

**INSTRUCTIONS FOR COMPLETING THE
APPLICATION FOR THE POSITION OF
ASSISTANT UNITED STATES ATTORNEY, SDNY**

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.

Please note that we now require that you submit your application materials to us electronically to the following email address: USANYS.AUSAapps@usdoj.gov. In the subject line of the email, include only your name in the following format: Last Name, First Name/AUSA Application Materials (e.g., Doe, Jane/AUSA Application Materials). Do not include any information in the text of the email message (it will not be reviewed). Attached to the email, as a single .pdf file, include the following documents, as described more fully below, in the following order:

- a. Cover letter (addressed to the Executive Assistant U.S. Attorney, U.S. Attorney's Office for the Southern District of New York)**
- b. Application form, completed and signed**
- c. Résumé**
- d. Transcript of your law school grades**
- e. Letters of recommendation**
- f. Writing samples**
- g. Potential conflict letter(s), if applicable**
- h. Checklist**

As of January 1, 2024, we will no longer be accepting application materials in hard copy; please submit your application materials electronically. NB: If you submitted your application materials to our Office in hard copy prior to January 1, 2024, you are not required or expected to send us an electronic version.

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 application form on our website, <https://www.justice.gov/usao-sdny/assistant-usa-employment>.
- 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 letters of recommendation.

You may send these letters along with the other application materials or ask that your recommenders send the letters directly to the email address identified below. Please identify in your cover letter the people who will be writing letters of recommendation for you and whether they will be sending their letters in a separate submission. Recommendation letters sent as a separate submission should be emailed to USANYS.AUSAapps@usdoj.gov with a subject line in the following format: Your Last Name, Your First Name/Letter of Recommendation (e.g., Doe, Jane/Letter of Recommendation).

NB: we will not begin to consider your application until we have received at least one of your recommendation letters.

Your letters of recommendation may, but need not, come from the individuals you have identified in the attached application form as supervisors or references at your current and previous employers.

Please also be advised that we believe that you are better served by recommendations from people who can comment knowledgeably about your abilities as a lawyer. You may submit more than two recommendations, but please use your best judgment as to whether any such additional recommendations are providing us with meaningfully different perspectives on your work performance.

- f. 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.

- g. Potential conflict letter, if applicable. See below for more information concerning potential conflicts.
- h. **Please complete and submit the checklist appearing on our website, <https://www.justice.gov/usao-sdny/assistant-usa-employment>, to ensure that**

April 2024

you furnish all of the above information and so that we have a record of what you submitted.

NB: Failure to provide all of the required materials is likely to delay the processing of your application.

VOLUNTARY INFORMATION

Pursuant to U.S. Department of Commerce Directive 15, “Race and Ethnic Standards for Federal Statistics and Administrative Reporting,” we request that you fill out the Voluntary Form Regarding Race and National Origin Identification, appearing on our website, <https://www.justice.gov/usao-sdny/assistant-usa-employment>. If you chose to fill out this form, please send it as a separate pdf file via the email you are sending to us with your application materials to USANYS.AUSAapps@usdoj.gov.

You are not required to fill out this form. Furnishing the requested information is entirely voluntary on your part; as the form explains, “your failure to do so will have no effect on you or on your application for Federal employment.” Nor will we consider this information in our evaluation of your application to be an AUSA; we will separate this form from your other materials before we begin consideration of your application. However, the information will be very helpful to us in evaluating our efforts to attract a diverse group of talented applicants. For further information concerning the Department of Justice’s policies regarding equal employment opportunity in hiring, please see <https://www.justice.gov/legal-careers/job/ausa-73>.

INFORMATION CONCERNING VETERAN’S STATUS

There is no formal rating system for applying veterans’ preference to attorney appointments in the excepted service; however, we consider veterans’ preference eligibility as a positive factor in AUSA hiring. For further information concerning the Department of Justice’s policies regarding how a veteran’s status applies to our attorney appointment process, please see <https://www.justice.gov/legal-careers/job/ausa-73>

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.

Again, as of January 1, 2024, you must submit the application form and all other requested materials in electronic form via email; please do not submit your application in paper form. We will not accept applications in hard copy after January 1, 2024.