

Criminal Defense



CHAPTER 1 CRIMINAL DEFENSE

- A. Overview
- B. Types of Public Defense
 - 1. State and Local Offices
 - 2. Federal Defenders
 - 3. Capital Defenders
 - 4. Holistic Public Defender Offices
 - 5. Specialized Areas of Criminal Defense
 - Immigration
 - Juvenile

CHAPTER 2 HIRING

- A. Summer Internships
 - 1. Benefits
 - 2. Qualifications
 - 3. Procedure
- B. Attorney Hiring
 - 1. The Interview
 - 2. Rounds

CHAPTER 3 DEFENDER OFFICES AND OPPORTUNITIES

- A. Federal Defender System
 - 1. Summer Internships
 - a. Type of Work
 - b. Demand
 - c. Procedure
 - d. Requirements
 - e. Salary
 - f. Avoiding Conflicts of Interest
 - 2. Attorney Hiring
 - a. Demand
 - b. Procedure
 - c. Requirements
 - d. Salary
- B. State and Local Public Defenders
 - 1. Summer Internships
 - a. Type of Work
 - Demand

Procedure

Requirements

Salary

2. Attorney Hiring

Demand

Procedure

Requirements

Salary

C. Frequently Asked Questions

1. What should I consider before thinking about becoming a public defender?
2. How do I choose the best office in which to work?
3. What kind of training do they provide?
4. What is the caseload like?
5. How does the office divide the work on a criminal case?
6. What are the possibilities for advancement in the office?
7. Should I be a defense attorney or a prosecutor?
8. Is it difficult to get a public defender position right after law school?
9. If I work at a law firm after I graduate, can I make a switch later to public defender work?
10. Do I need to be a U.S. citizen to be a public defender?
11. Can I survive on a public interest salary?

CHAPTER 1

CRIMINAL DEFENSE

A. Overview

The United States has the highest incarceration rate in the world. This level of mass incarceration has had significant consequences for the imprisoned and their families, as well as for our society, particularly because these consequences embed significant racial disparities. In recent years, calls for police reform and accountability have increased, and many public defender offices have taken positions on these issues.

It is imperative that our criminal justice system is as equitable and impartial as possible. The Sixth Amendment¹ guarantees the right to be represented by counsel to all persons accused of criminal activity. It is, therefore, the responsibility of the government to provide free and effective legal representation for every defendant in a criminal action who cannot afford to hire an attorney. There are a variety of methods used by government to fulfill this obligation at the federal, state, and local levels, including establishing defender offices, setting up panels of volunteer criminal attorneys, and contracting with private attorneys. Together these different methods, described below, constitute the indigent criminal defense system in this country. The role of defense counsel is to provide representation for those accused at every stage of the criminal process and, along with prosecuting attorneys, to ensure that all defendants have a fair trial. There are also individuals and organizations dedicated to ensuring that prisons, jails, and other places of detention comply with the Constitution, domestic law, and where applicable, international human rights norms.

Many Yale law students choose to spend their summers working at a criminal defense office due to the substantial trial experience, stimulating cases, and meaningful public service that these offices provide. Indeed, many YLS alumni elect to pursue careers in criminal defense, for reasons best described in their own words.

“I have been a public defender for over twenty years. I guess I have voted with my feet—I have never left because I cannot contemplate a job I would rather do. My work is intellectually stimulating, desperately important, and ever-changing. And I am lucky enough to be surrounded by engaged, talented, like-minded people.”

“The best part of my job is that I get to stand up for people who the whole world has often turned against. Indigent, young, people of color (primarily), accused of a crime are the least regarded members of our society ... It is truly a privilege to stand next to my clients and ensure that the Constitution applies equally to them.”

“The job has been more rewarding and intellectually challenging than anything else I’ve done in my life.”

¹ The Sixth Amendment—Rights of Accused in Criminal Prosecutions: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.” U.S.C.A. Const. Amend. 6.

“At the end of the day, you feel a tremendous amount of personal satisfaction having helped those whom no one else deems worthy of assistance.”

