus. Trial experience can take many forms. Take trial advocacy. Candidates should also try to get trial experience while at their firm. In Los Angeles, for example, the City Attorney’s Office has “TAP,” or trial advocacy program, where young law firm associates spend time in the City Attorney’s Office trying misdemeanors. That type of program boosts a candidate’s application. Not all AUSAs take that path, of course. Our USAO also hires from the district attorney’s office and the military.

My path was “typical.” I was an extern in the USAO in New Haven while at Yale. I graduated from Yale Law School in 1996. I clerked for the Honorable Mariana R. Pfaelzer in the Central District of California. I then worked at Gibson, Dunn and Crutcher in their Intellectual Property and Appellate groups. I joined the USAO in Los Angeles in 2000. I joined the Cyber and Intellectual Property Crimes Section when it was created in October 2001. I became the Deputy Chief of the Section in 2005, and in 2008 I became the Chief of the Section.

I guess I wish I had known before I started my career path that 1) clerking for a district judge who was an AUSA or even the U.S. Attorney in a particular USAO is helpful toward getting hired in that USAO 2) evidence is an absolutely critical subject area that I use every single day, and 3) everything you do in every case you ever work on can affect your reputation in the legal community.

I’ll conclude with a story. I was in court one day waiting for a court appearance. My colleague was before the court for the sentencing of a defendant who had defrauded dozens of people out of their life savings by selling them bogus medical insurance. Several of the victims addressed the court during sentencing, telling the court what incredible harm this defendant had done. These victims did not know that their medical insurance was bogus until they had terminal cancer and no way to pay for treatment. After these heart-rending stories, my colleague asked the court for a significant sentence of imprisonment. The court imposed a significant sentence, but, even more powerful, the court also ordered the defendant taken into custody immediately (he had been released on bond). The victims had the opportunity to see this truly evil defendant taken into handcuffs to serve his prison sentence. I was incredibly proud that day to be an AUSA, to be part of a team trying to do justice.

I went to law school to be a prosecutor, and I enjoy almost every day of it. I strongly recommend it. Everything in this description is, of course, my own personal opinion and does not reflect the opinion of the U.S. Department of Justice.

2012

DISTRICT OF CONNECTICUT

Liam Brennan '07

I had given up on the idea of law school when I met a prosecutor who loved her job. She made her work sound meaningful, rewarding and exciting and convinced me that I should re-consider the law as a profession. By the time I came to YLS, I was pretty certain I wanted to leave being a criminal prosecutor. I graduated in 2007 and was accepted to the Honors Program at the Department of Justice, Criminal Division.

Honors Program applicants apply to specific divisions at the DOJ (criminal, civil rights, environmental, antitrust). Once accepted to the Criminal Division, the new attorney chooses three Sections of the Criminal Division that he or she is interested in. That attorney is virtually guaranteed one of the three sections and most people usually get one of their top two choices. When I applied, the attorneys had to give both a three-year commitment to the DOJ as a whole and a three-year commitment to their section specifically. (Currently, I believe, Honors Grads give a four-year commitment to the DOJ and a three-year commitment to their sections. In their fourth year, they are given the option to try a different section, if they wish.)

I started with the Fraud Section in 2007 and was immediately sent to Houston to assist on a trial. I was told the trip would consist of one week of trial preparation and two weeks of trial. After two months of trial prep and two months of trial, I finally returned to DC. (In fairness, I returned on most weekends, too.) I had not considered that, having national jurisdiction, Main Justice employees would often have to travel the country (and sometimes the world) for significant periods of time. It was both daunting and exciting. Early on in the Fraud Section I was able to handle significant matters and have real responsibility that my friends at firms would have to wait years for. I also got to handle large, complicated cases that some attorneys never see.

However, large complicated cases can make for slower cases, as does the fact that Main Justice Trial Attorneys often have to coordinate with local US Attorney's Offices. When I applied, one of my interviewers told me that in criminal prosecution Assistant District Attorneys were in court the most, followed by Assistant US Attorneys, and finally, Main Justice Trial Attorneys were even one more step removed. I found this to be true. Some new attorneys in the Fraud Section get to try cases early on, others can wait a couple of years before trying cases. Supervisors will often try to arrange for attorneys to be on cases going to trial, but ensuring that it happens quickly is not guaranteed. Main Justice Trial Attorneys also don't get the same grand jury practice that AUSAs get.

What they do get is the opportunity to see cases that some AUSAs never get to see, see how law is practiced across the country, and better pay. The GS scale used at Main Justice is one of the most generous scales of pay for public interest work. It is not Big Firm pay (or even as good as the SEC's pay scale) but it is decent and better than the AD scales used at US Attorney's Offices.

The Fraud Section was a great experience that I would do again without question. I traveled to various states and countries to collect evidence and interview witnesses. I got to handle significant, interesting cases. And I got to be in court more than I would have in most other jobs.

In 2011, I left the Fraud Section to go to the US Attorney's Office in Connecticut. I currently handle mostly securities fraud cases. I happily took the downgrade in pay for a host of reasons. After having a baby with my wife and trying a month long case in 2010, I didn't want to risk having to try another case in a state far away from my family. I also wanted to be in court more than was possible at the Fraud

Section. I currently have basically the same job, but the cases move faster, I don't travel regularly and I make less money.

Being outside of DC, the bureaucracy is significantly reduced and I get more quality time with supervisors, who are all excellent. Our jobs are goal-focused, which allows for decent workplace flexibility; if I have to work late, I can almost always make it home to have dinner with my family and put my kids to bed before logging in again. My colleagues are excellent attorneys and dedicated public servants. I may never travel the world again looking for witnesses, but I do get to know the local Court, the judges and the special agents in a way that I never got to do when the courts, judges and special agents were spread all over the country. I cannot overemphasize how happy I am with this office, my supervisors and colleagues, the responsibility I am given, and the quality of cases I see.

A few weeks ago, a friend who was thinking about moving to a US Attorney's Office from a firm asked me what I didn't like about my job. I had no response, which was more telling than any answer I ever could have given.

2012

DISTRICT OF CONNECTICUT/DEPARTMENT OF JUSTICE ATTACHÉ, ITALY

Bill Nardini '94

The motto of the Department of Justice is "Qui Pro Domina Justitia Sequitur"; and truly enough, the best reason to be an AUSA is to "prosecute on behalf of Lady Justice." A couple of years ago, I was reading a defendant's appellate brief and realized that, due to an error in calculating his sentencing guidelines, the judge had improperly doubled his prison term. Everybody had missed the error at the time of sentencing. I double and triple-checked the law. The defendant was right. We probably could have defended the result, since no objection had been preserved, and the error was based on an obscure advisory note in the guidelines. Yet as an AUSA, the solution was a no-brainer: Call the defense lawyer, congratulate him on spotting the mistake, and stipulate to vacatur and remand of the sentence. How many other legal jobs let you confess error, just because it's the right thing to do?

During most of my time at Yale Law School, I never dreamed of working in criminal law. I liked Crim Pro with Steve Duke, but it wasn't until my last semester that I took Crim Law with Kate Stith and my interest was piqued. After graduation, I clerked for Judge Cabranes, who had just been named to the Second Circuit but was still sitting by designation on the district court in New Haven. What struck me about the criminal proceedings is that the AUSAs seemed unlike most other lawyers who appeared – they acknowledged a duty to serve the public interest. Plus, pleadings from the U.S. Attorney's Office were usually head and shoulders above those of most other litigants. That year, and the next two years I spent clerking (first for Judge Calabresi on the Second Circuit, and then for Justice O'Connor at the Supreme Court), it always saved time to read the government's appellate brief first, even if they were the appellee. You could count on their red brief to set forth the facts and the law most thoroughly, including all the warts. After clerking, I wanted to be one of those lawyers who wore the white hat.

I didn't go straight to the U.S. Attorney's Office. Instead, I moved to Italy for three years, first on a Fulbright fellowship and then working at the Italian Constitutional Court in Rome. All this time, though, I had kept in touch with the U.S. Attorney's Office in New Haven, and was lucky enough to be hired as a line AUSA in the criminal division upon my return in 2000.

There are few better jobs than being a criminal AUSA. Connecticut is a mid-sized district, with about 70 attorneys spread through offices in Bridgeport, Hartford, and New Haven. At first, I handled a hodge-podge of smallish cases to get my feet wet: bank robberies, identity theft, drug importation, mail theft, tax fraud. These were thin case files that gave me an opportunity to work with all kinds of agents: FBI,

Postal Inspectors, Secret Service, Customs, IRS. I soon found myself preparing search warrants, issuing subpoenas, questioning witnesses in the grand jury, drafting indictments, negotiating plea agreements, and appearing in court a couple of times each week. Within a month of my arrival, I was second-chairing a five-week mail fraud trial. Six months later, I had already first-chaired two small gun-possession trials. The pace and responsibility were exhilarating.

Because U.S. Attorney's Offices can't afford to overstaff cases, junior lawyers often find themselves working on high-profile cases. In my third year, I tried a case in Boston with our Deputy U.S. Attorney, charging a former state police officer with leaking electronic surveillance information to a mobster. During trial, I had dinner with a law school friend. She was flabbergasted to hear that the following day, I was the one making the closing argument; that I had argued back-to-back appeals in the First and Second Circuits just weeks before; and that I was going to try another two public corruption cases in Connecticut that fall, involving the State Treasurer. Nine years out of law school, she was still finding that big firm "litigation" rarely involved courtroom work.

From 2004 to 2010, I was the Appeals Chief for our district. About two-thirds of my time was spent managing our appellate work, with a much-reduced district court docket taking up the rest. Primarily, I reviewed briefs written by others – sometimes doing little more than proofreading, but usually making substantive revisions that could amount to an entire re-write. (This is when journal-editing skills come in handy.) Working on so many cases before the court of appeals offers a real opportunity to contribute to the shaping of the law, in a way that few other jobs can. I chatted with colleagues in other USAOs in my district, at Criminal Appellate or other DOJ sections, or at the SG's office, in an effort to build a long-term litigation strategy for key legal issues. Being at a USAO lets you operate at both the micro and macro level.

As the Appeals Chief, I was in court much less than my colleagues, but the flexibility of appellate work was very convenient when I had young children at home. I could generally get out of the office by 6:00 p.m. and crank up the laptop or edit a hard copy of a draft brief after the kids went to sleep. One of the great advantages of working at a USAO is that everyone's door is open – people are constantly in and out of your office, talking through legal issues, debating whether to charge a defendant or to appeal an adverse decision. The downside of that open-door environment is that you rarely have an uninterrupted block of time to crank out a brief – at least, not until you're home and the house is quiet. Still, you're the keeper of your own schedule and "face time" is a foreign concept.

Since the summer of 2010, my career as a prosecutor has taken an unusual turn. My family and I have moved to Italy, where I serve as the Department of Justice Attaché at the U.S. Embassy in Rome. For the time being, I'm on loan from the U.S. Attorney's Office to DOJ's Office of International Affairs, which is based in Washington. The Attaché serves as a liaison between U.S. prosecutors (state and federal) and Italian judicial authorities, including the Ministry of Justice, prosecutors, and judges. Much time is spent on extraditions and mutual legal assistance requests, when U.S. or Italian prosecutors need help gathering evidence abroad. Half my work is in Italian, and all of it involves getting two very different legal systems to work together. I'm also the legal adviser to federal law enforcement agencies based at the Embassy in Rome. The job requires travel up and down the peninsula, sometimes nudging our more complicated requests through the Italian bureaucracy, sometimes facilitating meetings of AUSAs and agents with Italian counterparts to coordinate cross-border investigations. One day might involve debriefing a terror suspect or a mafia witness; the next day might involve negotiating the return of stolen antiquities to Italy.

As the Italy posting shows, being a DOJ prosecutor opens doors to a host of career possibilities. You can concentrate on being a trial lawyer in gun and drug cases; focus on longer-term cases like public corruption and terrorism that might require lengthier investigations and few trials; spend time as an appellate lawyer doing much more research and writing, and long-term litigation strategy; or go abroad to

help with the Department's international work. What all of these jobs have in common is that you're always a federal prosecutor, committed to seeking justice in the name of the American public. It's hard to find a better job than that.

2012

MIDDLE DISTRICT OF FLORIDA

Jay Hoffer '80

During the fall semester of my third year at the law school in 1979, I was fortunate enough to stumble into something that has made my career as an attorney most rewarding and satisfying. At that point in my law school career, I had no idea what area of the law I might want to specialize in; all I had was my experience during the two preceding summers as a government agency law clerk and then as a summer associate at a Manhattan firm. Fortunately for me, a classmate had worked as a student intern in the United States Attorney's Office in New Haven the semester before and told me about his experiences. As a result of that conversation, I decided to spend part of the fall semester of my third year as an intern with the office of the United States Attorney for the District of Connecticut.

What resulted from the brief but extraordinary experience was a lifelong career as a prosecutor. After graduation from the law school in 1980, I joined the Office of the District Attorney of New York County (Manhattan). I served as an assistant district attorney in that office from 1980-1989, working my way up from handling the simplest misdemeanor cases to working on major felony crimes and homicide cases. In 1989, I was appointed an Assistant United States Attorney for the Middle District of Florida and joined the Tampa division of that office. I have been there since that time, working in both the Major Crimes and Bank Fraud Sections of that office.

The responsibilities of an AUSA in the criminal division of a U.S. Attorney's Office include the investigation of criminal matters and their preparation for trial. In that capacity, an AUSA works regularly with a number of different federal law enforcement agencies on a wide variety of federal criminal allegations and charges. The average case load of an AUSA may include the more "reactive" types of cases (for example, drug trafficking, bank robbery, and counterfeiting matters) or long-term, more complex investigative matters (for example, tax fraud, and other "white collar" crime matters which entail more investigative work and analysis). Depending upon your assignment and responsibilities, the average AUSA can expect to be involved in a wide variety of cases and factual situations.

An equally important part of any prosecutor's education is learning how to deal with the most divergent and challenging array of potential witnesses. These may include disinterested witnesses, cooperating defendants, informants, and law enforcement agents. From early on, a significant part of any prosecutor's work is developing the skills to be able to relate to, and get the most out of, the kinds of witnesses that your cases present to you.

One of the main attractions of being a prosecutor (either on the state or federal level) is the ability to learn early on the basics of both the investigation and preparation of cases for trial. From the earliest stages of my career as a prosecutor, I had extraordinary discretion in handling my own cases and making my own decisions about them. I also learned, from watching other colleagues with whom I worked and by my own trial and error experiences, how to try a case to verdict. The latter skill is one that attorneys in private practice may take years, if at all, to learn. The development of your own trial and advocacy skills is a significant part of the work of being a prosecutor at any level. Those skills, which law school clinical and forensic programs can only begin to teach in an academic environment, are useful to any attorney in any type of practice.

Aside from these purely "vocational" benefits of being a prosecutor, the job itself has an additional benefit which, in my view, makes it perhaps the most satisfying of career choices. The ability to make use

of one's legal skills and intelligence in the service of law enforcement makes a job as a prosecutor emotionally rewarding and enriching. Perhaps that is why, unlike most members of my law school class, I have had only two employers in the 20 years since my graduation, and each of them in the same field of legal endeavor. A career in criminal prosecution is "public service" in its highest form and is one that many more Yale Law School graduates should consider strongly.

2012

SOUTHERN DISTRICT OF FLORIDA

Matthew Axelrod '97

From 2003 to 2009, I served as an Assistant United States Attorney in Miami, Florida. Since July of 2009, I have been on detail to Main Justice, where I presently work as an Associate Deputy Attorney General in the Office of the Deputy Attorney General. I graduated from the Law School in 1997 and then spent two years clerking, first for the Hon. Ralph K. Winter on the United States Court of Appeals for the Second Circuit and then for the Hon. Janet C. Hall on the United States District Court for the District of Connecticut. After the clerkships, I moved back to my hometown of Boston, where I spent a little over three years working as a litigation associate for the now defunct law firm Hill & Barlow and then six months working at a litigation boutique, Donnelly, Conroy & Gelhaar.

Perhaps because SDFL is one of the larger U.S. Attorney's Offices, there is a dedicated Appellate Section. A number of AUSAs work there permanently, but it is also the section to which all new AUSAs are assigned for a few months when they first start in the office. Spending a few months writing appellate briefs gives new AUSAs a chance to acclimate themselves to the office and to begin to familiarize themselves with some recurring issues that arise in federal criminal practice.

