

RESOURCE GUIDE FOR STUDENTS INTERESTED IN PROSECUTION

NALP CONFERENCE APRIL 2024

“Identifying and Assisting the Next Generation of Prosecutors in the Post-George Floyd Era”

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SUMMARY:

The following information was compiled to assist Law School Career Services Professionals in identifying, educating, assisting, and preparing students to obtain positions in the field of criminal prosecution. Where applicable, Career Services Professionals are encouraged to supplement this information with location or office specific preferences. Opinions and preferences expressed herein are those of the authors, based on their substantial experience interviewing law students and lateral applicants for their respective officesⁱ.

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Online and Publicly Available Resources to Learn More About Being a Prosecutor:

- National District Attorney’s Association “The Role of a Prosecutor” video is a great source of information. <https://ndaa.org/about/what-does-a-da-do/>
- Harvard Law School’s Office of Public Service Advising has an outstanding primer entitled “Prosecution Career Guide: A Quick Guide to Local Prosecution.” <https://hls.harvard.edu/bernard-koteen-office-of-public-interest-advising/opia-job-search-toolkit/career-and-application-guides/prosecution-career-guide/>

Characteristics that Prosecutors Offices Seek:

- Integrity, Ethics, Doing what’s right
- Trial (or appellate) attorneys
- Courage: fight against injustices
- Hold bad actors accountable
- Defend the public (misguided defense attorney)
- Ready to serve the public
- Remedy abuses in power dynamics
 - Advocate for children, elderly, women, immigrants
 - Human trafficking
 - Hate crimes
 - Voter suppression
 - Serve others
- Leadership
- Competitiveness
- People skills / likeability
- Way with words
- Mock trial and moot court team members
- Strong research and writers (especially appellate prosecutors)

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Job Search Strategies and Tips:

- Large metropolitan areas typically have multiple prosecuting agencies (federal, state, county, and some have city prosecuting agencies).
- Students should expand their job search by applying to prosecutor's positions at different agencies.
- Be persistent! If a student is not hired by an agency, nothing prevents them from reapplying, preferably after gaining more relevant experience (see below).
- Every locale will have at least one prosecutor's office. *Note: Prosecutor's offices close to law schools tend to get more applicants. Prosecutor's offices located further from law schools often get fewer applicants.*
- Students should consider applying to offices in locations without or further from law schools. *For example, California has 58 counties. However, all of the ABA accredited law schools are clustered in just 8 counties, all located in coastal Southern California, the Bay area, and in the Sacramento area. There are no ABA accredited law schools in the 50 other counties in California, including huge population centers located in the central valley (i.e. Fresno County, population 1.02 million, and Kern County, population 913,000) and the inland empire (i.e. Riverside County, population 2.49 million, and San Bernardino County, population 2.19 million). The same dynamic exists across the country in offices and counties of various sizes.*
- Students should consider accepting a position with a prosecuting agency as early as possible in order to maximize their exposure and experience level as much as possible while in law school.
- An applicant from one prosecutor's office to another prosecutor's office will *usually* have an advantage over an applicant from criminal defense, civil, transactional, or some other non-prosecution field. This is because those applicants will have already acquired much of the necessary training or experience versus an attorney that may be "starting over." However, many exceptions apply, especially for prosecutor positions that require a specialized skill set, such as civil consumer protection or environmental protection work. Lateral applicants from any background should consider applying, with the understanding that they will likely have to start from the bottom as they learn the skills necessary to succeed.

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Strategies for Students in Law School to Prepare for a Career in Prosecution:

There are many things a student can do to prepare for a career in prosecution. Listed below are various activities students can become involved in that will: (1) increase their understanding of the role of a prosecutor, (2) increase their likelihood of securing a position with a prosecutor's office, and (3) prepare them for success in their career. These things are broken down into several categories below.

Academic:

Students should attempt to take as many courses relevant to the field as possible. Courses include Evidence, Criminal Procedure I and II, Advanced Criminal Procedure, Constitutional Criminal Procedure & Advocacy, Criminal Litigation, Trial Advocacy, Advanced Trial Advocacy, Motion Practice, Appellate Advocacy, Sentencing, Interviewing, Counseling & Negotiating and similar courses. It is strongly recommended that students take all required bar courses. Students must pass the bar to become prosecuting attorneys.

Skill Building:

Students should attempt to develop their **procedural skills**, including research, writing, and relevant oral advocacy. Students are encouraged to take as many upper division research and writing courses as possible, especially if it's litigation focused. Examples of the more relevant upper division research and writing courses are Criminal Litigation, Motion Practice, Appellate Advocacy, Pretrial Practice, and similar courses.