This guide will examine such opportunities and careers in indigent criminal defense.

B. Types of Public Defense

1. State and Local Offices

There are three basic models of indigent criminal defense currently in use, but the degree to which a given locality employs a particular method and the exact mix of methods varies from state to state (and sometimes within a state).

First, public defender programs are a highly visible model of indigent defense in many states. Public defender (also called public counsel) offices are supported by public funds, but the attorneys are ethically bound to be independent in the handling of cases and hiring. Public defender offices have full-time staff attorneys and support staff, which include at least some investigators and, at times, social workers. In some states, public defender offices operate statewide, while in others they operate regionally, by county, or locally. In some jurisdictions, non-profit agencies such as Defender Services or Legal Aid Societies operate defender programs for indigent clients. For example, the Legal Aid Society of New York contracts with the city to provide indigent defense.

The second model is the use of court appointed panel attorneys. These are attorneys who agree to represent indigent clients and are assigned from a list or panel by the court to handle indigent cases. This method of representation is often used in addition to public defender programs, in areas where there is no public defender program, or when there is a conflict of interest which prevents representation by the public defender office. The pay for assigned counsel is determined either by the hour or at a fixed rate.

The third model involves using contract attorneys; attorneys or groups of attorneys who contract with the government to provide indigent defense. Their pay is contractually determined for a specified dollar amount and for a specified time. Most states use some combination of these three models. Public defenders generally work in or near major cities; indigent defense in more rural or remote areas may be provided by attorneys from a court appointed panel or by contract attorneys.

Public defenders and other indigent defense lawyers are often in court for arraignments, bail hearings, pre-trial conferences, motions, plea hearings, trials, and sentencing. They have a great deal of client contact and engage in extensive plea bargaining. They also conduct legal research, interview witnesses, and, depending upon resources, explore other forms of investigation. There is a difference in practice between federal, state and local defenders, largely based on their different jurisdictions. State and local defenders tend to work at a faster pace on state crimes such as robbery, assault, rape, and murder. Federal defenders often do more research and writing and litigate federal crimes such as white-collar crimes and drug or gun conspiracy charges. Many federal cases result in guilty pleas, and the litigation revolves around sentencing.

2. Federal Defenders

The mission of the federal defender services program is to ensure that the right to counsel guaranteed by the Sixth Amendment, the Criminal Justice Act (18 U.S.C. § 3006A), and other congressional mandates is enforced on behalf of those who cannot afford to retain counsel and other necessary [defense services](#). Since the enactment of the Criminal Justice Act in 1964, the Defender Services program has created 81 federal defender organizations that serve 91 of the 94 federal judicial districts. Independently run, but funded by the federal government, federal defender organizations are authorized in federal judicial districts where at least 200 people annually require the appointment of counsel in criminal cases, such as white-collar and drug crimes. You can find more information about the Defender Service program [here](#).

Federal defender offices either operate as a federal public defender organization under the judicial branch of the federal government, overseen by the [Administrative Office of the U.S. Courts](#), or they operate as a federal community defender organization, set up as a corporation acting independently from the federal judiciary. Federal public defender organizations function under the direction of a chief federal public defender, who is appointed to a four-year term by the Court of Appeals of the Circuit in which the organization is located. Staff at these federal public defender organizations are federal employees and compensated within the federal system. In contrast, federal community defender organizations are state- incorporated nonprofit defense counsel organizations operating under a board of directors. Handling cases in a number of federal judicial districts, community defender organizations receive funds primarily through grants from the federal judiciary.

Finally, over 10,000 court-approved Criminal Justice Act (CJA) panel attorneys also accept appointments for federal criminal cases. These panel attorneys handle all CJA cases in the four districts not served by a federal public defender or community defender organization, as well as 30 to 40 percent of CJA cases in districts with a defender office (typically due to some conflict of interest with the defender organization). Overall, federal defender organizations receive approximately 60% of CJA appointments, while the remaining 40% are assigned to CJA panel attorneys.