After the short stint in appeals, new AUSAs typically move on to the Major Crimes Section. Major Crimes handles all of the cases that come to the office reactively, rather than as the result of a long-term investigation. For example, drug couriers attempting to bring cocaine in through the airport, bank robberies, felons found in possession of a firearm—all of these are typical matters handled by Major Crimes AUSAs. The section is incredibly fast-paced and AUSAs are in court virtually every day. In my two years in Major Crimes, I had 15 jury trials (at the same time, the folks in the Appellate Section let me argue three cases before the Eleventh Circuit). I'm not sure of the exact statistics, but I've heard it said that the Major Crimes Section alone tries more cases each year than most entire federal districts. I don't know why that is, but I do know it offers an unparalleled opportunity to learn how to try cases.

After Major Crimes, AUSAs in SDFL are typically transferred to the Narcotics Section, the Economic Crimes Section, or the Special Prosecutions Section. In Narcotics, AUSAs work larger drug cases, usually involving wiretaps and multiple defendants. The district is unusual in that many of the narcotics defendants are not here in the United States, but in Central or South America. Because these individuals have shipped large amounts of cocaine or heroin to the United States, they are subject to the United States' criminal laws. SDFL AUSAs will indict them and then seek to have them apprehended in their home countries and extradited for trial. For example, during my time in the Narcotics Section, I was part of the team that convicted two founders of the Cali cartel, who had been extradited to Miami from Colombia. In Economic Crimes, AUSAs work mostly document-intensive fraud cases, such as bank fraud and healthcare fraud. The Special Prosecutions Section focuses its work on combating violent crime and crimes against children.

After my tenure in the Narcotics Section, I worked in the office's Public Integrity/National Security Section. The Section conducts national security and terrorism investigations as well as corruption investigations of public officials, including corrupt law enforcement officers. As one example, I was part

of the team that convicted the Sheriff of Broward County on fraud and tax charges related to undisclosed private business dealings he had with people who were also doing business with his office.

In short, I cannot imagine a better job as a lawyer than being an AUSA. When I applied to work as one, I wanted a job where I was doing work that mattered, where I was fighting about issues like justice and liberty rather than about money, and where the marching orders were to do the right thing rather than to win at all costs. I am happy to report that the job of an AUSA is all those things and more.

As a final note, if you really want to be an AUSA, do not let repeated frustrations with the application and acceptance process deter you from your goal. I started applying for an AUSA position in my hometown of Boston as far back as 2000, but was unsuccessful in landing a position. In 2003, despite the fact that my wife and I had bought a house that we liked and despite the fact that we had a one-and-a-half year old toddler, we decided that I should broaden my search. Accepting the job in Miami meant uprooting my family and leaving Boston. At the time, it was not easy to take that leap. But, looking back, it was the best thing I ever could have done.

2012

SOUTHERN DISTRICT OF FLORIDA

Evelyn Baltodano-Sheehan '02

I am an Assistant United States Attorney in the Southern District of Florida. As a member of the Southern District's Asset Forfeiture Division, I currently represent the United States in criminal and civil asset forfeiture actions. Representative matters include the criminal forfeiture in the case of *US v. Scott W. Rothstein*, a \$1.4 billion Ponzi scheme and multi-million dollar criminal and civil forfeiture cases involving Medicare fraud. While a member of the Major Crimes and Appellate Divisions, I represented the United States in a wide range of criminal prosecutions, including narcotics and immigration offenses, access device and health care fraud and bulk cash smuggling.

While at Yale, I had been a summer associate at a small boutique firm in Georgetown and then at a large corporate firm in New York City. I then practiced corporate and bankruptcy law for almost two years before moving to Miami and joining another corporate firm and a boutique litigation firm. The seven years of private practice do not nearly compare to the pride, excitement and challenge that comes with being an AUSA. The experience, camaraderie and pride I take in my current position far outweigh the financial sacrifice that comes with public service.

I have now been here a little over three years and I can wholeheartedly say that it is the best job I've ever had. As many others I'm sure will say, I can assure you that you will never be bored. No two days will ever be alike. A day will not pass when you will not encounter something new to learn. You will be surrounded with smart, committed colleagues who generally have an open door and who will not hesitate to sit and brainstorm through any particular challenge. Although many colleagues choose to move on over the years (most often strictly due to financial pressures), most of them will always look back fondly at their time at USAO/DOJ. My "typical" day can include complex criminal motion practice; coordinating with the US Marshalls Service or other federal agencies on the disposition of real estate or complex business assets; working with agents on ongoing criminal investigations; drafting and presenting seizure warrants for planes, cars, or bank accounts; drafting interrogatories or deposing claimants in civil forfeiture proceedings; conducting criminal evidentiary hearings related to forfeited assets; arguing dispositive motions on novel issues in federal court against name partners at major law firms, etc., etc.. I have found it extremely rewarding to either be recouping fraud proceeds for the benefit of victims of crime or federal government programs like Medicare.

I cannot stress the lack of emphasis on face time enough. It is a stark contrast with life at a law firm. Everyone operates at a high level, work is always plentiful and my supervisor's unflinching focus on work quality and timeliness over face time has made a huge difference in my ability to balance work with life's commitments (family, health, whatever you hold dear).

I have found the training available to DOJ/USAO employees to be far superior to the training I received at law firms. The National Advocacy Center provides top caliber training and in-house training conducted by experienced AUSAs and serves to supplement my trainings at the NAC.

In all, I cannot recommend it enough. Complex work, amazing colleagues, unparalleled responsibility and a firm commitment to do justice. Simply unmatched. For me, a total dream job.
2012

DISTRICT OF MASSACHUSETTS

Michael Tabak '75

I graduated from Yale Law School in 1975. I spent the next year clerking for Hon. Irving R. Kaufman, who then was Chief Judge of the United States Court of Appeals for the Second Circuit. I was a litigation associate at Davis Polk & Wardwell in New York City from 1976 to 1978, and then was Deputy Chief Counsel to the Special Commission in Massachusetts that investigated, held public hearings about, and drafted reform legislation to address, corruption related to the state and county government building process.

I was an Assistant United States Attorney for the Southern District of New York from 1980 to 2004, starting in the Manhattan office and then moving to the White Plains division in 1986. Since late 2004, I have been an Assistant United States Attorney for the District of Massachusetts, working from the main office in Boston. (This involved an entirely separate application and selection process, not a transfer.) It has been a terrific professional experience. I have investigated and prosecuted challenging and complex terrorist, mafia, corruption, fraud, tax, environmental, and many other kinds of criminal cases. On a personal level, I have found it extremely rewarding to feel that I am serving the public, rather than feeling as if I am merely a "hired gun." Moreover, it is a privilege to work in an environment where my colleagues not only are extremely bright, motivated, and willing to help each other, but also are steeped in the long tradition of the office to "cut square corners"—to do things the right way, the ethical way, the honorable way.

I have handled a wide variety of cases, which keeps the work continually interesting. Moreover, an AUSA in this office handles a case from the beginning of the investigation, through the Grand Jury and trial (or plea), and within the U.S. Court of Appeals. This gives us many different roles to play. In the investigative phase, we work closely with the Special Agents from the FBI, the IRS, and the many other federal (and sometimes state and local) investigative agencies. In many sophisticated and difficult investigations, we often play a leading role in shaping strategy, creatively overcoming obstacles, questioning witnesses, and negotiating with their attorneys. We handle the motion practice, the trials (or, more often, the guilty pleas), and the sentencings of the cases we have investigated, and we also draft the appellate briefs and do the oral arguments in the U.S. Court of Appeals of any appeals in such cases. The Solicitor General's Office in Washington, DC handles the relatively few criminal cases that reach the Supreme Court.

Salaries at the U.S. Attorney's Office are good by government standards, but they are substantially less than one could earn as a partner in a major law firm (which is probably particularly true in metropolitan areas). AUSAs are given great responsibility, significant independence, and substantial caseloads, and being an AUSA is a very hands-on job. Demanding cases and tight deadlines may necessitate working

long hours and doing a significant amount of unglamorous—but important—work, but that can be true for litigators in private practice as well.

Although beginning AUSAs are given training and mentoring, they quickly start handling cases and appearing in court. Thus, they must not only be bright, hard-working, honest, and ethical, but they also need good judgment, self-confidence (but not arrogance), the ability to express themselves orally in a clear and persuasive manner, strong research and writing skills, a good strategic sense (including understanding and anticipating potential defenses), the ability to see not only the “big picture” but also to master the details, the flexibility to overcome setbacks, the ability to think on their feet, skill at negotiating, and the ability to relate to and interact with a wide variety of people—including victims, bystander witnesses, cooperating defendants, defendants, defense attorneys, colleagues, support staff, supervisors, trial judges, and appellate judges. While many of these skills are learned and improved on the job, the hiring process seeks to select people who are likely to do well in these areas, and thereby effectively and honorably represent the United States. Prior prosecution experience is not necessary and probably is not typical, but it is important that applicants have been able to handle responsibility well and have strong references.

I have earned far less money working at the U.S. Attorney’s Office than was available in private practice, but I would make the same career choice if I were starting out again. It is a privilege to work with such smart, decent, dedicated people, to have a steady stream of interesting and challenging cases, and to feel that you are contributing in your own small way to furthering the public interest.

2012

EASTERN DISTRICT OF NEW YORK

Winston Y. Chan '00

Although I had an inkling during my time at Yale Law School that I wanted to be a federal prosecutor, I became absolutely convinced of it during my clerkship for Hon. Leonard B. Sand of the United States District Court for the Southern District of New York. I spent most of that year assisting Judge Sand as he presided over a lengthy criminal trial involving four defendants who ultimately were convicted of participating in the 1998 terrorist bombings by Al Qaeda of the U.S. embassies in Kenya and Tanzania. Fresh out of law school, I spent that trial in awe—not just of Judge Sand and his brilliance and kindness—but also of the assigned AUSAs, who worked tirelessly in the cause of justice, all without ever compromising themselves or the office that they represented.

And so, after a second clerkship for Hon. Chester J. Straub of the United States Court of Appeals for the Second Circuit (who, by graciously letting me work on as many criminal appeals as I wanted, taught me more about constitutional and criminal law than I could have ever learned in a classroom), I joined the U.S. Attorney’s Office for the Eastern District of New York in the fall of 2003, just three years into my career as an attorney. There, I first served in the General Crimes Section—as all new AUSAs do for their first 12 months in the job—and then moved to the Organized Crime and Racketeering Section, where I have been ever since and where I prosecute traditional (Cosa Nostra) and emerging (Eastern European) organized crime cases.

I can think of no better way to describe how amazing my job is than to tell you what I’ve been doing for the last few weeks: preparing for a two-month racketeering trial against the acting boss of an organized crime family who committed and attempted to commit numerous crimes of violence, including the murders of other mobsters and the solicitation to murder a federal prosecutor and federal judge in this district. That preparation has included my debriefing of witnesses relocated to secret locations as part of the Witness Security Program, writing and arguing motions and rehearsing my opening statement, which I’m scheduled to deliver in less than one week (yikes!). The point of all this is to say that each of you can

just as easily be doing the same and in just a few years after graduating from law school—that is, actually litigating cases, representing the public good and doing work that is both exciting and that matters. This is why, if you ask AUSAs how they feel about their jobs, their answer, including mine, will always be that they love it and couldn't see themselves being any other kind of lawyer.

But don't just take my word for it. The best way to see if this job is right for you is to see it for yourself up close, either by working along side an AUSA as an intern or by watching AUSAs as a law clerk to a federal judge. In particular, make sure that the particular internship program lets you work intimately with AUSAs who will give you responsibility over assignments more than just research memos and who will even let you appear in court (like our internship program does), or that the particular judge permits law clerks to work on criminal cases (some do not). Additionally, U.S. Attorney office internships and federal clerkships, although not prerequisites, can be helpful down the road if and when you actually do apply for an AUSA position.

Once you're convinced that you do want to become an AUSA, the application process is straightforward: a standard form, writing sample, transcript and reference letters. There is no "right" time to apply, although our office generally requires at least two years of post-graduation legal experience. There are three rounds of interviews, each conducted by a panel of three AUSAs, and, at bottom, we're looking for smart, articulate and personable lawyers who have good judgment and a demonstrated commitment to public service, and who would represent the United States with the highest professionalism and integrity.

Good luck, and feel free to contact me directly if you want to talk more in depth about becoming an AUSA in general, or working for the Eastern District in particular.

2012

SOUTHERN DISTRICT OF NEW YORK

Nicholas Lewin '04

I've served as an Assistant U.S. Attorney in the Southern District of New York since the fall of 2007. I graduated from YLS in 2004, and then clerked for two years, first on the Southern District of New York, then on the Second Circuit. I came straight to the U.S. Attorney's Office from my second clerkship. Between clerkships, I worked for about a year at a twenty-odd-lawyer litigation firm in Manhattan (Lankler, Siffert and Wohl).

A brief aside: I had a wonderful experience at the firm. This firm, like a handful of other small litigation firms in New York, is comprised largely of former prosecutors. The firms are structured and oriented in a fundamentally different way than the larger firms; I believe as a result, the work was great, the lawyers were great, and the quality of life was (I believe) superior to that at larger firms. But this is no non-sequitur: working at a small firm like this one – where many of the partners had been AUSAs – significantly benefited my eventual application to the U.S. Attorney's Office. In fact, at present there are about five alum of the firm at the Southern District – which says something for a firm with about 20 lawyers.

As with almost all AUSAs in SDNY, I started in the General Crimes Unit. There, AUSAs are exposed to a broad range of cases: from immigration to housing fraud to violent crime. The case load is heavy, and the learning curve steep. I conducted two jury trials during my general-crimes year. Most SDNY AUSAs spend the next year in the Narcotics Unit; I spent only about six months there, before transitioning to terrorism work.

In March 2009, I took a temporary assignment in Washington DC (along with two other SDNY AUSAs/YLS grads) to serve on the Guantanamo Review Task Force. The task force was charged with

reviewing the (then) 241 detainees still held at the detention facility in Guantanamo Bay, Cuba. My role, along with about a dozen other federal prosecutors from around the country, was to review the so-called high-value detainees in order to assess whether it was feasible to prosecute them in an Article III court.

In June 2009, Ahmed Ghailani became the first (and, to date, only) Guantanamo detainee to be transferred from Guantanamo Bay for prosecution in federal court. Ghailani was charged for his role in al Qaeda's August 1998 attacks against the U.S. Embassies in Kenya and Tanzania. After his 2004 capture by Pakistani authorities, Ghailani was held in a CIA black site for a period -- during which he was subject to "enhanced interrogation techniques" -- before being transferred to Guantanamo Bay in 2006.

I returned to SDNY to prosecute the case (along with, among others, another YLS grad). For more than a year, we prepared the trial. As part of trial prep, I spent months traveling across the world with our extraordinary FBI case agents, including to Guantanamo Bay; Mombasa and Nairobi, Kenya; and Dar es Salaam, Tanzania. I met with dozens of the victims and their families. We briefed and argued multiple dispositive pre-trial motions, including ones based on alleged violations of the speedy trial clause and of outrageous government conduct. When trial started, I delivered the opening statement, and put on more than a dozen witnesses, including victims, law enforcement, and percipient witnesses. After a five-week trial (during which my youngest child was born) the jury convicted Ghailani of one count, and acquitted him of 284. Nevertheless, I cannot imagine that I will ever prosecute another case in which I will be prouder to have played a role.

For the next year, I continued to work on terrorism and other national security cases, such as espionage, counter-proliferation, and counterintelligence. In May of 2012, I accepted another time-limited assignment, as Special Counsel to the Director of the FBI. In this position, I serve as the Director's advisor on national security matters.

I feel privileged to work at the U.S. Attorney's Office. The work has been extraordinary. In addition to working on fascinating cases, I've had the opportunity to develop real litigation, trial and appellate skills, and to gain those skills by working with some truly extraordinary lawyers (and great people).

2012

DISTRICT OF OREGON

Hannah Horsley '92

I have been an Assistant United States Attorney for 15 years. I have practiced in three different districts, and have worked in many different areas of criminal law. I am currently an AUSA in Portland, Oregon and have been here since 2005. I was an AUSA in the San Francisco office of the Northern District of California from 2001-2005, and in the Seattle and Tacoma offices of the Western District of Washington from 1997-2001. Each of the moves has required a new application, rather than a simple transfer, but one has an advantage as an experienced AUSA with a current FBI background clearance. I have also worked with attorneys from several different litigating sections at Main Justice, so have some limited information about some of the sections in the Criminal Division at DOJ as well.

