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 (USAO’s) 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.

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

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

*You are helping determine whether a crime victim and an accused will receive justice.***

*You will not be carrying anyone else’s briefcase.*

*One takes incredible satisfaction from ensuring that those who commit such crimes are incapacitated. And it must be said, the facts can be simply fascinating.*

*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.*

*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. 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 Attorneys 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. For a district attorney position post graduation they will receive greater scrutiny. In fact 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 the 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, such as the Prison
Legal Services Clinic, 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 Jay Pottenger at 432-4821.

Experience
A USAO typically requires several years of experience for a permanent hire. District attorneys offices are more likely to be willing to hire a graduating student and train them on the job, but 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 attorneys 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 attorneys’ 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.

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 DAs, 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 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 insures the credibility of the entire criminal justice system.

In addition, an AUSA represents the United States of America and an Assistant District Attorney 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 a public interest interview, 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 is 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 an additional group of AUSAs
3. Final interview with the U.S. Attorney and the executive staff

New York County District Attorney’s Office (Manhattan):
1. First interview with a Senior Assistant DA
2. Panel interview with three Hiring Board members (senior to mid-level ADA’s)
3. Executive interview with Director of Legal Hiring, Deputy Administrative ADA, Michael Dougherty
4. Interview with District Attorney Robert M. Morgenthau
Suffolk County, MA District Attorney’s Office:
1. One on one interview with an ADA (this was previously a three-person panel interview)
2. Second interview with 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**

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’s important to note that USAOs tend to focus more on practice experience since they almost never hire students immediately after graduation and 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.

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 93 U.S. Attorneys that work with approximately 5,000 Assistant U.S. Attorneys throughout the United States. 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 to child support enforcement. Within the civil division, the U.S. Attorneys are responsible for both pursuing affirmative litigation, such as the enforcement of federal housing regulations, and 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-size offices in smaller cities also have a significant criminal practice with a full range of size and complexity of cases. 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.

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 2008 for these popular offices was:

- the District of Columbia USAO—100;
- the Eastern District of New York—79 (24 Civil and 55 Criminal);
- the Southern District of New York—55;
- the Eastern District of Pennsylvania—25;
- the Northern District of California (San Francisco, San Jose, & Oakland)—25; and
- the Eastern District of Virginia—6.

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 Opportunities for Law Students and then under Volunteer Legal Intern Recruitment.
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 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. You may want to review the questionnaire prior to applying to the U.S. Attorney’s Office to make sure that you are comfortable with the inquiry and to raise any questions you may have in a timely manner. 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.

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 Office of Attorney Recruitment and Management (and possibly at the USAO) on a case by case basis, but it appears to us that any illegal drug use within one year of application will disqualify an applicant for a summer intern position. 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 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. Often simply waiting a year to apply will 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 the summer of 2009. 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.

2. Attorney Hiring

a. Demand

In the 2007 fiscal year 392 attorneys were hired at the U.S. Attorneys’ Offices across the country, and 397 attorneys left the U.S. Attorneys’ Offices. In the 2006 fiscal year there were 259 hires and 338 departures. 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.

Although openings occur everywhere in the country, 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 in the other districts. The Southern and Eastern Districts of New York, Miami, and Los Angeles are also very large offices.

For example, in 2007 the offices below had the following number of attorneys working with them:
- the District of Columbia Office had over 325 attorneys;
- the Eastern District of New York had 138 attorneys;
- the Southern District of New York had 198 attorneys; and
- the Southern District of Florida had 203 attorneys.

The average age of an AUSA is 45. The average length of service for non-supervisory attorneys is 11 years. The average length of service for supervisory AUSAs is 21 years. These numbers indicate that although some attorneys may briefly pass through a U.S. Attorney’s Office 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 Attorney Vacancies, 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 you are interested in 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, and 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 $42,684 to $65,094. 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 13.18% to a high of 32.53% added to basic pay. For specific information about the locality rates for a given location, visit the Office of Personnel Management website at www.opm.gov/oca/compmemo/2008/2008-01-Attach2.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 an AUSA is $125,938.