The name and contact information of the Federal Public Defender for many districts can be found on the [Defender Services Office Training Division](#) website or on [Leadership Connect](#).

3. Capital Defenders

The high stakes involved in death penalty work make this type of practice extremely challenging. Capital cases are complex and involve grappling with the often high-profile nature of the case; legal research and writing; interviews; collection of information from jurors, lawyers, and other witnesses; review of court files, state documents, and evidence; and formulation of legal arguments. Death penalty organizations provide direct representation and may be affiliated with law school clinical programs or public defender offices. A large part of capital defense work involves appellate or post- conviction work. Nonprofit organizations such as the California Appellate Project specialize in providing resources for counsel representing death row inmates on direct appeal or habeas corpus proceedings.

4. Holistic Public Defender Offices

These are organizations that offer whole person representation. The goal is not just to represent the individual in contact with the criminal justice system, but also to provide comprehensive support to avoid or minimize future problems. Understanding that an individual's problems may be rooted in poverty, drug abuse, mental illness, or other issues, the organization surrounds each client with teams of criminal, civil, and family defense lawyers, social workers, parent advocates, investigators, and

community organizers working to identify and overcome the challenges they face. For example, a parent convicted of a crime may face family law consequences stemming from any period of incarceration that affect and/or limit their ability to see their children. [The Bronx Defenders](#) and [Neighborhood Defender Service of Harlem](#) are two of the bigger organizations in New York providing holistic services. In addition, the [Louisiana Center for Children's Rights](#) provides client-centered advocacy to youth in Louisiana's juvenile justice system. It also advocates for comprehensive representation, community engagement, and systemic reform.

5. Specialized Areas of Criminal Defense

Immigration

The intersection of criminal law and immigration is a rapidly growing area of practice, known as crim-imm or crimmigration. Crim-imm is a challenging and complex area that seeks to increase access to counsel trained in both areas of law. Individuals who have contact with the criminal justice system may face immigration consequences, including deportation and criminal charges, even if they are in the country legally. Crim-imm attorneys often advocate for criminal consequences that will not harm the immigration status of their clients, bring motions to vacate convictions for clients who did not understand the immigration consequences of a plea, and challenge deportation proceedings triggered by their clients' involvement in the criminal justice system. A defense attorney must be cognizant of the possible consequences of pleas and convictions on their client's immigration status. For more information on education and assistance of criminal defendants about the immigration consequences of crimes, consider the information provided by the [Immigrant Legal Resource Center](#).

Juvenile

The U.S Supreme Court decision of *In re Gault*, 387 U.S. 1 (1967), gave juveniles accused of crimes the same due process rights as adults, including the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. Since *Gault*, many state legislatures and state courts have provided greater protections to juveniles and have made it more difficult, if not impossible, for juveniles to waive their right to an attorney. Representing juveniles requires a good understanding of the law as it pertains to minors. It may also be helpful to have some knowledge of social work or psychology to assist in what are often emotionally charged situations.

CHAPTER 2 HIRING

A. Summer Internships

1. Benefits

Summer provides a unique opportunity to experiment and explore public defender settings, vet possible fellowship sponsors, and gain real-life experience in the field. Though state and local defenders hire right out of law school, they often require at least a summer of clinical experience in this area. Information about specific requirements for different types of offices can be found in Chapter 3.

2. Qualifications

Hiring decisions rest heavily on outstanding references and a résumé that demonstrates intelligence, a commitment to public service, and good research, analysis, and writing skills. Trial experience is 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 handled a pro bono project, worked with the Capital Assistance Project, or participated in the Criminal Justice Clinic, definitely include these experiences in your application materials. Relevant experience includes any paid or volunteer positions where you were called upon to research, write, advocate, present, exercise judgment, or use any other lawyerly skills; similarly, any opportunities you may have had to conduct interviews, counsel individuals, or provide peer support would be considered helpful preparation for dealing with clients. You should also include activities that show an interest in litigation, experience in any area of criminal justice or civil defense, and relevant law school classes. The ability to speak a language other than English is a plus.