My practice as an AUSA has primarily involved criminal prosecution as a trial attorney. I have handled cases ranging from civil rights, human trafficking, organized crime, public corruption, tax defiance/sovereign citizens, drug trafficking, and a full array of fraud and violent crimes. I have loved the substantive variety, and the ability to shift around from time to time in order to try something new and expand the scope and nature of my professional experience. I also spent three years as an Appellate Chief, where I focused almost exclusively on appellate work in the Ninth Circuit. This involved an extensive amount of brief writing and oral argument, but also a lot of editing and training of other AUSAs whose appellate work I supervised.

In each of the different areas I have practiced in, I have also appreciated the remarkable variety of legal work I engage in on a regular basis. Because AUSAs typically handle several cases at a time -- and handle their own cases from the investigative stage throughout the appeal and post-conviction habeas process -- there are a variety of tasks that I am handling at any given time. I work closely with investigative agents from the FBI, IRS, ICE and other federal agencies and local police departments to provide strategic advice and obtain court approval for any investigative techniques that require it (e.g. wiretaps, search warrants). Once a case is ready to be charged, I handle all phases of the prosecution and appear in grand jury, district court, and the court of appeals (in cases that go to the Supreme Court, the government is represented by the Solicitor General's office). Any given day, I could be meeting with agents about an investigative plan in one case, appearing in a motions hearing in another, and working on the appellate brief in a third case.

For people who want trial and other complex litigation experience, a U.S. Attorney's Office does offer unique opportunities. Because the government has initiated the case as plaintiff and has the only burden of proof in a criminal case, we typically determine the pace and scope of the trial and put on the vast majority of evidence that is presented. In my experience, defense attorneys get the benefit of learning how to cross-examine witnesses (among many other things), but they do not develop the same experience of learning what it takes to build and manage a complex case from its inception, or to put a case together for trial so it is presented to the jury in a coherent and compelling manner. The prosecution typically questions more witnesses and presents more exhibits at trial, and is also usually responsible for anticipating and briefing issues that need to be brought to the court's attention for rulings or otherwise. All of this is challenging and satisfying in its own right, but is also of great value as a litigator even if one is not a trial lawyer later in one's career. I have never worked in a DA's office, but believe it offers much of the same experience. There are fewer trials in federal court than one would get in a DA's office, but they can be longer and more complex. And there is typically more substantial pretrial litigation and appellate work in a USAO.

In addition to the litigation experience, there are several other good things about this job. I am still very proud to stand up in court and say I am appearing "on behalf of the United States." I also feel lucky to work in a law office that is very collegial and supportive, and with colleagues I have the utmost respect for. I currently work part-time, so I can spend the afternoons with my children when I am not in trial or otherwise have to be in court. This is not easy as a trial lawyer, but I have had the flexibility to do it and I think several USAOs and litigating sections at DOJ allow some flexible scheduling options.

I never thought I would be a career AUSA, but I have loved this job and would highly recommend it. I'd be happy to talk to any current or former students about what the job involves and how to increase their chances for getting hired. Prior prosecutorial experience can be very helpful, but is not essential. After graduating from law school in 1992, I clerked for a year on the Tenth Circuit, practiced at Covington and Burling, and worked at the United States Sentencing Commission before joining the U.S. Attorney's Office.

2012

NORTHERN DISTRICT OF TEXAS

Joshua Weimer '99

I am an Assistant United States Attorney in the Northern District of Texas. Although I handle mostly white-collar cases, I have prosecuted virtually every category of federal crime during my seven years with the Department of Justice.

One of the great things about this job is that what we do is interesting to non-lawyers. I began my career working at a big law firm. And while some of my work (though certainly not all) may have been interesting to other lawyers, few non-lawyers cared to hear stories about my latest discovery dispute. Now when I travel and meet people outside the legal profession, I can talk about my job and not see eyes glazing over as I speak. Curiosity about crime and criminals keeps TV shows like Law & Order and CSI at the top of the Nielson ratings. And while my day-to-day isn't always "ripped from the headlines," many of my cases are interesting enough to receive media attention.

Another great part of this job is that it is intellectually challenging. We have a dedicated appellate section in our district but many trial AUSAs volunteer to handle appeals. During my time in this district I have argued as many appeals in front of the Fifth Circuit as I have tried cases to a jury. And many of our appeals involve cutting-edge constitutional issues, some surprising. As one would expect, we regularly handle Fourth, Fifth, and Sixth Amendment claims. But we also handle issues involving religious liberty, citizenship, voting rights, the right to bear arms, and the freedom of expression. In fact, if you enjoyed courses like Akhil Amar's Bill of Rights, I can think of no better place to work on the issues you discussed in class than in the appellate section of a US Attorney's Office.

But perhaps the best part of working in a U.S. Attorney's Office is the environment. In a big law firm, lawyers are constantly mindful of the clock. The need to bill hours cuts short casual conversations and inhibits collaboration across sections. If you can't bill for it, you can't afford to spend time on it. Here, however, we have no billable hours. We watch each other's trials, gather informally to discuss interesting cases, and talk sports and politics. I may be putting too much blame on the billable hour – the selection bias produced by a job that requires lawyers to spend so much time standing up in court may result in a high percentage of extroverted personalities — but U.S. Attorney's Offices are much friendlier places than big law firms.

There are a few downsides to this work. The pay is low relative to the private sector. The federal bureaucracy can be stifling at times. And, particularly if you are coming from the private sector, you may be surprised by the number of incompetent employees that remain employed despite their incompetence (see last sentence). Nevertheless, the job satisfaction rate for AUSAs is stellar. I've heard dozens of federal prosecutors call this "the best job you can have with a law degree." I haven't had a broad enough experience in legal professions to be able to verify that statement and I am sure other legal jobs make the same claim. But if this isn't the best job you can have with a law degree, it's certainly on the short list.

2012

B. Summer Interns

1. District Attorney

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

Medha Devanagondi '08

My summer at the Manhattan District Attorney's Office was very rewarding and a lot of fun. I applied for the job through the Spring Interview Program, and joined a class of 50 interns. There were no typical days for me at the office, and this made the job interesting throughout the entire 10 weeks. The environment at the office was very laid back, even though all of the attorneys I worked with were strongly committed to their work. I worked about 40 hours each week, until 5:00 p.m., and most attorneys did the same. Of course, they would stay as late as necessary when they were on trial, and I also had a couple of late nights when I was second-seating a trial. Overall, I was pleasantly surprised to be on my feet for much of the day, in and out of court continuously, and taking "field trips" to get a more well-rounded view of the criminal justice system.

The summer program is very well run. There is a half-day orientation before the interns are sent to work. Interns are responsible for obtaining assignments from one of their 8 assigned attorneys. Assignments were usually legal research memos or parole letters. I did legal research on issues involving internet identity theft, investigation of a defense attorney for fraud, attorney-client privilege issues, sexual assault, domestic violence, prostitution, and homicide. Every intern also gets to second-seat a trial, which is an invaluable experience because you participate in witness preparation, jury selection, evidence gathering/organization, last-minute legal research, and trial strategy.

In addition to the trial, interns are welcome to observe sentencing hearings and summations, and are alerted to particularly interesting cases. At the end of the summer, 2L interns conduct a mock suppression hearing and are given feedback about their performance. Some of the other activities included standing on arraignment, working in the Complaint Room, accompanying the NYPD on a 6-hour ride-along, attending brown-bag lunches on specific topics in criminal justice, touring the lower Manhattan jail, and visiting the police officers' training school.

Working at the DA's office is a great learning experience whether or not you think you will ultimately end up working in criminal justice. During my summer, I felt as if I was doing important work and that I got a real idea of what working as an ADA would entail. I cannot speak more highly about the quality and passion of the attorneys at the DA's office. That summer provided me with greater insight into the challenges of the criminal justice field and also helped me to figure out the characteristics of the type of lawyer I would like to be.

Summer 2006

2. U.S. Attorney

DISTRICT OF ARIZONA

Dylan Keenan '13

The summer after my 1L year I worked as an intern at the U.S. Attorney's Office for the District of Arizona. I did not have any connection to Arizona. I knew I wanted to work for the government during my first summer, and a U.S. Attorney's Office sounded like a good option. The reviews were universally positive and the legal work sounded interesting and rewarding. I was not disappointed.

I applied to Arizona among many other offices. They mostly followed the same hiring process. I heard back from an Assistant U.S. Attorney or secretary who asked to set up a phone interview. For some offices in the Northeast I was asked to come and interview in person. The remaining offices conducted interviews by phone. The interviews were rarely challenging. In one case (not Arizona) I got hypothetical questions (drawn from real life examples), but most offices simply asked about my resume and why I wanted to work at a U.S. Attorney's Office. Keep in mind that different offices have very different timelines and different levels of competitiveness. Some offices finish interviewing prospective interns in January, while others begin in March. Don't assume that because you don't hear quickly, you won't get an interview or an offer. The internship competition is not as bloodthirsty as FIP, but there is competition and you don't get an offer from every office just because you go to Yale.

There was no typical day at the U.S. Attorney's Office. I got to observe several trials, even sitting at counsel's table during one. I also watched sentencing proceedings, arraignments, plea allocutions and plea negotiations (which are fascinating). The assignments were equally varied. Every intern in the office got to work on an appellate brief. Many of my assignments were motions. I also drafted an indictment as well as several intra-office memoranda. I researched *Daubert*/expert testimony issues, civil asset forfeiture, criminal procedure issues both trial and pre-trial, and venue for tax cases, to name only a few issues. An assignment about the Confrontation Clause provided the seed for my SAW, which I ultimately published as a Note in *YLJ*.

Arizona is distinct from most other U.S. Attorney's Offices in several ways. First, it is larger than the average district. Every state has at least one district, but there is no rhyme or reason beyond that. Arizona has one district covering the entire state while Oklahoma has three. Second, Arizona has a very large Native American population. Consequently, U.S. attorneys prosecute a large number of crimes traditionally handled at the state level—for example, murder, rape and domestic violence. Arizona does not hear the most sophisticated white-collar crimes or terrorism prosecutions (although they have a lot of white-collar crime, many in the form of mortgage fraud cases). But the legal work was diverse and interesting.

Even with the challenging legal work, U.S. Attorneys in Arizona have excellent work/life balance. I stayed past 8pm exactly once—on the first day of a trial, to research a *Batson* challenge that came up during jury selection. Otherwise, I left most days by 5pm and the AUSAs usually left at around the same time.

One final point is that you don't need an interest in criminal prosecution, or even criminal law, to have a positive experience. Most of the other interns did not intend to pursue careers as prosecutors. Many of the AUSAs had experience in civil practice prior to becoming prosecutors and they were happy to provide all varieties of career advice. I would highly recommend the U.S. Attorney's Office to anyone who wants to see the judicial system from the inside while researching and writing about exciting legal issues.

Summer 2011

NORTHERN DISTRICT OF CALIFORNIA (SAN JOSÉ)

Joseph Kanada '07

For anyone interested in working as an Assistant United States Attorney, a summer internship with a U.S. Attorney's Office will provide valuable insight into the nature of the work and inside information regarding hiring procedures and standards. I worked with the Criminal Division in San Jose. This particular office has three distinct benefits. First, as a branch office it is smaller which provides for a lighter caseload and more interaction with the AUSAs. Second, because of its central location in the Silicon Valley, the office handles unique casework related to technology and has a Computer Hacking

and Intellectual Property (CHIP) division. And third, perhaps because of its location or size, the office has a relaxed atmosphere.

As summer clerks, we were responsible for our own cases. Misdemeanors and felonies which the office chooses to prosecute as misdemeanors are assigned to law clerks who handle every aspect of the case. Clerks determine whether or not to bring charges, deal with defense counsel, and appear in court for arraignments, status hearings, plea agreements, and sentencing. The most common cases assigned to law clerks in the San Jose office are postal theft, driving under the influence on federal property, and bank embezzlement. The clerks are also responsible for the petty offense calendar. This calendar occurs once a month and involves low-level traffic crimes that occur on federal property. The law clerks, in cooperation with Federal Public Defender law clerks, negotiate with the defendant in an effort to arrive at an amicable settlement.

In comparison to the San Francisco law clerks, the San Jose law clerks have fewer cases and more work related to legal research. Although we had fewer court appearances because of this, it allowed us to work on the larger felony cases and gave more exposure to AUSA responsibilities. The research I worked on involved the Sentencing Guidelines, RICO, child pornography, international search warrants, and death threats to federal officials. I also had the opportunity to write a Memo in Opposition to a Motion to Dismiss, which was ultimately filed in a copyright violation case.

And finally, this office provided numerous opportunities for “field trips.” We watched our supervisor argue in front of the Ninth Circuit, participated in a police ride-along, had a potluck with several District judges, had a tour of Alcatraz, and watched trials in both state and federal court. Watching the trials was particularly insightful for those interns considering working both as a District Attorney and as an AUSA. Because of these educational opportunities both in and out of the office, I would highly recommend working at the San Jose office.

Summer 2005

DISTRICT OF COLUMBIA

Marisa West '13

My application process was an unconventional one that I caution students who actually want to work during their 1L summer to avoid. In the chaos of finishing my first semester, taking exams, and beginning a new semester, I ignored the “Apply For a Job” bullet point on my to-do list. Per CDO’s advice, I signed up for the NYU Public Interest Job Fair as a backup plan months in advance, but between the time that I signed up for the fair that I hoped I would not need to attend and the weekend of the fair, I had only applied to one job. Much to my surprise, the Friday before the job fair I received a “Congratulations” email from the D.C. U.S. Attorney’s Office. It turns out that the résumé that I had uploaded to the NYU Job Fair website to register was selected by the D.C. USAO internship coordinator and a job landed in my lap.

I could not have been luckier. My summer at the D.C. USAO was incredible. The unique thing about this particular USAO is it handles both local and federal crime, making it the largest and most diverse USAO in the country. After 10 short weeks I was able to sit second chair in a criminal trial, aid an Assistant U.S. Attorney at counsel’s table in a federal criminal hearing, gather critical evidence with FBI agents to indict a co-conspirator, and write a brief that ultimately decided the course of all subsequent issues related to a particular aspect of D.C. criminal trials. As an intern in the Sex Offense and Domestic Violence section, I worked on both federal and local trials. I participated in the trial process from intake (police officers arriving in the morning with the list of arrests from the previous evening), to witness interviews, to trial, to sentencing. In an office where there is always too much to do and never enough resources, the interns worked alongside Assistant U.S. Attorneys to research legal issues and prepare for trial. We were

encouraged to go to court as much as possible and frequently went to watch some of the best prosecutors in the country in action. I was in D.C. Superior (local) or D.C. District Court (federal) every day and learned so much just from observing.

Although there are over 100 interns working in the D.C. USAO, the sections were mostly separate and I spent a majority of my time with the seven interns in my section. We had a wonderful time together and greatly enjoyed our office, but I did hear that some interns in other sections were not as happy. My impression is the interns who reached out to attorneys, fostered relationships, and asked for meaningful work were rewarded; those who were less active may have been disappointed. I highly suggest that if you work in this office, you take initiative and seek out opportunities to work on interesting cases and go to court as much as possible.

One thing many of the interns and I wish we had done was taken Criminal Procedure before the summer. All of us had taken Criminal Law our second semester of 1L year which was *extremely* helpful, but we would have been saved a lot of time working on projects if we had a better understanding of the procedure. Taking Criminal Law and Criminal Procedure together may be a tough endeavor, so I am not convinced that is a viable solution.

Interning at the D.C. USAO is a wonderful experience that I highly recommend. If you have an interest in criminal trials, this is the place to be for the summer.

Summer 2011

DISTRICT OF CONNECTICUT (NEW HAVEN)

Michelle Morin '08

Working at the U.S. Attorney's Office over the summer is a great opportunity to see what being a federal prosecutor is like. It's different from the typical law firm experience in several ways. No perks or frills are included when you work for the government. The attorneys may take you out to lunch once or twice, but chances are that it's on their own dimes if they do. You won't have a secretary or support staff, and there won't be an "assignments chair" or other such person looking over your shoulder to make sure you have the right quantity and quality of projects to do over the summer (though the summer program coordinator does get things started for you). You may not even have your own computer. All that means is that you'll have to be a self-starter—introduce yourself to the attorneys, ask what they're working on, and ask what you can get involved in. You'll get plenty of work if you do, because there's plenty to go around.