C. The District Attorney’s Office

In a typical state, criminal prosecution, other than the exceptional cases that are handled through the State Attorney General’s Office, are prosecuted by a district attorney 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. Links to individual district attorneys’
offices can be found at www.prosecutor.info. Other 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 has three week rotations and 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 office’s 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. Current YLS students who summered in a DA office are listed in Chapter 2. 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 2007 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 projected number of summer volunteers needed for summer 2008 for these popular offices are listed below.

- the Suffolk County, MA District Attorney’s Office—40 interns;
- the Philadelphia District Attorney’s Office—40 1Ls, 30 2Ls;
- the Manhattan District Attorney’s Office—18 1Ls, 32 2Ls; and
- San Francisco District Attorney’s Office—between 80-90 interns.

See For the Prosecution: Internships with America’s Prosecutors in the CDO library for details on all the DA offices and the class years that they hire.

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 attorneys 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, most DA offices do not pay at the intern level. Students should, however, check with any office(s) they are interested in as there are weekly stipends at some offices. Examples include:

- Kings County (Brooklyn), NY—unpaid both years,
- New York County (Manhattan)—receive a stipend of $500/week,
- Philadelphia, PA—first-years are unpaid; second-years receive a stipend of a little under $500/week,
- Queens, NY—unpaid both years, and
- Suffolk County, MA—unpaid both years.

### 2. Attorney Hiring

**a. Demand**

Assistant district attorney (ADA) positions are extremely competitive. For example, the New York County DA’s office received over 1,600 applications from graduating law students last year and hired 50 ADA’s. The Suffolk County DA’s office received approximately 500 applications this past year and hired 15 ADA’s. 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.

- The Suffolk County, MA District Attorney’s Office typically hires up to 15 graduates;
- The Philadelphia District Attorney’s Office hires 25 graduates;
- The New York County District Attorney’s Office hires 50 new attorneys each year; and
- The Bronx District Attorney’s Office hires between 50-60 graduates.

**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 rules (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 residence 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, www.nalp.org.

Below are examples of salaries for 2008:

- the Suffolk County District Attorney’s Office—$40,000;
- the Philadelphia District Attorney’s Office—$48,975;
- the Manhattan District Attorney’s Office—$57,000;
- Bronx District Attorney’s Office—$53,500;
- Queens District Attorney’s Office—$53,500;
CHAPTER 3
PERSONAL NARRATIVES

A. Attorneys

1. District Attorney

SUFFOLK COUNTY DISTRICT ATTORNEY’S OFFICE
Stephen Kerr ’07

Since graduating from law school, I have worked as an Assistant District Attorney in the Suffolk County District Attorney’s Office in Boston, MA. Because I enjoy writing, I took a position in the office’s Appellate Unit. My experience so far has been great and I can honestly say this is the best job I have ever 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 the fire that is legal practice, most of my training has taken the form of learning-by-doing. Fortunately, all of my colleagues in the Appellate Unit have an “open door” policy and the more senior attorneys are able to answer most every question I can think to pose. Every significant piece of writing I produce is also edited by the Deputy Chief of Appeals, who then sits down with me and goes over the changes he has suggested and ways in general that I can improve my writing. Although I came to the office with a strong preference for classroom instruction, I have found that I learn and retain information better when the learning coincides with actual doing. My colleagues’ tutelage has been indispensable to my development as a lawyer. This sort of experiential learning can likely be found at any district attorney’s office.

Given that I will spend one-third 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 the office environment is pleasant. I have been fortunate to find all three factors in the Appellate Unit of the Suffolk District Attorney’s Office. First, Assistant District Attorneys almost invariably take great pride and joy in the work that they do. We represent the state in criminal cases, fight to protect the public, and advocate on behalf of victims of crime. It feels good to approach work every day with the knowledge that your sole goal is to do the right thing.