3. Procedure

Your cover letter should state your commitment to public interest defense work in general and your strong interest in working for the particular public defender'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 there, contacting alumni through Courtyard, or looking at the office's website (including any press releases). Refer to [CDO's Toolkit for Student Job Seekers](#) for examples of résumés and cover letters.

B. Attorney Hiring

1. The Interview

Interviews at public defender offices are often quite demanding. We strongly suggest that you do a mock interview with the CDO. Defender offices want to see how much you know, how well you deal with pressure, how good your judgment is, and how prepared you are to represent clients zealously no matter what offense they are accused of committing. To this end, they employ a variety of techniques that you should understand and be prepared to handle.

In addition to asking questions about your experience and reasons for wanting to be a defense attorney, interviewers often ask hypothetical questions intended to probe your knowledge of criminal law and procedure. You might, for example, be asked hypothetical questions about ethics, client relations, and advice you would give in plea bargaining situations. Don't be surprised if they question you about how you would feel defending someone who has allegedly committed a sexual assault, domestic violence, or other brutal act. Many candidates have been asked to role-play, with the interviewer taking the part of a client, to give an opening or closing statement, or to conduct a direct or cross examination based on a set of facts.

With this in mind, you should familiarize yourself as much as possible with the hiring practices and interview procedures of the particular defender units where you will be interviewing. You can get much of this information from the organization's website, speaking to a CDO counselor, or consulting with a classmate or YLS graduate who has gone through the process. You can also call the defender's office and ask them generally about how their hiring process works and what you should expect in the interview.

Candidates should additionally look at publications which offer helpful pointers about these interviews.

For example, NYU School of Law’s Public Defender Handbook (available [here](#)) provides examples of the specific hiring procedures at various public defender offices, as well as sample hypothetical questions and responses. It is also very helpful to speak with any of the criminal defense faculty you know about these interview techniques. Please see the below sections on the Federal Defender System and State and Local Public Defenders for more specific attorney hiring information.

2. Rounds

While the interview process can vary from office to office, most federal and state defenders have multiple rounds of interviews for their permanent hires that begin with an initial screening of application materials and generally two subsequent interview stages. A few organizations conduct in-person screenings in their offices and at career fairs, and many do screenings virtually. The next interview is generally a group interview with several experienced attorneys, some junior attorneys, and sometimes other members of the staff (e.g. investigators). The final interview is usually with the person or persons who make the final decision, like the Public Defender or a Board.

CHAPTER 3

DEFENDER OFFICES AND OPPORTUNITIES

A. Federal Defender System

1. Summer Internships

a. Type of Work

Summer interns at federal public defender and community defender offices assist attorneys with their caseloads and can perform a variety of work, including conducting legal research; drafting motions and memoranda; helping with trial preparation; aiding with investigations (which may include conducting field investigations); and client interviews. Additionally, summer interns gain valuable courtroom experience by observing or participating in court hearings and trials. Of course, the nature and volume of work at each federal public or community defender office varies based on the office’s geographic location and its resulting size, so students are encouraged to contact interns from prior years to get a better understanding of each office’s practices and policies.

b. Demand

Each summer, many federal public defender and community defender offices employ law students. The number of students hired by a given office typically varies by the size of the district and their attitude toward student assistance.

c. Procedure

Each federal defender office accepting summer interns typically lists their application materials and deadlines on their individual websites. Oftentimes, students must submit a cover letter, résumé, transcript, and writing sample as part of their application packet. While many federal defender offices will hire law students of any year, some may give preference to second- and third-year students. Please note that offices may hire on a rolling basis, beginning in September and ending around March, so students are encouraged to make contact with their preferred offices as early as possible.

d. Requirements

Summer interns should demonstrate an interest in defense work and understand the role that public defenders play in the adversarial system. In addition, candidates should have an interest in trial work. First year applicants do not need to have previous experience in defense work. Second year students should be prepared to demonstrate their commitment through previous summer work, clinical experiences, classes, and/or extracurricular activities.

e. Salary

Usually, federal public and community defender offices do not pay summer interns. Since there may be funds available at some locations, however, students should check with any office in which they are interested. Students contemplating unpaid internships with defender programs should be aware that Yale's [Summer Public Interest Fellowship Program](#) (SPIF) provides weekly stipends for students who work for a defender office that does not pay its interns.

