

Interview Tips from Prosecutors and Defenders

General Interview Tips

Prosecution

- Candidates should prepare to be shocked during the interview. The interviewer will often try to scare the candidate in some way (ex. discussing the number of hours involved in doing the work) to see the reaction.
- When asked why the candidate should be the one hired, be straight forward in the response with why that office can use you. Draw upon things in the candidate's background that can be applied to the job.
- Remember, sometimes a question is just a question. Do not get caught up in why the interviewer is asking a question because, if they are being tricky, they are just looking to get a reaction.
- Interviewers will try to challenge you and do so in a deadpan, so be as to the point as possible. If the candidate does not understand the question, do not just blurt out an answer to just shut up the question. The candidate should not be timid about saying that he or she does not understand the question.
- Do not get off message as a candidate. There is room for humor, but be careful.
- Be alert, but relaxed.
- Be sure to listen to what exactly they are asking you.
- They are looking for really mature individuals because supervision is limited.
- A history of public interest work, not just a statement of interest in the work, is compelling.
- When evaluating candidate, the interviewer knows that this person will be put up against defense attorneys with 20-30 years of experience. Thus, they are looking to determine how the candidate will handle that and will engage in conversations that reflect the candidate's character. A common question used for this is to ask what is the thing the candidate's done that he or she is most proud of.
- Pay attention to the political influences of a jurisdiction. For example, certain states in the country are pro-death penalty and others are not.
- If the candidate is not from the jurisdiction, have a short-term and long-term plan prepared to share with the interviewers that convinces the interviewers that the candidate is truly willing to move and afford the pay.
- Google the office and read any articles on the office.
- Inappropriate questions are bound to happen. When they do, do not flinch. Simply re-direct the answer. Do not get in a confrontation with the employer. Let the school counselor know and let that person deal with the employer.
- Candidates should be aware of how their appearance speaks to the interviewers. Large engagement rings, religious trappings, gaudy jewelry, and tattoos that anyone can see have been known to reflect negatively on the candidate.

- Be careful not to share too much. Shut down social media until after interviewing season is over.
- Do not write a check to any political party during interviewing season.
- Be prepared for the question, “what made you want to do this?” Successful answers focus on believing in our system and believing the candidate can help to make it better.
- Be prepared for questions on terrorism.
- Be prepared for, “is there anything about your background that would embarrass the DA?”
- Do not tell a sob story. Focus, instead, on the skill set offered and the skill set the candidate wants to get.

Defense

- Keep in mind that these are mission-driven organizations so they are looking for people who see the world as they do. In general, a successful candidate needs more than just liking criminal law.
- Candidates should research and be aware of the nature of the job they will be asked to do and the day-to-day aspects and challenges of the job.
- Have a reason for wanting to work for the organization that is more than really wanting to get into court or be a trial attorney. This is a huge mistake because it ignores a large component of the work—empathy for the client. The client usually wants to avoid court!
- Have an answer to the question of why public defender organizations in general and why this one in particular.
- Open-ended questions are often asked to see if the candidate can tell a story. This demonstrates composure and compellingness in court.
- The interviewers will often try to find ways to get the candidate to tell stories. Being a public defender means being a great storyteller who can build empathy and have a humanizing ability.
- The candidate must be polished, maintain eye contact, show he or she is a good advocate, and not be too nervous.
- In large-group interviews, be prepared for contrarians who will pressure and push back on answers to see how the candidate responds to someone trying to find flaws in his or her answers.
- A common mistake in panel interviews is to be so intimidated that the candidate does not listen to the question.
- Having a sense of humor is important. It can show confidence.
- Much of the interview is seeing how the candidate communicates.
- There needs to be something that the candidate can use to show that he or she has always had concern for indigent people.
- Research and writing is a huge part of the federal public defender hiring process so the interview often is not as important as the materials submitted. The interview can be shockingly easy in terms of the questions asked.
- At the state-level, the interview is a huge part of the application process.
- Be client-focused. The way that a candidate refers to clients can give insight into whether he or she gives respect to the clients.

- Any sign that the candidate is timid or will back down when challenged will kill the candidate's chances.
- If the office handles misdemeanors, one of the things the interviewers look for is people who were really good waiters and waitresses. Many of the traits used in waiting tables transfer to a misdemeanor docket—being about to “roll with it;” managing many things at one time; in the courtroom everyone wants something different from you and no one is happy to be there; each table is a different dynamic.

Hypothetical Interview Tips

Prosecution

- If an office uses hypothetical questions, the issues will almost always involve search and seizure, turning over exculpatory evidence, and/or ethics issues.
- Remember, the federal ethical rules are very different from the state rules.
- Read the newspaper in the local jurisdiction because the fact pattern is often pulled from the news.
- Do not give broad statements when answering hypotheticals. Be specific.
- Expect questions regarding witnesses, protecting witnesses, and, especially sex crimes with child witnesses.

Defense

- The critical component in all aspects of the interview is “client centeredness.” The attorney provides counsel, but it is ultimately the client's choice, so if a candidate appears too bold and gives responses that indicate that he or she would make decisions for the client, this is a problem.
- The questions often are ethical questions. Depending on the office, they may only be used if there is a specific concern about a candidate.
- The focus is not on whether the candidate will get the question right, but whether he or she is thinking of the right things: candor to the court and zealous advocacy and representation of the client.
- It is best to be precise in the answer
- In addition to the content of the answer, the interviewers are looking to see if the candidate is articulate because this trait is important in a trial attorney.
- It is a great concern when the candidate's first instinct is to “throw the client under the bus.”
- An important part to almost every answer is for the candidate to add that he or she will follow up with the supervisor. Due to the large demand for public defenders, young attorneys are given little supervision. Problems arise when young attorneys keep issues to themselves.