Second, working in appeals has afforded me ample intellectual stimulation. Legal research and writing is the bread and butter of my day, and the breadth of legal issues I work on is amazing. Not only must I familiarize myself with the laws of evidence, the penal code, and the constitutional issues that most commonly arise in criminal cases, but I also must learn any other rules of law that apply to the specific facts of a given case. For instance, 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. In the case of first impression that I mentioned, the defendant claimed that the First Amendment protected her criminal 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 area.

Finally, the Appellate Unit has a wonderful office culture. Somewhat quirky, I foremost needed an office that would accept my personality such that I would feel comfortable expressing myself. I was thus heartened to find that almost all of my colleagues in the Appellate Unit have quirks of their own and, more importantly, all accept each others’ little peculiarities. Not only accepting, my colleagues are also refreshingly friendly. This extends beyond making themselves accessible when I have a legal question. They also express genuine interest in my life, well-being, and professional development. And my colleagues all get along with each other! Some regularly eat lunch together, others take yoga classes at the gym together, and still others get together in the evenings or on the weekends for drinks, to attend professional sporting events, or to see plays. This congeniality even extends to our relationship with our “boss,” the Chief of Appeals. It is hard for me to imagine young lawyers putting up with yelling from a partner at a law firm when I see how effectively the Chief of Appeals manages the many attorneys beneath him without ever raising his voice. Furthermore, because there is no pressure to bill a certain number of hours during the day, the only pressure I feel at the office is the pressure I put on myself to get work done. From speaking with my friends at law firms, it seems things are different when one’s boss has a financial stake in one’s doing more work. Also different from the experiences of my friends at law firms is the fact that my “boss” is 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 highest court in the state 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 between rival crime families over control of Boston’s North End. 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 female colleagues take advantage of this. One works four days a week, another works three days a week, and a third works at 87.6%. A fourth coworker, whose husband is a merchant marine, works full-time the 26 weeks that her husband is at home and works three days a week the 26 weeks that her husband is at sea, so she can spend more time with their young daughter when her husband is away. Even those of us working full-time in the Appellate Unit—nominally a 37.5 hour week—are given leeway in our work hours. Not expected to work a straight 9 to 5 day, some attorneys come in later in the day while others, who must pick up children from school, leave early. Those of us who just can’t imagine sitting at a desk for eight straight hours often break up the day with a walk in downtown Boston or a trip to the gym. Our work must get done, however, and when my colleagues and I have a brief due or an upcoming argument, we often take work home with us to do in the evenings or over the weekend. Trial ADAs regularly work longer hours than those of us in the Appellate Unit, since they are in court all day and must prepare their cases either early in the morning or after they leave court in the evening.

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

2008
NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
Martha Bashford '79

I am a Senior Trial Counsel in the New York County District Attorneys Office. Since 2000, I have 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, 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 28 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 now look exclusively at 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. Nothing I have done has been as rewarding as letting someone 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 a daughter starting college this fall. 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.

2008

NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE
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 I am still here. My expectation was that I would try cases, but the Office initially placed me in the Appeals Bureau. I have never asked for a transfer.

Why have I stayed? It is not the money. The starting salaries are now around $50,000, which is of course not quite what they pay at the big firms. The pension plan and other benefits are notable, and typically there is a yearly $5,000 or $6,000 raise during good behavior. But one does not come here expecting to get rich. You are here 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 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 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. One takes 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” elects to “rip” so many scripts from our headlines.

As I noted, however, I personally do not do the trial work you see on TV shows. I do appellate work. What suits me about that work is that every case presents a unique legal puzzle. Typically we 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. Our litigation is simply a bit more civilized in form. We submit briefs, and then we argue our cases in front of appellate panels made up of smart judges looking for holes in our 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.

