

**A GUIDE TO SEEKING POST-GRADUATION
EMPLOYMENT AS A PROSECUTOR**

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INTRODUCTION: This Guide is intended to serve as a general overview of the process and prospects of being hired as a prosecutor upon graduation from law school. Please feel free to meet with the Director of the Prosecutorial Clinic Program to devise a specific plan tailored to your particular circumstances. Also, don't overlook the Office of Legal Career Services as an additional source of information and advice. To assist you in your job search, I have included in the Appendix a map of Georgia's 49 judicial circuits as well as a list of Georgia's district attorneys and solicitors.

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

Q: Do district attorneys and solicitors hire prosecutors on a regular, annual basis like the large law firms do?

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

Some prosecutor offices do, however, participate in interviewing forums during the academic year. The Legal Career Services Office recently instituted a Prosecutors' Interview Program in cooperation with the Prosecuting Attorneys' Council of Georgia (PAC). These interviews typically take place in conjunction with the PAC'S semi-annual training seminars held each January and July. The Georgia Public Interest Career Forum held each February also features many interviewing prosecutors. Contact the Legal Career Services Office for more details about these two programs.

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

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

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

Q: Will a district attorney or solicitor consider hiring me before I get my bar exam results?

A: Yes, but some are more willing to do so than others. In Georgia, assistant district attorneys and solicitors must be members of the State Bar of Georgia, i.e., they must first pass the bar exam and be sworn and admitted to practice law. Hence, some district attorneys and solicitors are reluctant to hire recent law graduates until after they have passed the bar exam. (A survey of Georgia prosecutors a few years ago revealed that approximately 50% of the district attorneys and 33% of the solicitors had hired recent law graduates prior to their taking/passing the bar exam.)

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

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

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

A: Yes. Most district attorneys and solicitors will give their newly hired recent law graduates time to study for the bar exam. Some will even pay you for the time that you are studying.

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

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

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

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

The entry-level state salary as of October 2002 was \$38,124.00. (Note: If you are hired prior to bar passage, you may be paid at an hourly rate below that of a full-fledged prosecutor until you pass.) Graduates of an approved prosecutorial clinic program like the Prosecutorial Clinic Program at the University of Georgia School of Law are entitled to start at a salary level above the entry level (\$38,940.00 as of October 2002). Moreover, such graduates practicing under the Third Year Practice Act during their third year in law school are given up to one year of creditable service time toward promotion to a higher class.

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

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

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

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

The Congress is presently considering the "Prosecutors and Defenders Incentive Act" (S.B. 1091 and H.R. 2198) that would do much the same at the federal level. That act provides for payments of up to \$6000 annually and up to a maximum total of \$40,000 for prosecutors serving not less than three years. This money would be available to state and local prosecutors as well as federal prosecutors. Both the state and federal legislation provide for repayment if the prosecutor leaves public service prior to the required time periods.

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

A: Take as many criminal law and procedure courses as you can. Participate in the mock trial program, if possible. Consider doing a summer internship in a prosecutor office. And, of course, enroll and take full advantage of the opportunities provided by the Prosecutorial Clinic Program.

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

A: There are two publicly funded summer internship programs in Georgia that are available to students desiring to work in a prosecutor office. The first is the Governor's Intern Program which provides funds for a variety of public sector internships. Interviews are typically held on campus in February each year.

The second is the Prosecuting Attorneys' Council Summer Internship Program. A student desiring to participate in this program typically finds a sponsoring district attorney or solicitor who makes a joint application with the student for these funds. Preferences are given to rural prosecutor offices. The application process typically begins in January. Contact Joe Burford at the PAC or consult the Legal Career Services Office for details about the application process.

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

Q: When should I begin my job search?

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

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

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

A: Your best chance of getting hired straight out of law school is with a rural prosecutor office, i.e., one located outside the state's major metro areas where, relatively speaking, the turnover is high and the pay is low. District attorneys and solicitors in urban areas can usually attract applicants with 3-5 years of prosecuting experience to fill their vacancies because many experienced rural

prosecutors apply for urban vacancies to take advantage of the higher pay. (Note: On the up side, because rural prosecutor offices tend to be less well staffed than their urban counterparts, you are more likely to be given greater responsibility earlier in a rural office.)

Q: Should I apply to district attorney offices, solicitor offices, or both?

A: It is generally a good idea to apply to both. Jobs in solicitor offices, however, tend to be more plentiful and are usually more willing to consider applicants with no prior experience. If your ultimate goal is to work in a district attorney office, a few years experience as a solicitor will surely make you a more attractive candidate for that job than someone having no prosecuting experience. On the other hand, you might find that the fast pace of a solicitor's office is just what you're looking for.

Q: What about federal prosecutor jobs?

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

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

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

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

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

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

A: Yes. Most district attorneys and solicitors will ask you to make at least a two-year commitment. Most, however, will understand if an unexpected job offer falls into your lap or if you must leave to follow a spouse to his or her new job. Also, keep

in mind that if you apply for and receive loan forgiveness benefits (see above), you must either “stay or repay.”

Q: Once hired, how quickly can I expect to be promoted to a higher pay level?

A: Turnover among assistant district attorneys and solicitors is commonplace. Thus, opportunities for promotion abound. This may mean moving from a county-paid position to a state-paid position (which usually involves a significant pay increase and better benefits). State-paid assistants can expect to receive an annual pay increase as authorized by a fixed state pay scale as well as periodic cost of living adjustments. County assistants can usually expect at least an annual cost of living increase.

Q: What are my chances of one day becoming the elected district attorney or solicitor in my chosen jurisdiction?

A: It’s a numbers game. In Georgia, there are only 49 elected district attorneys and approximately 70 elected (or appointed) solicitors. Statewide, however, there are over 700 prosecutors! In addition to competing with the other prosecutors in your office, you would probably also have to compete with some of the attorneys in private practice in your jurisdiction. Your chances, therefore, are probably better in a rural jurisdiction where there is less competition.

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

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

APPENDIX