

# Criminal Prosecution



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# CHAPTER 1

## CRIMINAL PROSECUTION

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### A. Overview

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Criminal Prosecution can be one of the most rewarding and exciting careers in the public sector. At the federal level, criminal prosecution in the U.S. is conducted predominantly by the Department of Justice through “Main Justice” in DC and the U.S. Attorneys’ Offices (USAOs) that are scattered across the country. In some cases, attorneys for the federal agencies will assist the Department of Justice and USAOs with prosecutions by investigating cases, collecting evidence, conducting forensic analyses, and providing legal guidance. The Environmental Protection Agency, for example, has approximately 45 lawyers who specialize in environmental crimes enforcement by assisting federal, state, and local prosecutors in this manner. At the state and local level, District Attorneys’ 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, exposure to the courtroom, interaction with witnesses, solid litigation experience, and public service that these offices provide. Careers in criminal prosecution attract many of our graduates and 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**

### *Benefits*

During the summer, many U.S. Attorneys’ Offices and District Attorney Offices employ first- and second- year law student volunteers. There are many reasons that these offices attract a large number of students year after year. A primary reason is that 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 also 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.

### *Qualifications*

Hiring decisions rest heavily on a résumé that demonstrates intelligence, commitment to public service, good research, analysis, and writing skills and outstanding references. Trial experience is also a plus but is 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 worked for the Temporary Restraining Order Project (TRO) or are planning to take a clinic in the spring, you should include these experiences in your résumé. Given that most cases end in a plea bargain and therefore do not go to trial, additional relevant experience includes any paid or volunteer position in which you were called upon to research, write, advocate, present, exercise judgment, or use any other lawyerly skills. It is helpful to also include activities that show an interest in government work, litigation, or criminal and civil justice, including your choice of law school classes.

### *Procedure*

Your cover letter is an incredibly important part of your application to these offices. Prosecutors at the state and federal levels see themselves as mission driven. Your cover letter should explain what aspects of the role of the prosecutor appeal to you (e.g. working with victims, seeking justice for the community, etc.) and why you are interested in working for this particular U.S.

Attorney's or District Attorney's Office to which you are applying. In drafting these letters, it can be helpful to think about the relationship of this prosecutor to the community they serve, as well as how crime in that community may be unique or specific to that area. Detailed information about the unique qualities of each office can be obtained by contacting students who have worked in them reviewing their website for any press releases and/or announcements of new initiatives or contacting the offices directly. Refer to CDO's [Resume Advice and Samples](#).

### *The Interview*

Summer positions are usually obtained through a 20-30 minute interview, either on the phone or in person. We strongly recommend that you schedule a mock interview with CDO before the interview given that the offices can have very different approaches to hiring. Interviewers are typically one or more prosecutors involved in the summer hiring program.

Second-year students applying to DA offices where there is a possibility of a permanent offer after the summer should be prepared for a longer interview process. Second-round interviews are sometimes conducted by a panel of attorneys. Typical questions explore why the student wants to work in a criminal prosecution office, why they want to work in this particular office, what skills or qualities they possess that will allow them to relate to victims and witnesses who come from different backgrounds, what they see as the role of the prosecutor, how this summer internship may fit into their longer-term plans and questions about law school and past legal experiences. Sometimes students will receive a criminal law hypothetical in an interview, even if they have not taken criminal law. Students should use the knowledge they have to answer this in the best they can while explaining their reasoning clearly. The use of criminal hypothetical questions is commonly used in interviews for permanent positions at US Attorney and DA Offices. Sometimes interviews, especially at DA Offices can be confrontational. Prosecutors use these techniques to see how a student may be able to advance an argument in court, in the face of opposition. Stay calm and continue to articulate your points.

## **2. Attorney Hiring**

### *Qualifications*

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, and/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. To give two examples, clinical work and membership in a student organization both demonstrate strong interest in the

criminal justice system.

Students interested in prosecution should also carefully consider a 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. This experience allows students to demonstrate their strong interest and ability and gives them useful connections and (hopefully) mentors. 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](#). One graduate 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. Indeed, Yale students can be perceived as being "liberal," "overly intellectual" or "pro-defense." These offices may question whether you are really committed to working in the public interest and specifically for the prosecution. These offices also want to attract candidates who can work with people from all walks of life as witnesses and convey clear and straightforward arguments to a jury. 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. Law school and job experiences related to criminal justice, prosecution, or government can attest to your seriousness and record of commitment.

### *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. Attorney and District Attorney offices 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) Honors Program, which 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 place 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 to hire you themselves, for 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 whilst providing 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 their judge, probably an individual who is highly respected in the U.S. Attorney community. In addition, law clerks will have opportunities to meet the AUSAs appearing before the court and to establish working relationships that may serve them well later. This is especially helpful if a law clerk is clerking in the district in which they plan to practice.