2008
New York County District Attorney’s Office

Olivia Sohmer ’86

The challenge I face in writing about working at the New York County District Attorney’s Office is in conveying what a terrific job this is without it seeming that I’m absurdly exaggerating.

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

I have been with DANY for 18 years. Even the most non-mathematically-inclined reader will realize that this means that I did some other things first: I spent a year clerking for a magistrate judge in the federal court, and then I spent 2½ years in the Litigation department at Willkie Farr & Gallagher (where I had worked the summer after second year). By working in four different bureaus at the Manhattan District Attorney’s Office, it is as though I have 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 the since-dissolved 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.
I have spent the past two 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.

2008

2. U.S. Attorney

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 where 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, sentencings, 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 this year, 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.

2008

DISTRICT OF CONNECTICUT

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 few months 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 66 attorneys spread through offices in Bridgeport, Hartford, and New Haven. At first, I handled a hodgepodge 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.

Since 2004, I’ve been the Appeals Chief for our district. About two-thirds of my time is spent managing our appellate work, with a much-reduced district court docket taking up the rest. Primarily, I review briefs written by others—sometimes doing little more than proofreading, but usually making substantive revisions that can 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 could. I chat 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.

I’m in court much less than my colleagues these days, but the flexibility of appellate work is very convenient now that I have young children at home. I can 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 go 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.

2008

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.

2008

SOUTHERN DISTRICT OF FLORIDA
Matthew Axelrod ’97

Since the fall of 2003, I have worked as an Assistant United States Attorney in Miami, Florida, where I am currently assigned to the Public Integrity/National Security Section. I graduated from the Law School in 1997. I 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, we have a dedicated Appellate Section. There are a number of AUSAs who 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 our 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 our 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 here are typically transferred to the Narcotics Section or the Economic Crimes Section. In Narcotics, AUSAs work larger drug cases, usually involving wiretaps and multiple defendants. Our district is unusual in that many of our 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. We’ll indict them and then seek to have them apprehended in their home countries and extradited here 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.

I very much enjoy my current work in the Public Integrity/National Security Section. Our section conducts national security and terrorism investigations. It also conducts corruption investigations of
public officials, including corrupt law enforcement officers. As one example, we recently 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 here, 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.

2008

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.

2008

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.

2008

MIDDLE DISTRICT OF NORTH CAROLINA
L. Patrick Auld ’95

Since August, 1998, I have served as one of approximately 20 assistants in the United States Attorney’s
Office for the Middle District of North Carolina. In March 2004, I became the Deputy Chief of the
Criminal Division. In that role, I supervise five general crimes prosecutors and oversee all criminal
appeals. In addition, I continue to maintain a caseload of my own, primarily consisting of fraud and theft
offenses of the same sort that I handled before becoming a supervisor.

Assistants in this office generally have responsibility for all phases of the prosecution of their cases from
investigation through appeal and collateral review. A supervisor reviews and approves indictments, plea
agreements, and appeal briefs, but virtually all other work is left to each assistant’s discretion. I typically
work about 50 hours a week, although filing deadlines and trials often require additional time
commitments. I devote a significant amount of my work time talking with law enforcement agents,
coordinating with defense counsel, and reviewing documents. Researching and drafting court filings take
up another substantial portion of each work week. Further, although I only have to try a couple of cases
each year, I have court appearances of some kind most weeks. Finally, as a supervisor, I now spend
considerable time addressing issues with the assistants I oversee and reviewing appeal briefs, as well as
dealing with broader oversight matters as a member of the management team.
I came to federal prosecution after completing federal district court and appellate clerkships and working for a law firm for just under a year. In addition to the invaluable preparation I received while clerking, I gained some background for my job while in law school by interning in the United States Attorney’s Office in New Haven and taking the Federal Criminal Law and White-Collar Crime courses. As a result, when I began as an assistant, I had a strong theoretical grounding in my subject matter and a fairly sound practical understanding of relevant court procedures. What I lacked, however, was any experience managing and presenting cases. Most notably, I had to learn: (1) how to deal with people, particularly law enforcement agents, defense attorneys, and witnesses; (2) how to make lots of decisions for which I alone would be held accountable, often without perfect information or much time for reflection; and (3) how to prepare and to deliver information in court.