Students are encouraged to develop their **trial and appellate advocacy skills**. As a foundation, students are strongly encouraged to take as many trial advocacy and appellate advocacy courses as possible. One of the best ways to develop an individual's oral advocacy skills is through participation on a national competitive advocacy team such as Mock Trial or Moot Court.

Another excellent way to develop oral skills is by competing in intraschool mock trial and moot court competitions throughout the school year. Mock Trial provides students a chance to learn how to present pretrial evidentiary arguments, an opening statement, direct and cross examinations, and closing arguments, as well as lodging and responding to objections. These are all critical skills for a trial prosecutor to possess. Similarly, moot court provides students the opportunity to develop valuable skills as well. Preparing

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appellate briefs and arguing to an appellate panel is particularly valuable for appellate prosecutors, but the skills learned there are also valuable in motion work in the trial level.

Lastly, much of the work prosecutors do is negotiating with defense counsel. Students may also want to develop their negotiation skills by taking a Negotiations course or participating in Negotiations competitions.

Experiential:

Students should seek to obtain experience and a deeper understanding of the system through experiential learning. Most importantly, students are encouraged to intern at a prosecutor's office. There is no substitute for this experience to provide the students a real life understanding of what the job entails and to demonstrate to future employers that the student understands the challenges of the position they are seeking.

Prosecutor's offices allow students to intern as Post-Bar Law Clerks which will allow them to gain in-court experience while awaiting Bar results. This is particularly helpful for students who didn't realize they wanted to be a prosecutor until their 3L year and did not have an opportunity to complete an internship.

Students are also encouraged to participate in associations relevant to the field including the Criminal Law Association/Society, Public Interest Law Foundation/Society, Advocacy Honors Board, and similar. Students should seek to obtain leadership positions in these types of organizations as well as any affinity groups they are involved with. Demonstrated leadership by being a representative in the Student Bar Association is also looked upon favorably.

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Resume Tips:

Resumes for government agencies or non-profits are very different from private firms. Most prosecutor's offices want to see the following entries:

- Anything law enforcement, rule enforcement, or military related activities (police explorer, ROTC, Resident Assistant in college, etc.)
- Worked as a firefighter, Emergency Medical Technician, Nurse (especially ER)
- Anything legal related (paralegal, legal assistant or secretary, Justice Corp, etc.)
- Real-world work experience (retail, food service, bank teller, tutor, etc.)
- Leadership experience (sorority/fraternity president, team captain of school's sports team)
- Public speaking experience (e.g. speech & debate team, high school mock trial, actor/theater background, speaking at church, teacher)
- Public Service experience
 - Girls/Boys/Eagle Scouts, Gold Award, community service, *pro bono* work
- Competitive experience
 - Interests: college baseball, 16 years of competitive ballet, black belt judo, symphony violin
- Demonstrated excellent in any pursuit. This can be in any field but if a student has shown long term commitment to an endeavor and their efforts resulted in significant accomplishments that demonstrates an ability to commit to developing excellence.
- Experience in situations that required thinking on your feet, in fast-paced work environments or that required multi-tasking and dealing with individuals of very diverse backgrounds and life experiences.
- *Interviewing Attorneys from prosecutor's offices are interested in the student's entire journey that led them to law school. Please make sure these experiences are reflected on your resume even if they seem unimportant. If the experience help mold you to become the person you are today, then please list them!!*

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Cover Letter Tips:

No boiler plate language! Students should not use the same template that used for the civil law firm. Specifically, *discuss the skills that prosecutors actually use* vs. the real estate transactional attorney, for example.

An understanding of the fundamental role of a prosecutor:

- Prosecuting criminal conduct
- Holding wrongdoers accountable
- Ensuring public safety/trust
- Interest in trial work/litigation

Prosecutors generally want to see a student's motivation why they want to do this work:

- Some common examples are: child of a law enforcement officer or prosecutor, military family, boy/girl scouts, student or a loved one impacted by crime, always the rule follower, strong moral compass, family/friend experienced drug addiction or overdose, students of immigrants whose families relied on attorneys to assist with the naturalization process, student or loved one taken advantage and felt helpless because didn't know rights, etc.

An explanation of why the applicant wants to work at this particular office:

- Ties to the community, philosophy of the office, etc.

Other things prosecutors like to see:

- Diversity (racial, ethnic, LGBTQ+, religious, socio-economic, etc.)
- Overcoming challenges / grit (first in family to go to college, immigrant family, etc.)
- Demonstrated excellence in a field:
 - Valedictorian, college athlete, significant awards, major accomplishments

*For all the above, candidates should explain *WHY* it will make them a more effective prosecutor. Don't just give us the evidence, explain *why* it matters.