### *Character*

Criminal prosecutors consistently emphasize 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. What this means has been actively questioned in recent years, with an increased emphasis on how identity, especially race, and the criminal justice system interact with systemic justice concerns. 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 good judgment and a strong sense of fairness that ensures the credibility of the entire criminal justice system.

AUSAs represent the United States of America and ADAs represents the state they work for. Both AUSAs and ADAs work closely with victims, witnesses, opposing counsel, defendants, juries, and judges. Prosecution offices at both the federal and state level are looking for attorneys who will convey a sense of competence and fairness both as individuals and as representatives of the government to all these different groups.

Like most employers, prosecutor's offices greatly value a person of maturity and judgment who will "fit" in the office. A sense of humor, good interpersonal skills, flexibility, and a sense of professionalism can go a long way.

### *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 the hiring process for each office is independent and can follow its own unique procedures, it is common to find multiple rounds of interviews for a permanent hire and the use of questions that probe the candidate's commitment to criminal justice, judgment and ethics.

### *Rounds*

For both USAOs and DAs 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 multiple- 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, especially since prosecution offices cannot cover interview expenses. In many offices, when a candidate meets with the U.S. Attorney or District Attorney, an offer of employment may be made in that meeting and there is an expectation the candidate will accept the offer in that meeting. It's important to speak with attorneys in the office to understand what the expectations are prior to meeting with the U.S. Attorney or DA.

### *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 can find helpful suggestions about these interviews in NALP's [The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process](#).

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 candidates' knowledge and desire for the job, the employer will ask why the candidates want to be a DA or AUSA and why they want to work at this particular office. Prepared candidates 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, exculpatory evidence rules 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, see both sides of the issue, articulate their position clearly, exercise good 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."

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!

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## **B. The U.S. Attorney's Office**

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There are approximately 5,800 Assistant United States Attorneys who work in 94 United States Attorneys' Offices located throughout the United States, Puerto Rico, the U.S. Virgin Islands, Guam, and Northern Mariana Islands. 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 and white-collar crime to child pornography, human trafficking, drug charges, 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](#) who have pursued those avenues.

## 1. Summer Internships

### *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, including some complex cases.

Additionally, smaller cases can provide greater opportunity for interns and new attorneys to take on significant responsibility and a broader range of experience. Depending on where the office is located in the country, it also may have a different range of issues with which it deals. For example, an office that is located near a busy immigration hub, would have immigration enforcement cases.

Because of the variations among offices, students should contact interns from prior years to get a feel for each office's individual policies. You can find information in CDO's [Summer Employment](#) lists. In addition, the summer evaluations of YLS students are available on [CMS](#)

### *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. For this reason, second-year students will probably enjoy an advantage at many offices because of their more extensive experience, but many first year students are hired as well. The number of law students hired by each USAO varies by the size of the district and their attitude toward student assistance. For more information, go to the [U.S. HYPERLINK "https://www.justice.gov/usao"](https://www.justice.gov/usao)Office website.

### *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 résumés until December 1, they tend to move rather quickly after that date, so applicants should send in their cover letters and résumés as soon after December 1 as possible. Some offices have a rolling application period. Those offices tend to evaluate applicants and interview as they receive applications. You should apply as early in the rolling window as possible to increase the success of your application. 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 late

summer/ early fall and comply with the individual office's hiring timeline.

### *Requirements*

#### **Security and Suitability Clearance**

All law student and lawyer applicants to a U.S. Attorney's Office must go through a security or suitability 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, 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 on the [Office of Personnel Management](#) website.

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.

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 [Before You Apply: Understanding the U.S. Government 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 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 a total of two of the past five years may have difficulty being approved for appointment by the Department's Security Staff; the five years is measured cumulatively and need not be consecutive. 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) 514-3397 once you have received an offer 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, as well as acknowledging that a false statement can be punished by fine or imprisonment under federal law. As an attorney, you are required to be guided by the Rules of Professional Conduct and 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, suitability reviews often focus upon illegal activities in the preceding year, and simply waiting a year to apply may solve your problem. You should also keep a copy of the forms you fill out for the future. If you apply for a job with the federal government in the future, they may compare your forms against past forms to confirm the information aligns.

Discrepancies in information reported can be problematic.

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 and return the form quickly to the USAO. Some of the delay problems may occur when a USAO holds the forms until all summer interns are selected and have returned their forms.