I consider my job challenging and fulfilling. I enjoy the legal issues that I confront and the variety of tasks that I get to perform. The relatively small size of our office and the broader “federal court community” (i.e., court staff, defense bar, and law enforcement personnel) contribute to the maintenance of a friendly working environment. Finally, I draw a great deal of personal satisfaction from serving my country and community.

2008

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

**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 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, 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

EASTERN DISTRICT OF NEW YORK

Jennifer Broxmeyer ’09

I cannot recommend the Eastern District of New York U.S. Attorney’s Office highly enough. The people were terrific, the work was interesting, and I learned a lot. The program is well structured—each intern is assigned to an Assistant U.S. Attorney in one of the various sections based upon the intern’s areas of interest. I was assigned to an AUSA in the Violent Crimes and Terrorism Section of the Criminal Division. I went with him to trials, hearings, proffer sessions, and meetings and received most of my research assignments from him. Working primarily with one AUSA allowed me to become familiar with the cases and enabled me to follow them through various stages. It was great to see the practical impact of my work. For example, the AUSA would ask me to research a topic, I would write up a memo, and then a few days later accompany him to court and watch him cite my research in a hearing.

One of my favorite things about working at the U.S. Attorney’s Office was the variety. Attorneys don’t sit at their desks all day long. Within a given day, they can go from a hearing to a meeting with FBI agents to writing a brief.

Another great thing about EDNY is that students can stand up in court. Almost every intern got to do at least one arraignment, and several even did direct examinations of witnesses. In general, interns were
encouraged to go to the courthouse to watch trials and hearings, and there were several high profile and interesting trials over the summer.

There were several activities for all of the summer interns, including a trip to a nearby jail (where I saw the very person I had arraigned the week before!). There were also brown bag lunches every week in which the heads of each section of the criminal division gave a presentation.

The AUSAs were wonderful—smart, ambitious, and fun. They all worked hard, but the office had an informal and lively atmosphere. By the end of the summer, I knew all of the AUSAs in my section as well as several others. They were friendly and always willing to discuss their own career paths or offer advice. The attorneys all seemed to thoroughly enjoy their jobs and take great pride in their work. While hours are long while AUSAs are on trial, otherwise, hours are pretty reasonable.

The summer job application process moved quickly. I sent in my resume and cover letter at the beginning of December. A week later, an AUSA called me to schedule an interview for the following week. I interviewed mid-December, received an offer on the spot, and accepted the job before Christmas break.

My summer at EDNY convinced me that AUSAs have some of the best jobs in the legal profession. And I couldn’t imagine a better summer job.

*Summer 2007*

**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
My name is [Name], and I am a first-year law student at [University]. 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 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 workweek 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*
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Robyn A. Acampora  Pro Bono and Information Manager
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Juliann Davis  Sr. Administrative Assistant
Marilyn F. Drees  Director
Amanda Hilton  Recruiting Assistant
Christine B. Severson  Director, Recruitment Programs and Administration
Nikitia M. Tillman  Alumni Services Coordinator
Kelly J. Voight  Director

Telephone:  (203) 432-1676
Fax:  (203) 432-8423
E-mail:  cdo.law@yale.edu
Website:  www.law.yale.edu/cdo

Mailing Address:  Career Development Office, Yale Law School,
P.O. Box 208330, New Haven, Connecticut 06520-8330

Physical Address:  Ruttenberg Hall, Room 184, 133 Wall Street,
New Haven, Connecticut 06511

Office Hours:  8:30 a.m. – 5 p.m.

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