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Interview Tips:

- Research employer *prior* to the interview (far too many students skip this step)
- Approach the interview like a trial attorney (i.e. be prepared):
 - We must be able to picture them giving a closing argument
 - Answer the questions that interviewer has posed to you
 - Be succinct in your responses
 - Be friendly and likeable (show your personality)
 - Show your interviewers that juries will want to listen to you
 - Show your interviewers that judges should want to rule in your favor
 - Be ready to address why you did *that other thing* and why now you're interested in being a prosecutor.
 - i.e. criminal defense, Innocence Project, intellectual property law, civil litigation
 - Articulate commitment to the people of the county you are applying
 - If the prosecuting agency uses performance components or scenario or ethics based hypotheticals, students should spend extra time consulting their career services professionals, law professors familiar with the field, and/or upper division students or alum that have successfully navigated those types of interviews. Students are encouraged to consult the list of characteristics prosecutor's offices seek and base their answers around those characteristics. As a general rule, students should remember the 5 P's: Prior Preparation Prevents Poor Performance.
- Send "thank-you" email at conclusion of interview

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Benefits of Working as a Prosecutor:

- Immediate and unmatched jury trial experience
- Immediate courtroom litigation experience
- Fulfilling job – seek justice for the vulnerable & voiceless
- Enjoy work-life balance
- Remove bad actors from society
- Make community better, safer place
- Recognition and respect of the community
- Possible flexible work schedules
- ***No billable hours***
- Great office culture (colleagues have shared values)
- Mentorship and teamwork environments
- Positive social interaction
- Steady government salary, often with civil service protection
- Resistant to economic downturns (bad economy = higher crime!)
- Possible student loan forgiveness
- Full benefits (medical, dental, disability)
- Retirement and/or pension plans

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Most Common Types of Prosecutor's Offices (not an exhaustive list):

- City Prosecutors
 - Only certain cities
 - Can be employed by city or contracted to private law firms
 - Often only misdemeanors and municipal code violations
- County Prosecutors
 - Often referred to as either District Attorneys, County Attorneys, or State's Attorneys, but can be referred to by other names
 - Prosecutes most misdemeanors and felonies that occur in the jurisdiction
 - 3,244 counties in US
 - *Most common type of prosecutor
- State Bar Prosecutors
 - Often referred to as Chief Trial Counsel or similar
 - Prosecutes attorneys administratively for attorney misconduct
- State Attorneys General
 - Often referred to as Deputy Attorney Generals
 - Often handles criminal appeals and writs
 - Often handle cases where the local prosecutor is conflicted (i.e. spouse of the elected)
 - Original jurisdiction in many instances
 - Also handles administrative prosecutions for state certified accreditations (i.e. dentists losing their licenses)
- Federal Prosecutors
 - Assistant United States Attorneys
 - Handles primarily federal crimes as well as misdemeanors and felonies that occur on federal lands (National Parks, District of Columbia, etc.)
 - Also handles a wide variety of federal issues and quasi-prosecution functions
- Military Prosecutors
 - JAG (Judge Advocate General) prosecutes members of the armed services

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PROSECUTOR ASSOCIATIONS WITH ADDITIONAL RESOURCES AND JOB POSTINGS:

National Prosecutors Organizations:

National District Attorney's Association www.ndaa.org

Association of Prosecuting Attorneys <https://www.apainc.org/>

National Association of Attorneys General www.naag.org

United States Department of Justice www.justice.org/careers

National Affinity Prosecutors Organizations:

National Black Prosecutors Association <https://www.blackprosecutors.org/>

National Asian Pacific Islanders Prosecutors Association <https://napipa.org/>

Korean Prosecutors Association <https://www.koreanpa.org/kpa-chapters/>

Statewide Prosecutor Organizations:

Alabama District Attorney's Association <https://alabamadistrictattorney.org/>

Alaska Department of Law <https://law.alaska.gov/>

Arizona Prosecuting Attorney's Advisory Council <https://apaac.az.gov/>

California District Attorney's Association www.cdaa.org

Colorado District Attorney's Council <https://coloradoprosecutors.org/>

Connecticut State Division of Criminal Justice <https://portal.ct.gov/DCJ>

Delaware Department of Justice <https://attorneygeneral.delaware.gov/criminal/>

Florida Prosecuting Attorney's Association <https://yourfpaa.org/>

Prosecuting Attorney's Council of Georgia <https://pacga.org/>

Hawaii (search by County)

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Idaho Prosecuting Attorneys Association <https://ipaa-prosecutors.org/>