### **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.

### *Salary*

All summer positions at U.S. Attorneys' Offices are typically on a volunteer basis. 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 (SPIF) will provide funding for students interested in working for a U.S. Attorney who need the grant to cover expenses for the summer.

### *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. 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. Most conflict issues can easily be dealt with through careful case assignments, but failure to notify the employer is unprofessional and can cause problems. 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**

### *Demand*

Each year, the collective USAO offices hire many attorneys, but competition for these highly sought-after positions is, nevertheless, fierce. 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 more information, go to the [U.S. Attorney's website](#).

### *Procedure*

Some AUSA positions are listed on the websites of the specific offices, which can be found through the [DOJ website](#). This site also lists contact information for each office. In addition, the DOJ requests that all USAOs post their job listings on the DOJ's [Legal Careers at Justice](#). 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.

### *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 Southern District of New York require three years.

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.

### *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. As of January 2018, base starting salaries for non-supervisory AUSAs with 0-2 years of experience range from \$53,805 to \$91,468. 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 15.37% to a high of 39.28% added to basic pay. For specific information about the locality rates for a given location, visit the [Office of Personnel Management website](#). 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 \$140,733.

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## **C. The District Attorney's Office**

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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," "assistant district 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. Information regarding District Attorneys can be found at the National District Attorneys Association [website](#).

### **1. Summer Internships**

#### *Type of Work*

The model of the Summer Intern Program varies greatly from one office to the next. Some offices 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 [CMS summer evaluations](#) of YLS students provide information on summer work in District Attorneys' Offices for your review.

#### *Demand*

Hundreds of law students work in District Attorneys' offices across the country every summer.

The number hired in a particular office varies by the size of the district and their attitude toward student assistance.

#### *Procedure*

Although many of the DA offices have a spring deadline, first-year students are encouraged to apply in early December since interviews are conducted on a rolling basis. Some offices take very few first-year students and have an earlier deadline to limit the amount of applications they accept. Second-year students should apply in early fall as interviews in many DA offices conclude by mid-December.

#### *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, an auto violations search, or a credit check, although they could do so.

#### *U.S. Citizenship*

For permanent attorney positions, U.S. citizenship is required. Summer internships are more flexible and are available to U.S. citizens and non-citizens. Dual citizens are considered on a case by case basis. We recommend that you discuss this issue with the office prior to applying.

#### *Salary*

Although salaries will vary from office to office, the majority of District Attorneys' 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. As with uncompensated USAO positions, SPIF provides funding for students volunteering at a District Attorney's office who need a grant to cover their summer expenses.

## **2. Attorney Hiring**

#### *Demand*

Assistant District Attorney positions are extremely competitive. Like most employment opportunities, there will be more openings in larger cities.

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. In fact, many offices have moved to more of a pipeline program structure where they hire the majority of their permanent attorneys out of the summer class. In some offices, second year students skip the first round of interviews and move directly to the next round. Some offices do not even allow external candidates for permanent positions and only hire from their second year interns.



### *Procedure*

Applications for ADA positions can open as early as the summer prior to 3L year. Most DA offices do not usually participate in PIIP. 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, résumé, official law school transcript, writing sample, and a list of professional references. Lateral hires are taken throughout the year.

### *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 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, county or borough 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 ADAs to serve the office for a three-year minimum.

### *Salary*

Salaries for ADAs vary depending on the location. For more information on a range of salaries for ADAs, refer to the [2018 Public Service Attorney Salary Report](#) (produced by NALP and PSJD) online. You will need to login to [PSJD](#) to access the report. If you do not already have an account, you can create one for free.

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## CHAPTER 2

### YALE LAW SCHOOL RESOURCES

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#### A. Graduate Mentors

Consult [The Courtyard](#) or [Leadership Connect](#) for more information about these alumni mentors, and to learn of other YLS alumni mentors.

#### B. Faculty Mentors

Faculty can provide information, advice, and support to students considering public service career paths. In-depth contact with faculty beyond the classroom setting can also assist in obtaining a personalized recommendation.

#### C. Student Mentors

Talking to fellow students and YLS alumni about their summer experiences with environmental law organizations may also be a useful means of advancing your job search. For more information on summer experience, consult CDO's [Summer Employment Lists](#).

#### D. Online Resources

- [Before You Apply: Understand the U.S. Government Security Clearance Procedure](#), CDO Advice.
- [The Criminal Hypothetical and Other Unique Aspects of the Criminal Law Interview Process](#)
- [A Guide to Landing a Job in a Prosecutor's Office](#), Boston University School of Law, 2016
- The [National District Attorneys Association \(NDAA\)](#) 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.
- Contact information for [U.S. Attorneys'](#) which includes links to websites and press releases of individual offices of individual offices.