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. Often, conflict issues can be dealt with by assigning students to different cases, if you provide the employer with timely notice. 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

Hiring for Assistant Federal Defender positions is often extremely competitive, with most offices requiring several years of experience after law school. In general, larger federal public and community defender offices (located in major cities) are more likely to have positions available.

b. Procedure

The Defender Services Office (DSO) Training Division maintains an [online list of vacancy announcements](#) for positions in federal public defender offices, federal community defender offices, and other select positions related to the Criminal Justice Act. Note, however, that this is not an all-inclusive list of every available vacancy within the federal defender system, so interested persons should contact specific offices to inquire about job openings and get more information.

c. Requirements

These positions tend to require significant experience and there is less likelihood of being hired as an Assistant Federal Public Defender right out of law school than of being hired by a state or local defender program. Sometimes federal defender offices have entry-level research and writing attorneys who provide advanced research and writing services to Assistant Federal Defenders on trial and in appellate

cases; these positions do not involve client contact or trial work. A few federal defender offices will consider 3Ls for permanent positions.

d. Salary

Attorneys working for federal public defender offices are federal employees and are, therefore, compensated under the administratively determined judiciary salary plan of the United States Courts. In addition to a base starting salary, attorneys also receive an additional locality pay, based on the geographic location of the position. Locality pay varies from a low of 15.67% to a high of 40.35% added to basic pay. For specific information about base pay and locality rates, visit the [Administrative Office of the U.S. Courts](#) website. In federal community defender offices, attorneys are not considered federal employees, so salaries vary by location depending on available funding.

As of January 1, 2021, CJA panel attorneys are paid at a maximum rate of about \$155 per hour in non-capital cases and a maximum hourly rate of \$197 in capital cases, including both attorney compensation and office overhead. Further, case maximums limit total panel attorney compensation for certain categories of representation: \$121,100 for felonies, \$3,000 for misdemeanors, and \$8,600 for appeals.²

B. State and Local Public Defenders

As noted earlier, a variety of different criminal defense organizations and models exist at the state, county, and local levels. Similarly, there are many different philosophies of representation among public defender programs. While some organizations focus primarily on issues pertaining to criminal defense, for example, other offices intentionally employ a more holistic model (see above). Overall, the philosophical orientation of an office may impact the types of cases an attorney handles, how involved a client is in directing their own representation, etc. Therefore, when considering summer opportunities or long-term employment at a public defender office, it is important to take into account the distinct philosophy and model of each organization.

1. Summer Internships

a. Type of Work

Given the heavy public defender caseload, a summer intern would do well to be self-directed. Opportunity will likely arise for client interaction (e.g., interviews, investigations), observing trials, and a limited amount of research and writing. Systemic injustices, such as racism, poverty, and disability-based discrimination contribute to disparities in who are charged with crimes and who has previously been involved in the criminal justice system. Interns in public defender offices should be mindful of the complex ways that marginalization plays a role in their clients' cases, and work to understand the barriers to justice that their clients may face (including poverty, mental health challenges, and racism). A good public defender intern also understands that competence in lawyering includes cross-cultural competency (see e.g. Revised ABA Standard 303).

There is also a difference among offices. Some defender offices use interns to support attorneys with

² These maximums may be exceeded when higher amounts are recommended by the district judge as necessary to provide fair compensation and the chief judge of the circuit approves. www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-6-ss-630-compensation-appointed-counsel.

quick research, client interviews, and writing projects, while other offices will give more experienced interns their own docket of cases, allowing them to appear in court on arraignments and motions. Some students recently have been seeking to spend their post-2L summer at an office where they can handle their own misdemeanor cases, speak in court, and have opportunities to first-chair or second-chair trials.