Trials are more frequent in a USAO than in a firm, and in New Haven you'll have the opportunity to observe trials in the various courthouses, starting with the one next door. You'll probably be involved in legal research and in other methods of assisting the attorneys prepare for trials, and there's a good chance you'll be assigned to write an immigration brief if you're in New Haven. The office is small enough that you don't necessarily get assigned to work only in civil or only in criminal, which I enjoyed. Many interns enjoy the opportunity to appear in court to do a guilty plea or other simple appearance for the government. The office also sends the interns out to several educational events, such as talking with federal judges over lunch, or visiting a state courthouse and talking with state judges.

I really enjoyed working in the New Haven USAO, but I think there are things about working for the federal government that don't rub everyone the right way. The salary (non-existent for summer intern "volunteers") is one. Two, you may or may not enjoy that the prevailing practice is to work from 9 to 5 except in the very specific case where you have a trial coming up. I've heard that this is more characteristic of USAOs in locations outside the Southern District of New York or other big metropolitan offices, where the pace, the intensity, and the workload is more similar to that of the big law firms in those cities, but I have no personal experience in such an office.

The easiest way to get a summer job at the New Haven U.S. Attorney's Office is to genuinely want to be there (both at that job and in that office), and to have previously demonstrated your sincere commitment to and desire to continue government service. One way to have done this is through pre-law-school government work; another is through the Prosecution Externship during the school year. I'd say this continues to apply if and when you seek a full-time job after law school. People who stay at law firms too long, and have no prior record of wanting to be at the USAO, may be perceived as "refugees" from BigLaw. The USAO wants people for whom it is a first choice, not a fallback.

Summer 2006

NORTHERN DISTRICT OF ILLINOIS (CHICAGO)

Alexander Berlin '08

During the summer of 2006, I worked for the U.S. Attorney's office in the Northern District of Illinois (NDIL). I heartily endorse the experience. The job will, of course, be of particular interest to those interested in criminal law and criminal procedure, but frankly, the job should appeal to almost anyone. One of the best aspects of the job is that interns are not assigned to a particular division or a particular attorney; instead, interns do a wide range of work, both criminal and civil, and are encouraged to work with a number of different Assistant U.S. Attorneys. I researched and wrote memos on issues ranging from specifics of the Clean Air and Clean Water Acts to the appropriate procedures for obtaining financial records to various aspects of criminal procedure and substantive criminal law. I wrote numerous motions and an appellate brief. I was also able to assist with pre-trial and trial work. I talked with defense attorneys, strategized with prosecutors, assisted in proffers, helped prepare defendants for the grand jury and the witness stand, and sat in with Assistant U.S. Attorneys at every stage of the criminal trial process: from initial appearances to detention hearings to probable cause hearings to trials to sentencing hearings. Interns who have finished two years of law school can also play a more active role in the courtroom than I was able to, not only assisting the prosecutors but also questioning witnesses and gaining other trial experience. Likewise, interns who have finished two years of law school can act as full-fledged prosecutors at the monthly petty offense days.

The quality of life is also quite high. Interns are required to work 40 hours a week for twelve weeks, and given the assignment-based structure of the job, while some days one can expect to stay late, most days I was able to leave the office by 6 p.m. or so. Chicago is also a wonderful city in which to live and work. If you live outside the Loop, the rent is much cheaper than in East Coast cities like New York, Boston, and Washington, DC. Commuting is also pretty easy, as the "L" runs frequently, and most residential areas are in close proximity to at least one "L" stop. Chicago's neighborhoods are fun and distinct. It's beautiful, and there's great food, theater, and museums. And, of course, there are two storied baseball franchises that play there during the summer months. With about 12 other interns, from a number of different law schools, and lots of friendly Assistant U.S. Attorneys, the social scene is great both inside and outside of the office.

The only note of caution is that obtaining the internship involves a few procedural hurdles. At least for the summer of 2006, applications were due very early for 1Ls (the first week of December), the requirements were somewhat daunting for a student in his or her first semester of law school (three letters of recommendation, preferably legal), and the responses came quite late (March), which can be a problem when other jobs want to know your plans in early February.

Once the hurdles are jumped, however, the job can't be beat. The work is interesting, fun, and diverse. Interns are given a lot of responsibility, and the learning opportunities are endless. The people are smart, friendly, and eager to share their knowledge and experience with interns. I can't recommend it highly enough.

Summer 2006

DISTRICT OF NEW JERSEY

Adam Yoffie '11

Five rabbis and three mayors walk into a courthouse . . . No, this is not the start to a bad joke but rather a description of the Newark Federal Courthouse last July during my summer with the U.S. Attorney's Office for the District of New Jersey. Although I did not have the pleasure of working on the top secret case that involved bribes in cereal boxes and the selling of kidneys, I did get to witness the office break one of the largest public corruption cases in state history.

I cannot say enough good things about my experience last summer when I had the opportunity to work on an appellate brief for the Third Circuit and on a separate response to a motion for severance in a high profile murder case involving a former Assistant United States Attorney. Working with experienced counsel committed to mentoring, I learned about the practice of law on behalf of the federal government both inside and outside the courtroom. Although prosecution is not for everyone, I felt right at home and delighted in visiting the courtroom whenever I had the chance. Staying in touch with my appellate mentor, I even traveled to Philadelphia later in the fall to attend the oral arguments.

In addition to the structured work assignments, the summer program also included field trips to Fort Dix where we fired semiautomatic pistols and to the Newark Airport where we met with ICE officials. We met with local law enforcement officials and the head of the Newark branch of the U.S. Marshalls program. Yet the best part was actually the end-of-the-summer Mock Trial program when I finally had the opportunity to conduct my own direct and cross-examination.

Most importantly, my fellow group of interns provided support and amusement in our crowded "office"—and I not only benefited from the direct support of my supervising attorneys but also from the two AUSAs specifically in charge of running the summer internship program. For any law student interested in engaging in substantive work after his/her first year, I cannot recommend a better experience than a United States Attorney's Office—especially the office in Newark, New Jersey.

Summer 2009

EASTERN DISTRICT OF NEW YORK

Samuel Adelsberg '13

Spending my 1L summer at the U.S. Attorney's Office was an unbelievable experience. I came in knowing little about prosecution and left with a whole new appreciation for our federal criminal justice system.

I had a strong preference for working on terrorism prosecutions and I expressed that during my interview. Luckily, I was placed in the division that focuses on terrorism and violent crimes. Perhaps even more fortuitous, however, was the fact that I was able to work on two separate terrorism trials during my summer--one a plot to blow up JFK airport while the other was a plot to blow up the NYC subway system.

My bosses were fantastic. They always kept me in the loop and gave me substantive litigation assignments. In fact, I was asked to author the major section of our brief in the subway plot case. This was a true highlight for me as the topic was cutting-edge and the fact pattern was fascinating. I was also able to get up in court and argue in a bail hearing which I believe only EDNY interns are able to do.

Apart from the direct work I was able to do on those cases, the internship program was also very well structured and informative. We had brown bag lunches with different DOJ divisions, defense lawyers and judges. We had day trips to courts, prisons and forensic labs. There was also a neat social element that made it very easy to make friends among the different interns.

All in all, I highly recommend spending a summer at the U.S. Attorney's Office--especially in Brooklyn!
2012

EASTERN DISTRICT OF NEW YORK

Diana Kane '11

If you are interested in exploring criminal prosecution or civil litigation, developing your legal writing, creating effective work product that benefits from the feedback of highly skilled attorneys, and gaining trial practice experience, then you should consider an internship in the U.S. Attorney's Office for the Eastern District of New York (EDNY).

An extremely collegial and friendly working environment, the EDNY office is comprised of a Civil Section, a Criminal Section, and an Appeals Section. The Criminal Section has several prosecuting units: General Crimes, Narcotics, Civil Rights, Organized Crime, Violent Crimes & Terrorism, Business & Securities Fraud, Public Integrity, and Appeals. In the Criminal Section, an intern may request assignment to a specific unit and the Summer Intern Committee will try to accommodate it, based on availability. Each intern is assigned to a supervising Assistant U.S. Attorney, who works one-on-one with the intern on research, writing and investigatory projects from their active case load. I was invited to observe court appearances, meetings with FBI, DEA, ICE and other law enforcement agents, and to participate in defendant and witness proffers. I researched and wrote prosecution proposals, memoranda, motions, briefs, and sentencing recommendations. Interns are encouraged to supplement their primary assignments with additional assignments in other areas of interest. For instance, I was assigned to Violent Crimes & Terrorism (by request), but I had a chance to work on cases in Narcotics, Organized Crime, Business & Securities Fraud, and Appeals.

The office organizes a weekly brown bag lunch series that features informal presentations and Q&A sessions with the chiefs of each unit, as well as with specialists from support agencies such as the FBI, the Medical Examiner's office, and judges from the District Court. The office also organizes two field trips. During my 1L summer we had an excellent, all-access tour of the Metropolitan Detention Center (the federal jail) and were hosted by Judge Reena Raggi (former U.S. Attorney for EDNY) at the Second Circuit Court of Appeals.

Because the District Court in Brooklyn permits law clerks to appear in court under the supervision of an AUSA, the office encourages summer interns to take as many opportunities as possible to represent the government. In the first week of my internship, I argued a sentencing before Judge Weinstein in a narcotics courier case. By the end of my internship, I had appeared in court five times (sentencing, detention hearing, two status conferences, and a Daubert hearing) and was second chair in an appeal before the Second Circuit. I was also very fortunate to be assigned to a high-profile securities fraud case. Participating in a trial from pre-trial motions and jury selection, through the presentation of evidence, to verdict was an exciting and invaluable experience. I learned more substantive law and procedure supporting the trial team than I have in two years of law school.

If you are interested in regulatory practice, prosecution or law enforcement (SEC, DOJ, FBI, CIA), then an internship in the Eastern District is an excellent opportunity to gain experience on national-level cases and make connections with government attorneys, federal prosecutors and law enforcement agents. If you are interested in pursuing litigation, the breadth of cases brought in the district affords valuable exposure

to both major corporate litigation and white collar defense. Whatever your interest, during a summer at EDNY, you will make valuable connections beyond the prosecutor's office. The attorneys I worked with who represented defendants and corporate witnesses turned out to be the partners and associates I interviewed with at FIP. While working at the Department of Justice in Washington, D.C. during my 2L summer, I benefited from the patronage of several EDNY AUSAs who were detailed there on national assignments. I can say without reservation that my summer in Brooklyn was the best work experience I have ever had, legal or otherwise.

Summer 2009

SOUTHERN DISTRICT OF NEW YORK

Kate Heinzelman '09

Working at the U.S. Attorney's Office was the perfect job after my first year of law school. The day I arrived, I met the Assistant U.S. Attorney (AUSA) with whom I would be working and was immediately whisked off to attend court. A few days later, we were in the midst of a trial. As soon as that ended, we had to catch up on the rest of the AUSA's caseload.

Every day was exciting and the breadth of the experiences I was able to have over those few weeks was incredible. I attended many, if not all, of the meetings the AUSA attended, assisted on a full trial, observed at court regularly, drafted sections of briefs and completed preliminary evidence review. Although I worked in the international narcotics and trafficking unit, I had exposure to many of the other departments as well.

The office atmosphere was very collegial and, in addition to spending a lot of time with the AUSA for whom I was working, I had the opportunity to get to know many of his colleagues. The AUSAs are—not surprisingly—a highly impressive group. It was also great to be with the other legal interns. The office would frequently organize programs for the interns as a group. The AUSAs do a very good job of helping students become better writers and researchers. At the same time, they make sure that all of the assignments are substantive and interesting.

On the whole, working at the USAO was a fantastic experience and a great window through which to observe federal litigation.

Summer 2007

EASTERN DISTRICT OF PENNSYLVANIA

Heather Coleman '07

I spent a wonderful summer after my 1L year working at the U.S. Attorney's Office in the Eastern District of Pennsylvania (EDPA), located in Philadelphia, Pennsylvania. I will attempt to give a fairly comprehensive description of my experience below, but I would still be happy to talk to anyone interested in spending a summer at the EDPA USAO.

The EDPA USAO summer program typically begins in early June and runs for a mandatory ten weeks. Interns generally work from 9 to 5 and are assigned to work on criminal, civil, or organized crime ("strike force") matters, although you can request to try more than one area during the summer. In all divisions, interns work on cases from the investigatory stage through trial and appeal. The program coordinators strive to give each intern at least one trial experience (including trial preparation) and one appellate brief assignment.

I spent all 10 weeks of my internship working on criminal matters. My assignments included numerous research memos, a habeas response, one trial, and two appellate briefs. In general, most of my summer

was spent researching and writing. In between assignments, interns are encouraged to observe trials and appellate arguments at the federal courthouse directly across the street from the USAO. There are few restrictions—as long as you get your assignments done you are free to allocate your work time however you like. I spent at least half a day each week at the courthouse.

The EDPA USAO has a unique structure. AUSAs are assigned to the Criminal, Civil, or Strike Force Divisions, but there is minimal specialization beyond that level. This means that an AUSA might work on bankruptcy fraud litigation one month and a drug conspiracy case the next; the U.S. Attorney feels that this keeps lawyers refreshed and on their toes. The summer program takes a similar approach. Interns are not assigned to a particular attorney or area of criminal/civil law. This structure enables interns to gain exposure to numerous fields; however, it makes it more difficult to develop a strong relationship with any particular attorney. On the other hand, interns have the opportunity to view the varied approaches of different AUSAs, and the lawyers are always happy to discuss their work regardless of whether or not you are completing an assignment for them.

The “field trips” are one of the best parts of this internship; they take place about once every other week. During my internship, we spent time in city and state court as well as the Third Circuit, and the USAO arranged for us to meet privately with judges in each. Furthermore, we visited a federal prison where we spoke with Bureau of Prison lawyers and participated in a full day training session at a federal firing range (where, among other things, we fired fully automatic machine guns.) In addition to the field trips, the office sponsors many in-office lunches and speeches.

I feel that the USAO summer program provided me with ample exposure to prosecutorial work while strengthening my research and writing skills. Above all else, my fellow interns and the office’s attorneys were the best part of my summer experience. The size and structure of the program fosters close relationships within the summer class, and I still keep in touch with some of the other interns. I would highly recommend this program!

Summer 2005

NORTHERN DISTRICT OF TEXAS

Joshua Johnson '09

During the summer after my 1L year, I worked for twelve weeks at the U.S. Attorney’s Office for the Northern District of Texas in Dallas. At the beginning of my 1L job search, I knew that I wanted to work for the federal government or a public-interest organization, and I was also interested in criminal law. I am from the Dallas-Fort Worth metroplex, so I was interested in working in Texas, although I had not ruled out the possibility of interning in Washington, DC, or New York. Through Career Connections, I contacted Leigha Simonton, a YLS graduate who works on appellate matters at the U.S. Attorney’s Office in Dallas. Originally, I had not planned to apply to the U.S. Attorney’s Office in Dallas and had simply wanted to speak with Mrs. Simonton about legal job opportunities in the North Texas area. After hearing Mrs. Simonton talk about her work, however, I quickly accepted her offer to forward my resume to the AUSA in charge of summer hiring. I drove to the Dallas office for in-person interviews while I was home for winter break, and I received an offer shortly afterward.

During my summer at the USAO in Dallas, the office had less than ten interns. Unlike some larger USAOs, such as the USAO for the Southern District of New York, the Dallas office did not divide interns between the criminal and civil sections; instead, interns were free to work on both criminal and civil projects. Given my interest in criminal law, I chose to focus almost exclusively on criminal assignments, but civil projects were available for those who were interested.

Interns at the USAO in Dallas receive high-quality assignments and are entrusted with a substantial amount of responsibility. I wrote a couple of sentencing memorandums that were submitted to the court with little revision, and I also drafted a motion to dismiss an appeal that was granted by the Fifth Circuit. In addition, I drafted a trial brief and a motion for summary judgment in a civil forfeiture action, and I worked on a number of interesting research projects, mostly relating to sentencing, evidentiary, and procedural issues.

My favorite part of working at the USAO in Dallas was the ability to observe court proceedings firsthand. The USAO in Dallas is located in the federal courthouse downtown, and interns were regularly encouraged to attend trials, pretrial hearings, and sentencing proceedings. In fact, as the summer progressed, I would sometimes turn down offers to observe courtroom proceedings so that I could focus on the interesting work I had been assigned.

