

**EXPANDED INSTRUCTIONS FOR COMPLETING THE
ASSISTANT UNITED STATES ATTORNEY APPLICATION ON USAJOBS**

Please read the instructions below carefully before you submit your application. Your ability to follow these instructions correctly will be considered in evaluating your application.

Include the following documents as applicable to your USAJobs Application, as described more fully below, in the following order:

- a. Cover letter (addressed to the Executive Assistant U.S. Attorney, Neil M. Corwin)
- b. SDNY Application form, completed and signed
- c. Résumé
- d. Law School Transcript (Unofficial)
- e. 2 Writing samples
- f. Potential conflict letter(s), if applicable

REQUIREMENTS

1. In order to be eligible for an appointment as an Assistant United States Attorney (“AUSA”), you must be a U.S. citizen. U.S. citizens who hold dual citizenship from another country are also eligible to apply. Please note that if you receive an appointment as an AUSA, you are required by statute to reside in the Southern District of New York (the “SDNY”) or “within 25 miles thereof.” See 28 U.S.C. § 545.

In order to be eligible, you must also be an active member of a state bar in good standing.

2. In order to complete your application to be an AUSA in the SDNY, you must furnish the following information:

- a. A cover letter of 1-2 pages, describing your interest in our Office.

In this letter, you should feel free to bring to our attention information about your background that is not otherwise reflected in your application materials that you think would be helpful to us in considering your candidacy. The letter should also identify who will be submitting letters of recommendation on your behalf and whether any of those individuals will be providing those letters to us in a separate submission. In addition, if you have a preference to work in the Civil Division or Criminal Division of the Office, please indicate that preference in your letter. Please note, however, as described more fully below, the United States Attorney may determine that the best interests of the Office are served by assigning you to a particular division as dictated by the needs of this Office, notwithstanding your preference.

- b. A completed and signed version of the SDNY application.

- c. Your résumé
- d. A copy of the transcript of your law school grades [NB: this need not be an official transcript at this juncture; you may be asked to supply an official transcript later in our process.]
- e. Two writing samples. Each writing sample should be at least five pages in length and not exceed twenty-five pages [NB: if your sample is longer than twenty-five pages, please select a suitable excerpt]. In no event should you submit more than two writing samples.

Your writing sample should display your analytical abilities and demonstrate your ability to marshal facts and legal principles in support of an argument. In that regard, you are best served by a writing sample that addresses a more complicated issue; the simpler the issue, the less we can glean about your analytical abilities. To the extent that you are submitting a writing sample to which other lawyers contributed (e.g., through editing), please describe in a note attached to the writing sample the extent to which the writing sample reflects your individual effort.

In the event that you are unable to find two existing writing samples that fully demonstrate your writing abilities, one of your two samples may be something that you write specifically for this application. Such a writing sample should not exceed fifteen pages and should discuss a legal issue that you have confronted and found interesting and/or difficult; please describe the legal issue and explain the position you take regarding how the issue should be resolved. Please note that you are not required to supply a writing sample that you have written specifically for this application; we are affording you this as an option if you do not have two existing writing samples that sufficiently demonstrate your writing abilities.

- f. Potential conflict letter, if applicable. See below for more information concerning potential conflicts.

Failure to provide all of the required materials will result in a disqualification for not providing all required documentation.

INFORMATION CONCERNING POTENTIAL CONFLICTS

If you are working on behalf of a defendant in a criminal case involving this Office, you must immediately advise, in writing, the Assistant United States Attorney(s) working on the case that you have submitted an application to this Office so that a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982), may be held. A copy of this letter should be forwarded to the Executive Assistant United States Attorney.

In addition, you may have other disclosure/recusal obligations vis-à-vis clients and/or your employer concerning your application to this Office. Please consult ABA Formal Opinion No.

96-400 (1996) (job negotiations with adverse firm or party); Association of the Bar of the City of New York, Committee on Professional and Judicial Ethics, No. 1991-1 (same); Committee on Codes of Conduct of the Judicial Conference of the United States, Advisory Opinions 81 (when law clerk's future employer is the United States Attorney) and 74 (law clerk's future employer). For your convenience, copies of these ethics opinions may be found at <https://www.justice.gov/sites/default/files/usao-sdny/legacy/2014/11/03/ethics.pdf>

If you are currently a law clerk in the United States District Court for the Southern District of New York or in the United States Court of Appeals for the Second Circuit, please confirm in writing to the Executive Assistant United States Attorney that you have discussed your application to this Office with your judge and enclose the letter with this application. You do not need to identify matters before your judge in which our Office is party.

NB: If you are currently working on a criminal or civil case involving this Office, please be aware that, in the event you receive and accept an offer of employment as an Assistant United States Attorney in the Southern District of New York, you may be required to terminate your representation of your client in that existing case.

INFORMATION CONCERNING BACKGROUND INVESTIGATION

On the application form you are asked a series of yes/no questions concerning your background. If you answer "yes" to any of these questions, please provide an explanation of the circumstances regarding the issue identified. If you require more space to provide the information requested, please attach additional sheets as necessary. Please note that answering "yes" to any of these questions is not per se disqualifying.

In the event you receive a conditional offer of employment for the Assistant United States Attorney position, you will be subject to a thorough background investigation conducted by the Federal Bureau of Investigation ("FBI") regarding your suitability to serve in a law enforcement capacity. The offer of employment is contingent on your successfully completing the background investigation. Among other personal background matters, the FBI will check on any past unlawful use of controlled substances, your credit history, and your compliance with federal tax laws. Again, issues arising in any of these areas are not per se disqualifications for appointment as an Assistant United States Attorney. For example, with respect to past unlawful use of controlled substances, the circumstances of that use, including how recent and/or frequent, will be taken into account. However, it is possible that we may have to withdraw our employment offer because the FBI investigation reveals information that precludes a security and/or suitability clearance. It causes a significant hardship for all concerned if such action is required after the lengthy application process. To avoid such hardship, we want to alert you to these potential issues at the outset and invite you to discuss any concerns you may have. Please feel free to call the Executive Assistant United States Attorney in this Office if you have any questions.

Please also note that all individuals who receive a conditional offer of employment as an Assistant United States Attorney are required by Department of Justice regulations and policy to take and pass a drug test. In addition, even after you have passed the background check, during the course of your employment as an AUSA, you are subject to random drug testing.

Further, please note that you will be required to furnish us with an official certification from a state bar agency attesting to the fact you are currently an active member of a state bar in good standing.

INFORMATION CONCERNING THE THREE-YEAR COMMITMENT AND AUSA ASSIGNMENTS

The United States Attorney for the Southern District of New York, as a general rule, requires an applicant to make a commitment to serve as an Assistant United States Attorney for three years. Assignment to the Criminal Division or the Civil Division is determined by the needs of the Office at the time of appointment. Also, applicants assigned to the Criminal Division should be aware that they may be required to serve part or all of their commitment in the White Plains Division of the United States Attorney's Office. The United States Attorney reserves the right to assign an applicant who receives and accepts an offer of appointment to a division or location as dictated by the requirements and needs of this Office.

MISCELLANEOUS INFORMATION CONCERNING COMPLETING THE APPLICATION FORM

Please type your cover letter and your responses to the questions in the application form. Handwritten applications are disfavored; if you must handwrite the application, please explain why in your cover letter.

When the application asks for dates, please provide the information in the following format: MM/YYYY.

If you require more space to provide the information requested, please attach additional sheets as necessary.

The application requires at various points that you identify your supervisor. By "supervisor," we mean the attorney at that employer who most closely supervised your work.