Demand

Every summer, hundreds of law students work in state and local criminal defense organizations across the country. The number hired in a particular office varies by the size of the district and their attitude toward student assistance.

Procedure

Each public defender office has its own hiring process and timeline. For some of the smaller markets, they may not advertise for interns. In that case, send an application (cover letter, résumé, list of references, and short writing sample).

Requirements

Similar to summer interns with federal defender offices, summer interns for state and local defender organizations should demonstrate an interest in defense work and have an understanding of the role that they play in the adversarial system. In addition, candidates should have an interest in trial work. First year applicants do not need to have previous experience in defense work. Second year students should be prepared to demonstrate their commitment through previous summer work, clinical experiences, classes or extracurricular activities.

Salary

Although salaries will vary from office to office, most state and local public defender organizations do not pay at the intern level. Students should, however, check with any office they are interested in as there may be funds available at some locations. As stated above, any students in need of summer funding should consider [SPIF](#).

2. Attorney Hiring

Demand

Attorney positions at public defender offices are typically quite competitive. Some larger offices, however, do hire a class of new attorneys every year and have more lateral openings as well.

Procedure

Since criminal defense offices at the local and state levels operate independently, students are encouraged to check with the organizations in which they are interested for vacancy information and for specific timelines. Employment opportunities are typically listed on a given office's website, although interested persons may also view job information for certain state and local organizations in the [Government Honors & Internship Handbook](#).

Requirements

Criminal defenders generally require litigation experience and a demonstrated commitment to defense work. That commitment can be shown through summer internships, clinical experiences, pro bono work, relevant classes, and student group leadership. Appellate offices will also look for excellent research and

writing skills. It is rare for a defender office to hire someone without any prior defense experience. Defender offices in larger systems do hire new attorney classes every year, the number being dependent on attrition and funding. Applicants should contact offices of interest for their individual timelines. Please note that it may take several months and several rounds of interviews, especially in larger markets, for candidates to be hired.

Salary

According to the NALP [2022 Public Interest Salary Report](#), the average nationwide starting salary of a public defender was \$59,700, while the average salary of a public defender with 11 to 15 years of experience was \$100,500. (Of course, exact salaries for attorneys in criminal defense organizations at the state and local levels vary depending on geographic location.)

C. Frequently Asked Questions

1. What should I consider before thinking about becoming a public defender?

While practice settings for defenders vary a great deal, there are basic questions you should ask yourself before entering this field. A good public defender must be comfortable in challenging situations. You may often be the only person in the courtroom standing up for the defendant and making sure the defendant is, in fact, being treated as if they are presumed innocent (which they are in our system). You may often feel as if the deck is stacked against your client. Public defenders also must be comfortable representing clients who are accused of crimes that they might find difficult to contemplate. For many public defenders, their motivation in such instances is about the importance of everyone getting a fair trial. You will also have a lot of contact with clients who are in the hardest time of their lives, clients for whom the burdens of racism, disability and/or poverty (among other burdens) are heavy and may make them difficult to work with. Interactions can range from short client interviews, to traveling to unfamiliar neighborhoods, to finding and interviewing witnesses, to assuming the role of a social worker.

2. How do I choose the best office in which to work?

There is no such thing as the best office but, rather, the best office for you. Defender offices vary greatly. Getting answers to the following questions may help you determine whether the office will be a good fit for you.

3. What kind of training do they provide?

Some larger, better funded offices are able to provide training for new attorneys. The Legal Aid Society in New York is very well known for providing thorough training to its newly minted attorneys. In addition, you will want to find out whether there will be continuing education programs during your tenure there. Keep in mind that smaller offices may not offer any formal training at all. They will expect you to hit the ground running.

4. What is the caseload like?

While defenders are not generally happy with their caseloads, you can find out about the kind of support attorneys receive. Member offices of the [National Legal Aid and Defender Association](#) adhere to principles for quality representation.