The highlight of my summer was being assigned to the trial teams in a counterfeiting case and a white-collar prosecution. In both cases, I assisted the attorneys with pretrial legal research and also had the opportunity to discuss the prosecution's trial strategy. I then observed the trials and helped the attorneys with last-minute legal research issues. Once the trials ended, I waited with the attorneys as the jury deliberated and then watched the jury announce its verdict. Since criminal prosecutions move more rapidly than civil cases, working at a USAO provides summer interns with a unique opportunity to work on and observe cases over the full course of the litigation life cycle. If you are interested in doing trial-level litigation, it is hard to think of a better place to work as a summer intern than a USAO.

The summer I worked at the USAO in Dallas, we had an incredible intern coordinator who dedicated an extraordinary amount of time and energy to ensuring that we had a memorable summer. Nearly every week, the interns went on a different "field trip." We had the opportunity to tour the local FBI, DEA, and Secret Service buildings, along with the federal penitentiary in Seagoville and the state DA's office in Dallas. We also received shooting lessons from ATF agents at a local firing range (although I had never shot a gun in my life, the ATF agents were incredibly patient with me, and it was great to have the opportunity to spend an afternoon with real federal agents).

I would highly recommend an internship with the USAO in Dallas. The AUSAs at the office are incredibly friendly, bright, and dedicated people. The office did not feel ideologically charged, and I found that the AUSAs held a range of political views. In fact, I was happy to see that many of the AUSAs were excited about the upcoming Democratic primary season and enjoyed discussing Democratic politics. Also, the work-week at the USAO in Dallas is hard to beat. I usually arrived at the office around 8:30 a.m. and left by 5:30 p.m. I never worked weekends and rarely worked past 6:00 p.m. When I did leave the office a little past 5:30 p.m., I noticed that many attorneys had already left for the day. Although the AUSAs in the Dallas office work hard and are extremely committed to their jobs, they also seem to enjoy a healthy work-life balance.

If you have any questions about the USAO in Dallas, please feel free to contact me. It is a great place to work, especially for anyone interested in trial-level litigation.

Summer 2007

EASTERN DISTRICT OF VIRGINIA

Joshua Bone '13

I spent the summer of 2011 working at the United States Attorney's Office for the Eastern District of Virginia. I decided to work in EDVA for a variety of reasons. First and foremost, I was attracted by their diverse docket. Not only do they handle a wide variety of national security cases, but they also handle many securities fraud cases because the SEC servers are located in EDVA and the Fourth Circuit has

ruled that this gives EDVA venue over basically all cases involving securities registered with the SEC. Thus, the docket is very similar to the SDNY docket. Additionally, I knew that the intern class was reasonably small, at least compared to DC, SDNY, and EDNY, so I suspected I would be less likely to fall through the cracks and more likely to receive substantive work.

The job didn't disappoint. The office was desperate for assistance – it handles a huge and complicated caseload, and I interned in the midst of a hiring freeze – and the assistant U.S. attorneys I worked with were all very grateful for the help. They also made a significant effort to incorporate summer interns into the day-to-day operations of the office. We felt like part of the team, at least for the matters on which we worked.

I came into the job with a particular interest in criminal law, which likely made the assignments more enjoyable for me. That said, the types of issues I researched presented complex and interesting questions that would excite almost anyone: I examined everything from extraterritorial jurisdiction to the Federal Rules of Evidence. An internship at a U.S. Attorney's office is probably valuable for most rising 2Ls, regardless of their long-term professional interests, mostly because the job provides a lot of opportunities for legal writing.

Another perk of the job in EDVA – and, from what I understand, in many other offices – is the proximity to the courthouse. If we had a slow afternoon, we could wander over to court and observe various types of hearings in criminal and civil matters. I learned as much from this sort of observation as I did from my own research. In law school, you learn the law through reading appellate opinions; if you have any interest in trial work, it might behoove you to seek out a job that will give you an opportunity to observe courtroom action first-hand.

In terms of quality of life, the job really can't be beat. I was supposed to be in the office for 40 hours a week (9 to 5, Monday through Friday). While I occasionally had to stay late, I never had to bring work home, and I never worked on weekends. The attorneys I worked with were always respectful of my schedule and avoided loading me up with so much work that I became overwhelmed. Additionally, the intern coordinator arranged approximately one field trip a week for us. Among other things, we received a private tour of the CIA headquarters and got tickets to observe the Supreme Court announce opinions.

A final note about the application process: while these jobs are competitive, you have a good chance of getting one if you apply as early as possible after December 1. At least in EDVA, it also helps to have a Virginia connection of some sort (it doesn't have to be that strong; my connection was that I lived in Arlington for a while between college and law school). Offices like EDVA have smaller intern classes, so they tend to be a bit more selective.

Summer 2011

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SIZING UP THE PROSECUTION

A QUICK GUIDE TO LOCAL PROSECUTION



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MANY THANKS TO THE FOLLOWING

Prosecutors Amy Schwartz, Asit Panwala, Cameron Schroeder, Christopher DiMase, Clare Connors, Craig Hum, David Bitkower, Harrison Schweiloch, Mark Schneider, Rosalind Wang, Samuel Williamson, Tracy Conn, David Deakin, Nicholas Walsh, Joseph Ditkoff, Leah Silver, Rachel Cano and Alexa Shabecoff, Assistant Dean for Public Service and Director of the Bernard Koteen Office of Public Interest Advising at Harvard Law School.

INTRODUCTION: WHY PROSECUTION?

Prosecutors fill a unique role in the United States because their primary responsibility in the courtroom is to ascertain the truth and seek justice. While defense attorneys are obligated to vigorously defend their clients whether guilty or not, prosecutors exercise the sovereign power of the state by representing the best interests of the community, which not only includes prosecuting crimes but also honoring the rights of the accused. As one current prosecutor put it, “The only obligation I have every day is to do the right thing.”

For many law students, prosecution work is an attractive form of public service. It also offers immediate opportunities for litigation experience. Unlike large firms where associates often must wait years before being given the opportunity to appear in court, assistant district attorneys manage sizeable caseloads and try cases soon after joining the office. For many, the combination of “doing good” and getting valuable courtroom experience makes prosecution work attractive.

As you read through this guide, never lose sight of the harsh reality entailed in the work of the prosecutor. Prosecutors wield a power that is part of the state's most profound act – the ability to strip an individual of liberty, and even of life itself. Needless to say, emotions run high, and the work can therefore be draining. Criminal cases involve pain, sorrow, and violence – the violence inflicted on the victim and the state violence inflicted on the convicted defendant through the act of sentencing and punishment. Courtrooms are grim places. If you prefer to use your legal skills to bring people together to produce a joyous outcome, then other forms of work might be more suitable. Satisfaction in the life of a prosecutor must be derived from the role that he or she plays in a criminal justice system that, when it operates effectively and fairly, expresses the deepest values of our society. It is challenging and emotional work – and therein lies its attraction. But it is not for everyone. As with any meaningful pursuit, self-knowledge is critical.

First, this guide will review the various prosecution positions in local, state and federal government. Next, it will provide insight into the job itself and considerations in deciding whether to become a prosecutor. Lastly, the unique hiring and interview process will be discussed.

DIFFERENCES AMONG FEDERAL, STATE, AND LOCAL PROSECUTING OFFICES

Within the field of prosecution, there is an array of different offices that handle varying types of crime on a local, state, and federal level. This guide will focus on the hiring process and characteristics of local district attorney’s offices; it will also provide descriptions of the other prosecuting offices and the types of cases they handle.

Local: District Attorney’s Offices

What most people think of when they think of crime, such as assaults, murders, burglaries, drunk driving, is handled by local prosecuting offices, generally called district attorney’s (DA’s) offices. (Note: in some states, the local prosecuting offices are called state, county or city attorney’s offices). When the police arrest an assault or robbery suspect, they promptly contact the DA’s office to have charges filed and to make arrangements for an initial court appearance. When the police respond to a crime scene for a homicide, an assistant district attorney (ADA) will often appear there as well.

From relatively minor offenses such as shoplifting and reckless driving to the most serious of murder cases, DA's offices are responsible for most criminal prosecutions in this country.

State: Attorney General's Offices

In most states, the state attorney general has jurisdiction to prosecute violations of the state's criminal laws. However, most attorneys' general (AG's) offices do not ordinarily prosecute the day-to-day matters of the local police. Instead, prosecutors in AG's offices supplement the work of district attorneys by taking those cases that DA's offices, with the tremendous pressure of their own caseloads, do not have the resources to cover. For example, a DA's Office may handle individual auto thefts, but the state AG's office may conduct a long-term investigation into an automobile insurance fraud ring and follow through with the resulting prosecution. An AG's Office may, to cite another example, assume responsibility for a politically sensitive case that a DA finds difficult to investigate and prosecute.

Typical areas an AG's Office may focus on include consumer protection, environmental protection, drug trafficking, and fraud or embezzlement. Unlike a DA's Office, which is devoted exclusively to enforcing criminal laws, an AG's Office may use civil statutes and remedies as well as criminal prosecutions to protect the public in these areas. An AG's Office might, for example, bring a civil suit against a retail chain to stop unscrupulous credit practices, which, although not criminal, violate civil consumer protection laws.

Federal: United States Attorney's Offices and "Main Justice"

The United States Department of Justice (DOJ) is responsible for the prosecution of all federal crimes and handles a wide array of both white-collar and violent crime cases through its United States Attorney's Offices (USAOs) in every state and through the litigating divisions of DOJ in Washington DC (known as "Main Justice").

Some crimes are uniquely federal, in which case only the federal government can prosecute them. The evasion of federal income taxes and counterfeiting are examples of such crimes. Many other criminal acts violate both federal and state law and could, at least theoretically, be prosecuted by federal, state, or local authorities. USAOs prosecute violations of criminal law in the areas of bank fraud, health care fraud, investment scams, income tax evasion, fraud in federal government programs, firearm trafficking, narcotics trafficking, money laundering, organized crime, civil rights offenses, and public corruption, among others. Like many AG's Offices, USAOs also have a civil division to protect the public using quasi-prosecutorial civil statutes and remedies. Assistant United States Attorneys (AUSAs) in a civil division may, for example, bring civil suit to combat housing or employment discrimination, health care fraud, or environmental damage.

For more information on US Attorney's Offices including applying to become a federal prosecutor, please refer to the OPIA Insider Guide: *Fast Track to the United States Attorney's Office*.

WHAT A LOCAL PROSECUTOR DOES

Most assistant district attorneys spend hours each day in court, either on trial or handling initial appearances, motion hearings, pleas and sentencing. Nearly every day ADAs have contact with police officers, victims of crime and their families, and witnesses. They carry large caseloads, handling dozens or, in some offices, even hundreds of cases at one time. The daily demands require high energy, an ability to think on one's feet, and a talent for juggling multiple tasks. ADAs make highly consequential decisions every day as to whether to prosecute a particular suspect, to accept a plea bargain in a given case or risk taking it to trial, or to argue a certain point of law. Working on the front lines of a heavily burdened criminal justice system, ADAs have the opportunity to make the system serve the needs of the public and victims of crime while respecting the rights of the accused.

For most violent crimes, assistant district attorneys become involved soon after the initial criminal investigation has been completed. Once police authorities have collected and analyzed all of the relevant evidence in a case, the information is brought to the district attorney's office, where an ADA will usually decide whether or not to bring charges, and what the charges should be. If charges are filed, the ADA will be required to present the case to a grand jury or to a judge in a preliminary hearing to establish the sufficiency of the evidence to proceed to an indictment, and eventually a trial.

Most cases that come across a prosecutor's desk do not go to trial. Indeed, if all cases proceeded to trial, the justice system would become backlogged to the point of collapse. Instead, most cases are resolved through negotiation – known as plea-bargaining – in which defendants admit guilt in exchange for a lesser sentence. When cases do move on to trial, however, almost all of a prosecutor's time becomes dedicated to trial preparation. For many prosecutors, a single trial can require hundreds of hours of preparation, forcing them to shift all of their other priorities. Trials themselves can last anywhere from days to months, which is why many note that flexibility and the ability to prioritize are some of the most important characteristics of a successful prosecutor.

In most jurisdictions, the types of cases that an ADA will be responsible for are determined by experience level. For the first year or two, ADAs generally handle misdemeanor cases like drunk driving, petty theft, etc. Then ADAs usually are promoted to investigate and prosecute felonies like robbery, rape, and ultimately homicides. In larger jurisdictions, like the District Attorney's Offices in New York City, felonies may be divided even further into a special victims unit, gang crimes division, homicide team, etc. Felonies generally are much more involved and time consuming, and consequently, when assistant district attorneys move up to felonies, their caseload usually decreases.

The life of an ADA is busy and fast paced, and while the hours might not be as long as those of a corporate litigator, the job demands considerable commitment and dedication. First-year prosecutors in major metropolitan areas may work odd hours, including night or weekend shifts when they oversee the arraignment of defendants. Median salaries for ADAs usually vary depending on the location, but hover around \$45,000 per year. For more information on the range of salaries for ADAs, you can also refer to the NALP Public Sector and Public Interest Attorney Salary Report, www.nalp.org.

DECIDING TO BECOME A PROSECUTOR

Should I Be a Defender or Prosecutor?

One of the questions that future criminal lawyers ask themselves is: defense or prosecution? The question is important because, though both defense attorneys and prosecutors practice criminal law and try the same types of cases, the difference in what they do and how they do it are substantial. While public defenders represent individuals, prosecutors represent the state, which creates a number of responsibilities and implications. While defense attorneys are required to vigorously advocate for the interests of their clients, whether or not they believe that they are guilty, prosecutors press charges only when they believe that a crime has been committed, and at any stage in the criminal process, they can reduce or even drop charges. During plea negotiations, the District Attorney's office usually will set the terms of the negotiation. Prosecutors also must take the initiative in presenting a case. This leaves the defense in a responsive mode, negotiating with ADAs and providing argument and possibly evidence and witnesses to cast doubt upon the validity of the prosecution's case. Consequently, it should be no surprise that during trial, the defense presents its case second, after the prosecution has already finished calling its witnesses. For many prosecutors, they see their role as creating a strong case and fortifying it against attacks mounted by the defense.

Qualities of a Successful Prosecutor

Another way to think about becoming a prosecutor is to consider the qualities of a successful one. Among the many qualities of successful prosecutors, one of the most important is the ability to work with all kinds of people. You may think that because prosecutors will not be representing an accused, they will not have to learn how to interact with individuals who may be under stress and otherwise difficult to deal with. Not so. Prosecutors regularly work with law enforcement officials, criminal investigators, scientists, victims, witnesses, defense attorneys, juries, and judges. Victims and witnesses to crimes may have criminal records that might be just as extensive if not more extensive than those associated with the accused. One of the challenges prosecutors speak of is the difficulty in coordinating a large number of witnesses during trial. The ability to work with a diverse group of people is a key quality of most successful prosecutors. As one prosecutor put it, "I deal with people who might be considered a bit rough on the edges everyday, but that's one of the favorite parts of my job."

Because of the fast-paced nature of a district attorney's office, self-motivation and responsibility are also characteristics of successful prosecutors. Virtually all prosecutors report that most of the time they are working independently with little supervision. They develop judgment, as many quandaries arise that can't be resolved by consulting a law book. Trials can be enormously stressful, often consuming a prosecutor's life for weeks or months. The ability to ask questions, argue forcefully while under stress, and communicate effectively are equally vital. This is why stamina and the capacity to work hard are essential attributes. When on trial, prosecutors live and breathe their cases, constantly thinking about their strategy and how to persuade the jury.

While a thorough knowledge of a state's penal code and criminal system are assumed, many veterans of criminal law, both defense lawyers and prosecutors, point out that "street-smarts" and an ability to know the "unspoken rules" can be extremely useful both in and out of court. Prosecutors will appear before the same judges and clerks, and face the same members of the defense bar on an almost daily basis. The most successful prosecutors will learn how to relate well with any group of

people over time; knowing how to navigate their way around the courthouse while remembering the idiosyncrasies of the participants is thus a valued skill. Sensitivity, a good memory, and close attention to detail are also marks of good prosecutors. Above all, a reputation for fundamental fairness and honesty as well as credibility and trustworthiness must be nurtured.