Illinois Prosecutors Bar Association <https://www.ilpba.org/>

Indiana Prosecuting Attorney's Council <https://www.in.gov/ipac/>

Iowa County Attorneys Association <https://iowa-icaa.com/>

Kansas County and District Attorneys Association <https://kcdaa.wildapricot.org/>

Kentucky County Attorneys Association <http://kycaa.com/>

Louisiana District Attorneys Association <https://www.ldaa.org/>

Maine District Attorneys <https://www.mainecounties.org/district-attorneys.html>

Maryland State's Attorneys' Association <https://mdsaa.org/>

Massachusetts District Attorneys Association <https://www.mass.gov/orgs/massachusetts-district-attorneys-association>

Prosecuting Attorneys Association of Michigan <https://michiganprosecutor.org/>

Minnesota County Attorneys Association <https://mcaa-mn.org/>

Mississippi Prosecutors Association
<https://attorneygenerallynnfitch.com/divisions/prosecutor-and-law-enforcement-training/>

Missouri Association of Prosecuting Attorneys <https://www.prosecutors.mo.gov/>

Montana County Attorneys' Association <https://www.mtcoattorneysassn.org/>

Nebraska County Attorneys Association <https://necaa.org/>

Nevada District Attorney's Association <https://nvdaa.org/>

New Hampshire (search by County)

New Jersey (search by County)

New Mexico Administrative Office of the District Attorneys <https://www.nmdas.com/>

District Attorneys Association of the State of New York <https://www.daasny.com/>

North Carolina Conference of District Attorneys <https://www.ncdistrictattorney.org/>

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North Dakota State's Attorneys' Association <http://www.ndsaa.org/>

Ohio Prosecuting Attorneys Association <https://www.ohiopa.org/>

Oklahoma District Attorneys Council <https://www.ok.gov/dac/>

Oregon District Attorneys Association <https://www.oregonda.org/>

Pennsylvania District Attorneys Association <https://www.pdaa.org/>

Rhode Island (search by County)

South Carolina Commission on Prosecution Coordination <https://scprosecutors.sc.gov/>

South Dakota State's Attorneys Association <https://sdstatesattorneys.org/>

The Tennessee District Attorneys General Conference <https://www.tndagc.org/>

Texas District and County Attorneys Association <https://www.tdcaa.com/>

Utah Prosecution Council <https://upc.utah.gov/>

Vermont Department of State's Attorneys and Sheriffs <https://prosecutors.vermont.gov/>

Virginia Association of Commonwealth's Attorneys <https://www.vaprosecutors.org/>

Washington Association of Prosecuting Attorneys <https://waprosecutors.org/>

West Virginia Prosecuting Attorneys Institute <https://pai.wv.gov/pages/prosecutors.aspx>

The Wisconsin District Attorneys Association <https://thewdaa.org/>

Wyoming (search by County)

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Funding Opportunities:

It is very difficult for many students to work in unpaid internships. Fortunately, there are some funding opportunities available such as:

- Paid Law Clerk positions offered by prosecutor's office (must apply directly)
- Public Interest Grant (contact law school, ask upper division students)
- Federal-Work Study (contact law school, ask upper division students)
- School credit through externships – this allows you to acquire experiential learning while obtaining school credit. Prosecutor's office can easily qualify as an approved employer to satisfy externship requirement. Please consult your school's externship coordinator.

ⁱ Mike Romney has been a prosecutor with the Riverside County District Attorney's Office for 17 years. Located in the center of Southern California, Riverside County is the 10th most populous county in the nation, is one of the fastest growing, and is bordered by Los Angeles, Orange, San Diego and San Bernardino Counties. Mr. Romney has been assigned to various specialized prosecution units while there including the Sexual Assault and Child Abuse, Career Criminal, and Prosecutorial Ethics. He has been the head of law school recruitment and the office's externship program coordinator since 2014. In early 2020 he was assigned full time as the head of all legal recruiting countywide and now oversees lateral attorney hiring as well. He can be reached via email at MichaelRomney@RivCoDA.org.

Tina Hooks has been a prosecutor with the Los Angeles County District Attorney's Office for 24 years. With a population of 9.6 million residents, Los Angeles County has the highest population among any county in the country and the District Attorney's Office is the largest local prosecuting agency in the nation. In her time with the District Attorney's Office, Ms. Hooks has been assigned to various specialized prosecution units including the elder abuse unit where she prosecuted crimes committed against some of the most vulnerable victims in the county as well as the highly specialized Conviction Review Unit. In 2019 she was appointed Deputy-in-Charge of the newly created Recruitment Unit where she oversees all law school and lateral recruiting for the entire county. Ms. Hooks can be reached via email at THooks@da.lacounty.gov.