5. How does the office divide the work on a criminal case?

There are two systems of representation. Vertical representation means that the client is represented by

the same attorney through the entire proceedings, from arraignment to motions to hearings and trials. Horizontal representation means that the attorney handles only one stage of the process, such as bail hearings, for a period of time, and the client is represented by different attorneys at other stages. An office with vertical representation permits an attorney ultimate responsibility for the direction and outcome of the case, but the attorney may not be equally proficient in all stages of the case. Horizontal representation, while not providing for case continuity, allows attorneys to hone their skills in one area before moving on to the next.

6. What are the possibilities for advancement in the office?

You may want to find out whether there is room for growth. It may also be useful to inquire about the kinds of positions attorneys take when they leave the organization and the rate of turnover.

7. Should I be a defense attorney or a prosecutor?

Many students ask themselves: prosecution or defense? Can I switch sides at a later time? In order to answer that question, you have to understand that fundamental differences exist between prosecutors—who represent the state and have distinct responsibilities to seek convictions—and defense attorneys—who are bound to vigorously defend the interests of their clients. Given the very different perspectives of the two sides which make up our adversarial legal system, you should be thoughtful about which side you find most compelling. A switch at a later date may prove difficult and challenging, though not always impossible. While offices vary, a public defense employer may view a previous internship or job with a prosecutor as concerning and will likely ask questions about the experience to discern whether you are truly interested in defense.

8. Is it difficult to get a public defender position right after law school?

Many public defender offices do hire recent graduates every year. You will need to have a demonstrated commitment to indigent public defense represented by one or two summer internships, clinical work, and classes. Use your time in law school to demonstrate your commitment and interest in defense work. The [Equal Justice Works fair](#) in Washington, DC features several public defender offices. If the defender organization that you prefer is not participating in the fair, inquire about their hiring timeline and apply to them directly. Federal defenders, with rare exceptions, do not typically hire right out of law school.

9. If I work at a law firm after I graduate, can I make a switch later to public defender work?

It is possible, but several facts conspire against you. First, you grow accustomed to the money. Just as you cannot imagine making \$200,000 a year from now, after you've made it for a few years, you will not be able to imagine making \$60,000. You will have expenses that seem necessary. Family and friends will tell you that you are insane. You'll wonder if it's fair to your family who may be used to a more affluent lifestyle. Second, you will then have an uphill battle in actually getting a public defense job. Your résumé does not demonstrate a commitment to public interest; your experience from a corporate law firm may not demonstrate the skills or knowledge needed for criminal defense work. Quite frankly, everyone is a little suspicious about whether you are serious about the cause and if you'll stay. These reservations may all be overcome by making sure you do a significant amount of pro bono work during private practice (preferably involving trial experience), maintaining and cultivating contacts in the public interest community, and continuing to live a simple life.

10. Do I need to be a U.S. citizen to be a public defender?

It depends on the office, but all defense offices are looking for applicants with experience in the U.S.

criminal justice system. There may be an additional challenge to noncitizens who do not have independent work authorization because public defender offices seldom have the funds or the staff to petition for work permits. We encourage you to inquire at the office(s) in which you are interested. Please see the [Employment Eligibility](#) page on the CDO website for more information.

11. Can I survive on a public interest salary?

Only you know that. Can people survive on a public interest salary and lead happy lives? Sure. They do it all the time. Not only is this question enormously dependent on what you consider the essentials of life, whether you have a working partner, where you live, and whether you plan on raising children, but it is also dependent on the type of public interest work you pursue. People working for the federal defenders will probably start in the high fifties and can work up to well over \$100,000; by comparison, state and local defenders employ an amazing group of committed attorneys and offer lower salaries. In addition, Yale's loan repayment program ([COAP](#)) lightens the debt burden significantly and enables graduates to pursue public interest work. Having said this, the comparison to large firm salaries will always be dismal. If you choose the life of a public defense lawyer, it's best to stop comparing.