Prosecutors must be comfortable with the myriad of imperfections in the criminal justice system. Prosecutors may be called upon to bring charges against sympathetic individuals – the elderly, the young, the poor, and other vulnerable members of society. Many prosecutors express dissatisfaction with the prevalence of plea-bargaining and the idea that defendants are punished without being given a maximum sentence. Although prosecutors work towards eliminating crime and violence, defendants may not always be punished to the full extent of the law. The converse is also true: many defendants receive harsh sentences under tough penal provisions, even though surrounding circumstances suggest some leniency is warranted.

Successful prosecutors truly believe in what they do and are committed to public service. For most prosecutors, the reason why they are willing to give up their nights and weekends and lucrative salaries and devote countless hours to trial preparation is because they believe in the justice system. If a prosecutor is not convinced quickly that he or she is doing important and necessary work that is benefiting society, the work can become intensely draining and disheartening.

Questions to Ask Yourself

1. Why do you want to become a prosecutor?

During the interview, you'll need to say why you want to become a prosecutor. And you need to say it effectively. District attorney's offices are seeking people dedicated to public service and committed to fighting crime and seeking justice. DA offices want more than smart law graduates who seek litigation experience. They want people who are committed to the mission that animates the day-to-day challenges confronting a prosecutor. Anyone who does not enjoy working in the trenches of the criminal justice system will have a difficult time on the job.

2. Can I handle the responsibilities and inevitable compromises of prosecution?

The work of an assistant district attorney can at times be extremely stressful, and prosecutors must be mature and responsible enough to handle the often overwhelming caseload and daily, highly consequential decisions made under pressure. Decisions that a prosecutor makes will affect the lives of many people, starting with the victim and the accused. Because ADAs are given so much discretion in their cases, there is a tremendous expectation that ADAs will exercise good judgment.

When balancing competing interests, you'll need the ability to accept the inevitable compromises in the justice system that allow for defendants, a vast majority of the time, to be punished less severely in exchange for a guilty plea. For many prosecutors, the least satisfying part of the job is plea-bargaining. For others, sentencing proceedings can be difficult, as there are times when prosecutors must argue for higher punishments than they personally think the defendant deserves.

3. Am I willing to accept the sacrifices in exchange for the rewards of public service?

There are sacrifices in becoming a prosecutor. Even after many years, prosecutors earn less than first year associates at major law firms. Prosecutors will not have the same perks and benefits as attorneys at law firms. ADAs regularly type their own motions, do their own photocopying, and have little or no paralegals to help with the vast paperwork.

For most people who have chosen the path of a public service career in prosecution, the rewards outweigh the costs. As one prosecutor put it: “The primary reason I enjoy being a prosecutor is the feeling that I am doing something important, something that matters to people and to society. Most days I leave my job feeling good about myself, and feeling like I have accomplished something that will affect people in a positive way. I truly believe in what I do, and every day I look forward to going to work. I don’t think that you can get that from many jobs in the legal field.”

CHOOSING THE RIGHT OFFICE

Beyond geographic location, salary, and benefits, there are a number of distinct characteristics of district attorney’s offices that should be considered when choosing the right office for you.

Training/Mentor Programs

For new assistant district attorneys, the level and type of training an office provides can vary tremendously. While some offices will require new ADAs to participate in training programs for several weeks before touching a single case, other offices assign cases to new hires during their first week with less supervision. While most offices will fall somewhere in-between, the kind of training and mentorship offered is important to consider when choosing among offices.

When starting off as a prosecutor, feedback and constructive criticism from a mentor or a supervisor are extremely helpful. Some offices provide mentorship programs to help new hires become acclimated by assigning more experienced attorneys to supervise them. These supervisors help them improve by reviewing their cases and watching their performance on trial. At other offices, though, a sink or swim approach is taken with the belief that a new ADA will benefit from real-life experience, working on cases while making mistakes and learning from them. It is important for new prosecutors to find the learning environment that suits their individual needs.

Resources

The amount of resources that an office has for investigation and support staff is critical in evaluating different offices. Because district attorney’s offices are funded by the counties and cities, which they serve, their budgets can be limited, which means that for many offices, space, computers, and resources for investigation can be extremely limited. In those offices, prosecutors with a decade of experience may be sharing a cubicle with two or three other colleagues. It is not uncommon for attorneys to have to use computer equipment that is outdated. District attorney’s offices may be short-staffed, thus requiring prosecutors to take on administrative duties that paralegals might do at large law firms. Attorneys at many DA’s offices will write and file their own motions, make their own photocopies, and schedule their own appointments to meet with witnesses and police officers.

Because of the financial constraints at any DA's offices, it can never be expected that an office will have the resources and staff of a large law firm. Nevertheless, if space, staff support, and resources for research and investigation are important, prospective applicants should ask about the office's commitment to supporting their ADAs with staff, technology, and investigative resources.

Assignment of Cases & Office Philosophy

Be sure to evaluate the office's system of how cases are assigned and litigated. Usually most offices require rookie ADAs to handle misdemeanors, while more experienced prosecutors take on felonies. Other offices will approach the actual litigation of cases with different philosophies. Cases are prosecuted vertically, that is, the prosecutor that is initially assigned a case after arraignment will handle all investigation, interviewing, plea-bargaining, trials, or appeals that may occur with that case. Cases are also handled horizontally, where a particular section will handle all of the cases, which are currently being investigated in their area of expertise such as gang violence. Some offices allow prosecutors to handle their own cases on appeal while other offices have a unit dedicated to appellate practice.

There are pros and cons to both philosophies. In a vertical structure, prosecutors become familiar with the cases and develop strong working relationships with the witnesses and police officers involved. Consequently, it makes sense for the same attorney to handle a case from inception to completion. Many offices that have established a horizontal system have found it helpful for ADAs to become specialists with a particular category of crime. Ultimately, it is important to determine which model suits your ultimate career goals.

Office Reputation

In considering prosecution offices, bear in mind that, like any law office, cultures and work environments vary, as do reputations. District attorneys offices measure success differently. Some measure success based on conviction rate which puts pressure on ADAs that may undermine the search for justice. For others, fundamental fairness and integrity are paramount and there is room for independent judgment and discretion. You might want to examine how aggressively a particular prosecution office pursues criminal convictions and assess your own views on that issue.

Typical Caseload Standards/Time Commitments

Unless working on a difficult time-intensive case, virtually all prosecutors juggle many cases. One way to differentiate between district attorney offices and to determine job satisfaction is by the size of the typical caseload. Although one can never predict how far a particular case will go through the criminal justice system, the number of cases given to an ADA can be an indicator of how many hours ADAs usually work, the number of hours that are dedicated to each case, and whether one can do the necessary work each case requires.

Learn about any irregular institutional time commitments required for ADAs. In some offices such as the New York County District Attorney's Office, assistant district attorneys work a week of night court and a week drafting accusatory instruments (complaints) several times each year during their first year or so on the job. These assignments are in addition to the normal caseload responsibilities and can be quite strenuous.

Office Mobility/Room for Advancement

Prospective ADAs, if they have preferences, should determine how to best advance to more challenging and complex crimes they feel passionate about. At some offices, there are special bureaus or divisions, which will handle particular types of felony in a homicide or special victims unit. At smaller offices, however, the cases are often distributed more equally among the entire felony team. Some offices have policies that make moving from one division or bureau to another more difficult. At some offices, any openings in a particular division will be on a first-come, first-serve basis, while at other offices, ADAs will be required to apply for a transfer and obtain the recommendation of a supervisor.

Office Reputation

The reputation of an office can have a marked effect upon job satisfaction. In some localities, district attorney's offices will have shaky relationships with the courts, and this tension can make trying cases difficult for prosecutors. The reputation and philosophy of the elected district attorney will also have an impact upon the way an office is run. For example, if the district attorney is especially committed to prosecuting quality of life crimes, one can expect to see a higher number of misdemeanor cases in the office. Recently elected district attorneys will often look to make changes to the structure of an office, creating new departments or eliminating others, sometimes shaking up the status quo.

Consider the strength of the relationship between the district attorney's office and the police department. When both offices have a good working relationship with each other, many aspects of investigating and litigating cases become easier. When police departments are able to work closely with DA's offices, ADAs can use the investigative resources of the police department more effectively. A strong working relationship with the police department makes scheduling court dates with officers that much easier.

Various offices will also measure the success of its ADAs differently. While some offices will stress an ethical search for justice and truth, other offices may measure the success of its attorneys based on their conviction rates, placing a pressure upon ADAs to win under all circumstances. Although offices may not be completely forthcoming about their philosophies during interviews, it is important to find out as much as possible what an office expects from its ADAs: to win, or to do the right thing.

Some questions to ask about the history of the office: What is the conviction rate for cases that go to trial? What is the trial/plea ratio? Does the office have a history of scandals, corruption, or withholding evidencing? Prospective applicants need to research an office's reputation and personality when deciding where to apply.

APPLYING TO BECOME A PROSECUTOR

Developing Your Resume

Because prosecutors must be able to advocate before a judge or jury, students interested in becoming prosecutors should work on developing experience that demonstrates the ability to work with others, exhibit sound judgment and potential trial ability. Students should focus on activities that demonstrate an ability to speak in public and explain complicated legal issues while thinking on their feet.

1. **Classes/Clinicals** – There are a number of recommended classes and clinical opportunities for students interested in becoming prosecutors. In addition to the required Criminal Law course, consider: Criminal Justice Institute (CJI), Trial Advocacy Workshop (TAW) Advanced Criminal Procedure, Evidence, and Federal Criminal Law, Introduction to Advocacy: Criminal Prosecution Perspectives (offers placement in local prosecution offices), Capital Punishment in America (offers placement in capital defender offices during winter term), Introduction to Advocacy: Criminal Justice. Advocacy skills developed through the Legal Aid Bureau and WilmerHale Legal Services Center will also aid in building your experience.
2. **Summer Internships** – Many DA's offices offer summer internship opportunities. These internships can be highly competitive, but attainable for 1Ls and 2Ls. Depending on the office, interns often write appellate briefs and trial memoranda, and help prepare cases for the grand jury and second seat trials. Often, those interns who have completed evidence and their first-year will be permitted pursuant to the state bar's student practice act, to appear in court on the record. As an added bonus, in many offices, 2L interns who wish to apply for a job at the same District Attorney's Office will often be granted an interview at the end of the summer before other applicants.
3. **Student Practice Groups and Activities** – Participation in student practice groups is a great way to start developing advocacy skills. Harvard Defenders, Prison Legal Assistance Program (PLAP), and Tenant Advocacy Program all offer that opportunity. Moot court is a traditional means of gaining oral advocacy skills.
4. **Clerkships** – If you are serious about pursuing a career in prosecution, it is often advisable to clerk for a court in the same jurisdiction where you hope to work. District attorney's offices look favorably upon applicants who already have experience working on criminal cases as having a head start to learning some of the nuances of litigating in that jurisdiction.

Deadlines/Timing of Hiring Process

Most district attorney's offices do not participate in the On-Campus Interviewing (OCI) Program at HLS. Because deadlines and required application materials for each District Attorney's office vary, students need to be proactive by contacting each office directly. Generally, for many large District Attorney's offices with annual hiring cycles, deadlines for application materials are in early October or November. Application materials include a cover letter and resume, with some offices requesting

transcripts, writing samples, reference letters, and statements of interest about the applicant's commitment to public service and working in a DA's office. These offices usually process their applications in late November, December and January. Interviews usually take place January through March with offers made sometime in April, May and June.

Many offices do not follow this particular time-line. Some offices will only accept applicants who have already passed the bar exam, which means that students entering their 3L year will be unable to apply until after bar passage. Other offices will have hiring cycles with application deadlines in the spring for positions that begin the following January. For the vast majority of other local offices, ADAs will be hired on an as-needed basis; applicants interested in working in a small county office are advised to check with that office directly.

As no offices have the identical hiring practice, details about the application process for DA's offices are usually posted on the office's website. If the information is not available online, students are advised to call individual offices for more information. The hiring director or human resources department usually manages the application process and can answer specific questions.

INTERVIEWING

Unlike many interviews for jobs in the private sector, interviews for positions at district attorney's offices are designed to be intense, stressful, and demanding. They seek to weed out less serious candidates and subject the applicant to a demanding setting simulating the courtroom.

Offices will ask applicants hypothetical questions about difficult ethical situations or questions about an applicant's stance on a controversial issue in criminal law. Questions about use of discretion are frequently asked with the goal of dissecting the applicant's decision making process as applied to a specific fact pattern. At some offices, interviewers may even ask applicants to deliver an impromptu opening or closing statement. You may be interviewed by a group of prosecutors, each asking variations of the same question, each time ratcheting up the ethical quandary. These exercises are all designed to see how well applicants can handle pressure and stress because the job will be equally, if not more, grueling than the interview itself.

Interviewers are looking for applicants who will be able to interact with a tremendous variety of people on a daily basis. Interviewers will often pay close attention to how friendly or relatable an applicant seems during an interview. At some offices, interviewers will ask applicants to role-play a first meeting with an emotional rape or domestic violence victim in order to evaluate their ability to work with people, no matter their history or background.

Finally, DA's offices are looking for applicants who will follow the standing policies and procedures of an office, despite whatever personal feelings or opinions an applicant might bring to the job. This means that if asked for an opinion about the war on drugs, the focus is on the procedures and standards that have been set by the office, and the law, not on his/her own personal beliefs. Interviewers seek to determine how the applicant reconciles his/her views with office policies and enforcing the law.

If you are unsure of the law in that jurisdiction, you'll need to try to do your best to answer the question. Think carefully while avoiding exhibiting uncertainty. When you engage in an enthusiastic discussion of the fact pattern, you'll gain points for a flexible and quick thinking mind.

Hiring Process Generally

Although specific hiring practices will vary from office to office, there are usually several rounds of interviews for each applicant before any offer is made. If the office follows the typical hiring cycle for new ADAs, the initial screening interviews begin in October or November, sometimes on campus. Subsequent second round interviews occur typically in January or February and continue until as late as April. Applicants can expect to have anywhere between 2-4 interviews per office during the process. These are panel interviews with line prosecutors, bureau chiefs, hiring directors, and executive level staff, or with panels consisting of 2-8 staff members at an office. The final step in the interviewing process will often be one-on-one with the District Attorney, where the offer for employment may be made.

Questions to Expect at Every Interview and How to Answer Them

The First Question: Why do you want to become a prosecutor?

Because the job of a prosecutor can be so stressful and difficult, district attorney's offices are looking for applicants who have a commitment to public service and future attorneys who will genuinely enjoy making a difference in society, despite the low salaries, long work hours, and few resources. Interviewers look for applicants who will be satisfied with their jobs and have a strong likelihood of staying long term. Consequently, answers that demonstrate a personal commitment to serving others, fighting crime, or preserving justice are the most effective. Personal stories referring to specific instances in an applicant's life can often be especially compelling if pertinent. Referencing criminal law classes and clinics can display a strong interest in the work, and public sector employment and volunteer work can demonstrate hands on experience. In short, applicants are expected to explain why their set of experiences and education have led to a decision to prosecute.

Why do you want to prosecute in this office?

Applicants can also expect to be asked, "Why prosecute here?" District attorney's offices know that applicants serious about becoming ADAs will apply to multiple offices, which is why offices want to know where an applicant will work if given multiple offers. If asked what other offices you have applied to, you should be completely honest and forthcoming. However, you'll also need to provide specific reasons why you are interested in that specific office, whether it is a connection with a prosecutor in the office, a unique program or initiative within the office, a preference for the vertical/horizontal prosecution system, or even a background in the area and a desire to make an impact on the community. Highlighting a connection to the community is a plus.

Criminal Hypothetical Questions

Along with the standard job interview questions, applicants can expect to be asked at both panel and individual interviews to address a set of questions involving hypothetical situation(s). These hypothetical questions can cover the death or missing witness, gray areas in the rules of evidence and discovery disclosure obligations, day-of-trial crises, and more. The hypotheticals are designed to test an applicant's ability to handle high-pressure situations and think on his/her feet. Although hypotheticals may ask some specific questions with straightforward answers based on black letter law, hypothetical questions will more often have no clear legal answers because they are ethical or situation-based quandaries. When asking hypotheticals, the interviewer is assessing the applicant's

ability to spot issues, ask the right questions, and to address both the legal and ethical concerns raised. Frequently interviewers will follow-up with “What-if” questions, changing certain facts to determine how the applicant can adapt to rapidly changing fact patterns in one particular situation. When answering these questions, applicants should be clear to acknowledge the various arguments involved and show they understand the multiple issues in the case, but when called upon, they should take a position and defend it vigorously.

Some hypothetical questions are designed to get at your openness to seek supervision- whether you substitute your personal judgment and feelings over office policies- and to test your ethical boundaries. Other hypothetical questions are designed to determine whether you can put your natural sympathies aside, whether you’re likely to act hastily when assessing the veracity of a witness, or how you’d deal with a police officer who’s not telling the truth or a judge who’s bearing down on you.

The best way to prepare for criminal hypothetical questions in interviews is to practice in person with an experienced mock interviewer, who, in addition to being able to offer advice about the responsiveness of your answers, can also provide feedback on eye contact and other body language. At OPIA, mock interviews with hypothetical questions can be scheduled any time and are heavily encouraged.

Preparing for the Panel Interview

After the initial screening interview, an applicant can expect to have at least one panel interview with several attorneys. This format will consist of the applicant sitting in front of a panel of attorneys and fielding questions from everyone. At the least, the panel interview tests an applicant’s ability to connect with multiple people at once, much like how a prosecutor has to connect with an entire jury during trial. Offices will often include an element of stress during the panel interview by rapidly shooting questions, interrupting, or including one or more people on the panel to play “bad-cops” and dispute the statements of the interviewee. A current prosecutor even noted that during his panel interview, members of the office would rotate in and out of the room, substituting for each other in an attempt to distract and unsettle him.

The best way to approach the panel interview is to remain calm and respectful throughout the entire process. Applicants must make eye contact with every member of the panel, not just the person that posed a particular question, and when interrupted, politely requesting to quickly finish their first answer before moving onto another question is entirely appropriate. When answering questions or statements made by the “bad-cop”, it is advisable not to become argumentative or defensive, but to remain composed and focused on the substance of the questions being asked.

BACKGROUND CHECK

Once hired, the final step before employment is a background check. This check is not nearly as extensive as the security clearance checks in other government agencies; however, it will still include a drug test, a search for a criminal record and auto violations, and possibly a credit check. For any specific questions regarding background checks, speak to an OPIA advisor before contacting the individual office.

CONCLUSION

After interviewing more than a dozen local, state, and federal prosecutors for this guide, it has become apparent that a career in criminal prosecution in a local District Attorney's office is extremely rewarding, both personally and professionally. Generally speaking, criminal prosecutors are extremely satisfied with their work, and while the salary and lack of resources can be sources of distress, prosecutors universally acknowledge that the daily trial experience and ability to see their work make a difference in society are worth it.

NARRATIVES

Rachel Cano, '91 – San Diego County DA's Office

I went to HLS with a vision that I would return to my Latino community and help those who needed help the most. While looking at legal careers in law school, I did not immediately think of prosecution as a way of serving my community. However, now that I have been a prosecutor for over 17 years, I realize it has enabled me to help my community in a way I would never have visualized in law school. The criminal justice system, unfortunately, involves both victims and suspects who are from every segment of society and by having equally diverse prosecutors the community can have confidence that justice is truly color blind. A career as a prosecutor takes courage, dedication and commitment to the ultimate goal that every community deserves-justice.

Within two weeks of starting at the DA's office I handled my first misdemeanor trial. I continued to handle misdemeanor cases for the first year and picked up felony trials within two years. Soon after I prosecuted a variety of cases including kidnapping, rape, manslaughter, torture, robbery and homicide, but I developed an interest in prosecuting sexual assault cases. The San Diego DA's office is a large office comprised of approximately 300 lawyers dispersed between a main office, three branch offices and a separate Juvenile office. Within the office there are vertical units and general crime units. After 7 years of general crimes which included sexual assault cases, I spent over 4 years in our Juvenile Division handling sexual assault cases.

Juvenile sexual assault cases were troubling given the facts but the goals of that system rest on the concept of rehabilitation whereas in the adult criminal world the focus is punishment. It is the one criminal arena where defense attorneys, judges and prosecutors can work towards the common goal of rehabilitating a juvenile so that we don't see them later in adult criminal courts. It's also a very sad place to see how and why young offenders sexually act out and victimize others. Often they came from broken homes but sometimes when you saw what appeared to be very loving parents and families who had tried everything, and no one could explain what happened to this child, we hoped that our job as a prosecutor truly intervened in a cycle of abuse. These are the moments that take strength and courage as you look at families of both sides in the eyes and know they will remember your acts whether or not the results are positive or negative.

I then spent over 6 years handling sexual assault cases in a vertical division that included human trafficking and the involuntary civil commitment of sexually violent predators. Like other specialized divisions, it is a place where you go if you have a passion for that type of case. It is not for everyone. I never picture myself handling gang cases and most gang deputies cannot fathom interviewing rape victims. Large prosecution offices offer that variety and specialization of case work. These cases were all very challenging for many reasons. As prosecutors our goal is justice but that means doing all we can to make sure the right person is charged but only if we have the

evidence to prove the case beyond a reasonable doubt. Often it is not possible to file charges on sexual assault cases. Our ethical duties prohibit us from filing charges on someone with the hope new evidence will develop or even in thinking we can offer the person to plead to a lesser crime. I think this is where our integrity shines and our personal feelings must be set aside. At times there will be angry victims but more often than not, after a case is completed there will be victims who feel the system worked and justice was achieved.

Although I never imagined being a prosecutor when I was in law school, I obviously stayed in the job all of these years because I felt passionate for doing the right thing and working with victims. At the end of the day I am rewarded by knowing that I helped achieve justice for someone, closure for another and perhaps motivation for yet another. As prosecutors we have the ability to make positive lasting impressions on victims and we should not take that privilege lightly. Although we are not rewarded financially, the rewards of truly enjoying your work as a lawyer are priceless.

San Diego is a very large office in comparison to most DA offices across the nation. In a large office like ours we are able to have continuous training available at all levels. We are a career office so that specialization and expertise are possible and help from a colleague is always just a phone call away. Many of our prosecutors teach nationally and internationally and there are many opportunities to be in management or to prosecute cases vertically. Our large staff includes technical expertise, nurses, and media experts. Many of our new hires come to our office with a wealth of experience in the field. They have taken as many classes in the criminal justice field as possible and they have had clerkships and internships as well. It is very competitive so an excellent education is not enough. The clinics and internships are key. Most law students today who want to be prosecutors entered law school with that thought in mind but I am an example of someone who “fell” into the job and I love it. It is never too late to look into prosecution as a career.

Tracy Conn, '05 – Manhattan DA's Office

I came to HLS knowing that I wanted to be a criminal prosecutor. I hoped to work as an Assistant District Attorney at the Manhattan District Attorney's Office, where I had worked as a paralegal prior to law school, or elsewhere in New York City, but was also open to working in other cities or at the federal level. I was drawn to criminal work because I felt that, as a prosecutor, I could really give back to a community and work with and for victims of crime, which I feel passionately about. In addition, I found criminal cases fascinating.

In law school, I took the classes that most interested me. Many, but not all, of those turned out to be criminal law classes, including Advanced Criminal Procedure, Conducting Investigations, and Prosecution Perspectives. I also took as many clinical courses as possible. In addition to Prosecution Perspectives, I took Government Lawyer and did an independent clinical in which I worked with Diane Rosenfeld to study domestic homicides in Massachusetts. Through Prosecution Perspectives and Government Lawyer, I worked at the Essex District Attorney's Office and the U.S. Attorney's Office for the District of Massachusetts, which provided invaluable experience in seeing how prosecutors' offices function. At those offices, I had the opportunity to draft motions and to stand up in court to make bail applications, among other things. I highly recommend clinical work to anyone interested in prosecution since, in most prosecutors' offices, you will be given your own caseload immediately and expected to handle all aspects of each case, including court appearances and written work. Having any prior experience in those areas definitely helps!

During both summers in law school, I also worked at prosecutors' offices – the U.S. Attorney's Office for the Southern District of New York and the Department of Justice, Child Exploitation and Obscenity Section. Like my clinicals, that experience has helped me in my current job and certainly made the interview process a lot easier. Having a breadth of prosecution

experience meant I never had to justify my interest in prosecution or explain my resume. That said, working in only prosecutors' offices is definitely not the only way to get a job in criminal prosecution. It can also make sense for financial or professional reasons to take a job in a firm one summer. But, I would definitely recommend working in at least one prosecutor's office before applying to a prosecutor's office for a post-law-school job.

I found it helpful to have worked in both state and federal prosecutors' offices. There are significant differences in the resources and the types of cases handled by each type of office. I discovered, through my internships, that I am most interested in the street-level, and sometimes violent, cases more frequently handled at the state level than the financial crimes usually prosecuted by a federal office. However, working at a district attorney's office also involves more of a financial sacrifice than working for a U.S. Attorney's Office or the Department of Justice. Taking an internship at each type of office can help you to figure out which offers the right balance for you.

As I neared the end of law school, I applied to district attorney's offices in New York and Boston and the Department of Justice. I ended up with an offer at the Manhattan District Attorney's Office and accepted it. I have now been at that office for almost two years. I have spent that time working in the Appeals Bureau, where I handle criminal appeals in all types of cases. I have mainly focused on sex offenses, at my own choosing, but I have also handled robberies, burglaries, drug crimes, and manslaughter, among other types of crime. During my time in Appeals, I have argued about fifteen cases in court, including one at the New York State Court of Appeals, the highest state court in New York. While I work with an editor on each brief I file, I have a level of independence rare for a second-year attorney. I plan to transfer to the trial division of my office at the end of the summer, which will offer me trial experience and everything that goes along with that, including working with victims, witnesses, and police officers, and making daily court appearances.

I have found work in criminal prosecution to be extremely rewarding. Unlike nearly all other jobs in the law, I don't have a client I work for, other than the People of the State of New York. That means that I can do what I believe is right in each case, which is a tremendous privilege. The work is fulfilling, and the cases are interesting. I truly look forward to going to work each day.

Work in criminal prosecution is not without its challenges, however. There is a clear financial sacrifice involved – assistant district attorneys typically make about one-third the amount that lawyers at firms do. The LIPP program definitely does a lot to make living on a prosecutor's salary possible. While the financial sacrifice is considerable, I would urge you not to feel that you have to work for a firm if you don't want to. If criminal prosecution is what you truly want to do, there is no substitute.

In addition to seeking internships in prosecutors' offices and taking criminal law classes, I would urge you to speak with prosecutors in offices you are interested in about what their experiences have been like. I am happy to speak with anyone interested in the Manhattan District Attorney's Office or criminal prosecution in general. I would also suggest researching the hiring process of particular offices before you begin the application process, since it can involve many rounds of interviews and substantive questions. While you're in law school, if you know you're interested in prosecutorial work and not in working at a firm, I would suggest taking courses you're interested in and not feeling like you need to take some of the generally recommended classes – i.e. Corporations, Tax (unless you're interested in white-collar criminal work). I have never regretted not taking some of the more corporate-focused classes, and have benefited by picking classes that interested me, both because I was more engaged in class during law school than I would have been otherwise, and because I learned material that has helped me in my current job.

Good luck, future prosecutors!

David Deakin, '91 – Suffolk County DA's Office

When I came to HLS in the fall of 1988, it was with dreams of becoming a criminal defense lawyer – the next Clarence Darrow or Gerry Spence – which goes to show you that I am a better lawyer than career planner. After three enjoyable years at the Law School, highlighted by my participation in the Harvard Defenders, I clerked for a year for then-Justice Ruth I. Abrams of the Massachusetts Supreme Judicial Court. [Parenthetically, I strongly recommend a judicial clerkship for anyone intending to practice law after graduation, regardless of the individual's intended area of practice.]

Not long into my clerkship year, I began applying to public defenders offices in and around Boston. Their responses, though encouraging, indicated that they would not be hiring until the spring or early summer. Justice Abrams, who had worked as a prosecutor before becoming a judge, advised me that "the best way to learn to take a case apart is first to learn how to put one together." This advice, the truth of which I have come to question, led me also to apply to local district attorneys' offices. An early, enthusiastic offer from the office of then-Norfolk County District Attorney, now (retiring) United States Representative William D. Delahunt, landed me as a rookie prosecutor in Quincy District Court in the fall of 1992. My plan – and the District Attorney's – was for me to work there for one or two years before switching sides. See Robert Burns on the best laid plans of mice and men.

The pace of the work in Quincy was mind-boggling at first, and many of the cases seemed trivial compared to the cases I had read about in newspapers and books. Nonetheless, I enjoyed tremendously negotiating the steep learning curve, and before long I was trying minor cases before judges. Within nine months, I was trying cases before juries. At the outset, my cases mostly involved charges of operating under the influence of alcohol, bar fights, and petty larceny. Within my first year, however, I began working on domestic violence cases. I found that I took tremendous satisfaction from working with survivors of violent crime. It appealed to me tremendously to try to hold their abusers accountable for their crimes and, in some cases at least, help them protect themselves from further violence.

After two years in Quincy District Court, I took a position with Norfolk County's Domestic Violence and Sexual Assault Unit. My responsibility was to travel to each of the district courts, handling the most serious cases of domestic violence, sexual assault and child abuse that were going forward in the district courts. In my fourth year, I also began presenting cases to the Grand Jury for indictment.

Then, in the beginning of 1996, I was approached by the office of then-Suffolk County District Attorney Ralph Martin about the possibility of coming to work in the office's superior court Child Abuse Unit. Although I very much enjoyed my work with victims of family violence and sexual assault, I had begun to think about the challenges of gang and homicide prosecution. By accepting a job in a specialized child abuse unit – dedicated to prosecuting the most serious cases of child physical and sexual abuse – I worried that I would be pigeonholing myself. At the same time, however, I saw it as a way of getting my foot in the door of a major metropolitan district attorney's office and then, possibly, making the transition to the most serious cases of street violence.

I took the job and immediately was glad I had. I forgot all about making any transition as I was now investigating and prosecuting tremendously significant cases ranging from shaken babies to the most serious sexual assaults on children to cases of extreme medical neglect. In 1998, I was put in charge of the unit. In 2004, District Attorney Dan Conley combined the Child Abuse, Domestic Violence, and Sexual Assault Units into a Family Protection & Sexual Assault Unit (now Bureau), and I was named its first chief.

As a family violence and sexual assault prosecutor, I have handled many fascinating, cutting-edge cases. From the clergy abuse scandal, to twenty-year old rape cases solved by the CODIS (national DNA database) system, to a case of a serial rapist whose DNA also matched his identical twin, to child and domestic homicide cases, I have been challenged as a prosecutor and a trial lawyer. I regularly work with medical, psychological, and forensic experts to investigate cases and present them to juries. Two of my cases – the one involving identical twins and the prosecution of Christian Karl Gerhartsreiter (a.k.a. Clark Rockefeller) – have been featured on Dateline NBC.

Most important, I love my work, and I wake up (almost) every morning looking forward to getting to the office. I have the amazing luxury as a lawyer never to have to take a position that I do not believe is right, fair, and just. Indeed, I have an ethical obligation not to do so. If you love trial work in the interest of justice, there is no better field than prosecution.

There are two downsides to being a prosecutor. The first is the stress. Of course, there is stress in any legal job, but working on issues of great importance to the public – sometimes issues of life and death – is uniquely stressful. The other side of that coin, however, is that the work is stressful precisely because it *is* important. For me, the added tension is more than worth it. The second is the money. Almost no one ever got rich as a prosecutor (Nancy Grace, Marsha Clark, Christopher Darden, and a few others are the exceptions that prove the rule). If you stick with it, however, you can get to the point of at least modest affluence. If you aspire to more than that, prosecution probably is not for you.

As for advice, I would suggest that if you are interested in becoming a prosecutor – or a criminal defense attorney, for that matter – take every opportunity you have to get into court. Take every clinical course that is offered, regardless of which side of the criminal bar you are on. Identify prosecutors' offices that interest you, and seek out internships there. [I was a summer associate at large Boston law firms both summers in law school. I did this to help defray the cost of my legal education and because I did not want to rule out large, corporate law firms without giving them a chance. In retrospect, I am glad that I did. Remember, however, that internships are available throughout the year, not only in the summer.] Talk to prosecutors, and find out what they like – and do not like – about their offices. Apply for judicial clerkships. Most important, give prosecution a chance early in your career.

Joseph M. Ditkoff, '96 – Suffolk County DA's Office

Throughout law school, I never doubted that I wanted to be a transactional tax lawyer. I excelled at my tax classes and managed to avoid courtrooms for all but one day of law school. Sometime during my clerkship for Judge Jerry E. Smith on the Fifth Circuit, I started to waiver, but ultimately I accepted a job in the national tax division of a national accounting firm.

Tax law as a practitioner was not nearly as interesting as tax in law school. When, five months in, I was offered a job working for Independent Counsel Kenneth W. Starr on the Monica Lewinsky investigation —about a month after the story broke — I jumped at the chance.

My first assignment at the Independent Counsel's office was to move to dismiss an utterly frivolous pro se appeal in the D.C. Circuit. Under no theory could this assignment have been considered more important than the insightful memos I had been writing about multimillion-dollar deals, but writing something that would actually be given directly to a judge was intoxicating.

Three months of eighty-hour work weeks later, I was filing my first D.C. Circuit brief, writing pleadings to contest the President's assertion of Executive Privilege, and appearing in court. Two months later, Independent Counsel Starr appointed me his Litigation Chairman. Outside of a

judicial clerkship, there could not have been a better learning environment than working eighty hours a week for one of the best appellate litigators in the country.

In September 1999, my future wife started Harvard Business School, and “whither thou goest, I will go” (Ruth 1:16), so back I came to Harvard Square. It took me two and one-half agonizing months — mostly spent teaching myself Hebrew and doing my wife’s laundry — to find a prosecutor’s job in the Boston area. (Now, I realize that this was incredibly swift for a government job.) Finally, District Attorney Ralph Martin offered me a job as a line appellate prosecutor in the Suffolk County District Attorney’s Office.

I filed my first brief — in an arson case — the day I was sworn into the Massachusetts bar. By May, I was arguing in the Massachusetts Appeals Court. A year later, I was arguing in the Massachusetts Supreme Judicial Court. (But it was a long time before I earned as much as at that accounting firm!)

The pay is poor, the computers are slow, and the copier has never worked right in over ten years. But there’s no better way to practice law. I appear in court at least once a week, and I file my own pleadings in cases ranging from trespassing to first-degree murder.

Appellate work may seem somewhat rarified and, compared to the rest of a prosecutor’s office, it is. I spend many hours reading transcripts, researching case law, and writing pleadings. An appellate prosecutor, however, advises trial prosecutors, second-seats trials, and litigates post-conviction motions. Though much saner and more predictable than trial prosecution, it remains a high-stress endeavor where the glory often goes to the trial prosecutor whose case would have fallen apart if not for the emergency pleading the appellate prosecutor wrote.

I have been fortunate to work for two bosses, District Attorney Martin and District Attorney Dan Conley, who value ethical, fair prosecution over blindly winning and defending convictions. I have been allowed — indeed, encouraged — to arrange for DNA tests for convicted rapists and to go into court and declare a man who spent ten years in prison innocent as the cameras clicked. I have also had the satisfaction of seeing a murderer’s conviction affirmed after I knew he had been given a fair hearing with access to all exculpatory evidence. There is no better or surer way to ensure that a criminal defendant’s rights are respected than from a prosecutor’s chair.

Mine is not a career path that reliably leads to a prosecutor’s job. Rather than follow my example (except that one should get a judicial clerkship), one should intern for a prosecutor’s office while in law school and apply for a prosecutor’s job as early as possible. Many prosecutor’s offices will accept an offer of free assistance, especially in writing appellate briefs, and that is a great way to get a foot in the door. Any job or clinical program in litigation will be a huge advantage. Transactional tax work is not a preferred path, as well as it might have worked for me. On the other hand, being open to opportunities and flexible in your career path works well for any career goal.

Asit Panwala – San Francisco DA’s Office

It’s the middle of the day; I haven’t eaten, my coffee has gone cold, and I am waiting for my witness to appear. Its “180.80” day and I need to present my victim to the grand jury or the Defendant is released from jail on an attempted murder case. I tried to find an available investigator, but there are none around. So instead, I borrowed a white Chevy Lumina, circa 1992, and drove to the home of Deshaun Coleman. Deshaun stated that he worked in construction, but really watching his block is his business. He’s not a drug dealer, but he keeps people in line. He’s perhaps the enforcer. The defendants, two brothers, wanted to sell cocaine on his block and asked him for permission. He would not acquiesce and they shot at him, hitting him and several other men. One had already been indicted by a grand jury and now we were bringing charges against the second, the shooter. Deshaun was lucky not to have a felony record. Our office had tried him for a

murder two years ago. He claimed self-defense and was acquitted. Deshaun had admitted to me that he brought a gun to the meeting with the two defendants, but he never got a chance to pull it out. He was certainly lacking in moral character but nevertheless he did not deserve to be shot on the street. I went to his home in the projects, and found him. I drove him back to court and felt connected with him because we talked about his plans for the future. He testified in front of the grand jury that day, and I was able to keep the shooter in custody. It was a small victory, but an important one.

As a prosecutor, it is not enough to believe the laws protect each of us. It falls upon us to make sure that those who are least likely to report crime have their voices heard. It is easy to complain that the city isn't doing enough to stop crime. It is much harder to persuade victims, who went to failing schools, lived in impoverished neighborhoods, and were even prosecuted to come to court.

How did I end up here? I interviewed for the job during my third year. I remember having to swallow when I told the interviewer, "Yes I understand that I will be sending people to jail." I wasn't drawn to this job because I would have the power to punish. I was drawn to this job because I would decide whether we would file charges, whether the police went too far in seeking evidence, and what a fair outcome was for a case. Yes, I have dismissed cases where men ran from the police and were found with a gun, mask, and gloves. I did so because their Constitutional rights matter just as ours do. We as prosecutors are the gatekeepers of the criminal justice system. So if you were interested in becoming a great defense attorney, I would recommend you take your compassion, sense of fairness and determination and become a prosecutor. Use your skills to decide to whether we should spend our resources trying a case. Use your sense of justice to decide what's fair. Use your ability to compel witnesses to find out the truth even if means dismissing your case. A prosecutor who acts conscientiously is one who can walk home from work with his head high, knowing that he fought for what he believed in.

Leah Silver, '08 – New York County DA's Office

When I first came to Harvard Law School, I was confident that I would pursue a career as a criminal prosecutor, and now working as an Assistant District Attorney in Manhattan, I cannot imagine working in any other field. Prior to law school, I had spent summers interning at the Department of Justice, the State's Attorney's Office in Maryland, and National District Attorneys' Association–American Prosecutors' Research Institute. Throughout college, I had also worked with the local police departments and a domestic violence organization as a victim counselor. While at HLS, I was able to focus my coursework on criminal law and to pursue clinical placements in the Criminal Appeals Division of the Attorney General's Office, the Boston Juvenile Court, and the Suffolk County District Attorney's Office as well as summer internships at both the U.S. Attorney's Office and the District Attorney's Office in Manhattan. While this is by no means the only path to beginning a career as a prosecutor, it led me to the New York County DA's Office, where I am given the privilege of working within an incredible law enforcement community, guided by the single principle of doing the right thing and pursuing the just result.

With this privilege has come a vast range of experiences and a tremendous amount of responsibility – even at the very beginning of my career – where each of the cases that I handle has a very real impact on the lives of the many people that it involves. Even when working under a staggering caseload (mine peaked at approximately 450 active cases), I have been motivated and humbled by the reality that each case, no matter how routine, is part of a critical event for the defendants and their families and for the victims and is also one piece of a larger criminal justice

system and an opportunity to positively impact an entire community. Certainly in the busy routine of a new prosecutor, many of the institutional responsibilities (including staffing the daily misdemeanor court parts, making bail applications on felony cases and offers or recommendations on misdemeanor cases as the arraignment ADA, and screening cases and drafting the criminal complaint after each new arrest is made) and much of the misdemeanor caseload can seem distant from these goals and principles that motivate many of us to pursue careers as prosecutors, but they nonetheless offer myriad opportunities to develop the skills necessary to become an effective prosecutor and to serve the community.

Accordingly, I have found my work as a prosecutor to be intrinsically rewarding. I have had the opportunity to work with victims of crime who have been deeply grateful for the involvement of my office in addressing wrongs done to them. Here, the criminal justice system has not only worked to hold a perpetrator responsible for his criminal conduct, but has also helped the victim in a way that is meaningful to him or her. I have also had numerous experiences of investigating and successfully prosecuting cases involving victims who are uncooperative with or antagonistic toward a criminal prosecution. These cases are no less rewarding, even though nobody thanks you in the end, least of all the victim. Where the victim does not wish to see the case go forward, but there is nonetheless a compelling need for the State to prosecute, the reward inheres in having been able to reach the just outcome and effectively enforce the laws of the State. Indeed, for me, these are the cases in which, as the prosecutor, you have to care twice as much because the harm and future risk to the community and the individual victim is no less real despite the lack of a cooperative victim.

I handled one such case when I had not yet been in the Office for even six months, and I suspect that I will continue to carry it with me throughout my career as a formative experience. In this case, the defendant had, among other criminal acts, assaulted his pregnant girlfriend so severely that he caused her to suffer a miscarriage. After he was arrested, charged with assault and various other crimes, and an Order of Protection issued against him, prohibiting him from having any contact with the victim, the defendant, while incarcerated, made several telephone calls to the victim. In these phone calls, he told her not to cooperate with my Office, to lie to a judge if she had to, and to protect him from prosecution. Not surprisingly, despite many long conversations, the victim refused to cooperate. However, in working with an exceptionally dedicated detective and through ear-witnesses, circumstantial evidence, a court order to release the victim's medical records, telephone records, and recordings of the defendant's telephone calls to the victim, I was not only able to prosecute him for the initial assault and related crimes, but also for his subsequent violations of the order of protection and for tampering with a witnesses. In light of the overwhelming evidence, the defendant ultimately pleaded guilty in both cases and received nearly the maximum sentence on these misdemeanor charges. Because of the seriousness of the physical harm to the victim and in light of the defendant's brazen disregard of a court order and for the integrity of the criminal justice process, it was critical to hold the defendant accountable for his criminal conduct, even despite the wishes of the victim. It was only through the authority and guided by the principles of the role of an ADA that I was able to reach what was, in this case, the right result, and knowing that the system 'worked,' even if in a limited way, is highly rewarding.

While the rewards of a successful prosecution are many, the challenges of this career path are also great. The practical challenges of long hours, limited resources, and more modest compensation than the private sector are indeed part of the daily reality of a career as a prosecutor. However, the greatest challenges that I have faced in my experiences as a prosecutor so far have been inextricably linked to what I find so rewarding about this career. I am constantly challenged to maintain the proper distance from my cases that involve very real harm to victims, particularly child victims. Similarly, it can be challenging to accept my limited role and power as a prosecutor; even the most successful prosecution will never be able to undo the harm inflicted upon the victim of a

crime. While we can do our best to address crime problems, we cannot fix things, neither for the community nor for an individual victim. For me, these challenges underscore how fortunate I am to be a part of a law enforcement community that affords me an opportunity to play a role, however small, in redressing these harms.

No matter what career path you choose, I hope that you find it as rewarding and meaningful as I have already found my first years as a prosecutor and wish you the best of luck.

Nicholas Walsh, '00 – Suffolk County DA's Office

For the past two years, I have served as an Assistant District Attorney in the Suffolk County District Attorney's Office, just across the river from Harvard Law School in Boston. I am assigned to the Boston Municipal Court – Central Division, the downtown trial court that handles misdemeanors and low-level felonies. My job is the composite of two separate functions: first, I help process the daily business of the court by answering on 20 to 80 cases every day in the arraignment, pretrial, and trial sessions, which formally start at 9:00 a.m., routinely last until 1:00 p.m., and sometimes stretch to 4:30 p.m. or later; second, I investigate and prepare the cases that are assigned to me, which starts after I get out of court and routinely lasts until 7:00 or 8:00 p.m., sometimes later, and can spill over into the weekend. The first of those two functions can be tiring, but teaches a young lawyer the basic nuances of oral presentation in the courtroom. The second is the more creative side of the job, allowing ADAs to work with police and security companies and victims to put together the proof needed to secure a successful prosecution, however that might be defined. Interrupting this daily rhythm is the trial. Periodically, one of my cases goes to trial, and I find myself in the midst of an honest-to-goodness courtroom trial, making a pitch for a conviction to a judge or jury. Trials are the marquee events of the justice system, and a major perk of the job. There has been much commentary in the press of late about how the jury trial is fading away, but not so for ADAs. We try cases, and lots of them.

I decided to become a prosecutor because I believe that a criminal prosecutor has the ability to shape his or her local community. Of course, that impact can be good or bad, depending on how a particular prosecutor wields the vast power vested in the office. The American criminal justice system is built on a prosecutor granted with tremendous discretion and power. It is the prosecutor, generally, that makes basic decisions about whether to charge a person with a crime, and if charged, with what crimes, and if charged with certain crimes, what dispositions are appropriate (within some boundaries set by the legislature and judiciary). Although I do not represent victims – I am the Commonwealth's representative – I am often their only voice in the system, fighting for them, looking to secure some justice for what happened to them and perhaps some restitution. At the same time, I do not turn a blind eye to what might benefit the defendants I am prosecuting. It is my job as well to structure dispositions to fit individuals, resolving some cases in ways that are short of convictions, placing other people on probation with conditions for drug treatment and job training, and yes, sending yet others in jail. Not a day goes by when I have not had a significant impact on several lives in my community.

Additionally, I believe that effective courtroom advocacy is an important skill that a young litigator should develop so that he or she can draw on those abilities throughout the rest of his or her career. There are many litigation jobs that teach research and written advocacy; almost none that teaches courtroom rhetoric. My job is a notable exception. Every single day I am in court, learning by doing, training in the art of courtroom oratory. If you choose to become an ADA, you will too.

If you are interested in becoming an ADA, the standard path to a District Attorney's Office is simply to apply straight out of law school. Offices have different hiring practices, but working

during a summer at the office you want to work at is certainly a good idea as it gives you advocates within the office that can lobby for your hiring. I took a different path. After graduation, I clerked for a federal district court judge for two years, then spent three years at a small firm litigating federal civil cases and doing some criminal defense work. I am in the distinct minority of my peers with that type of legal experience, although I believe it serves me well.

To sum it all up: being an ADA is a unique, adrenaline-filled, and rewarding experience. It exposes young lawyers to unparalleled courtroom opportunities and gives them huge responsibility early in their careers. I love my job and highly recommend it to you. Good luck!

RESOURCES

www.prosecutor.info – This website includes links to more than 2800 local District Attorney's Offices in the United States.

Harvard Law School Alumni Advising Network – Currently, there are a number of Harvard Law School alumni who have worked or are currently working at local district attorney's offices. The Harvard Alumni Network can be a resource to contact additional current and former prosecutors.

OPIA maintains a database of HLS graduates, who now work as prosecutors, and their contact information. Please contact Lisa Williams for more information.

For additional advice and information on applying to DA's offices, the following OPIA advisors are available:

Carolyn Stafford Stein, OPIA Attorney Advisor, HLS '85

Lisa D. Williams, OPIA Assistant Director for JD Advising

Listed below are some of the organizations, which focus on local prosecution and can help you locate and learn about district attorney's offices.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION (NDAA)

National District Attorneys Association, 44 Canal Center Plaza, Suite 110, Alexandria, VA 22314

703-549-9222 | Fax 703-836-3195

The organization is dedicated to promoting the study and research of the law, as well as the diffusion of knowledge to prosecuting attorneys, lawyers, and law enforcement personnel.

The following books and publications may also provide useful practical advice as well as personal perspectives and anecdotes.

Armstrong, Richard. [How to Get a Job in a Prosecutor's Office](http://www.law.virginia.edu/pdf/prosecutorhowto.pdf). Charlottesville, VA: University of Virginia Law School, 2001. www.law.virginia.edu/pdf/prosecutorhowto.pdf.

Fisher, Jory and Nicole Vikan. [The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process](#). Washington, DC: National Association for Legal Career Professionals, November 2006. (Password Protected; See OPIA for access)

Straus, Serena. [Bronx D.A.](#) Fort Lee, NJ: Barricade Books, 2006.

Lowenthal, Gary T. Down and Dirty Justice. Fair Hills, NJ: New Horizon P, 2003.

Batt, Marissa N. Ready for the People. New York: Arcade, 2004.

Delsohn, Gary. The Prosecutors. New York: Dutton, 2003.