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Bethany J. Peak

*American University Washington College of Law*

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# Jobs! How The Economy Has Affected Employment in The Criminal Sector

BETHANY J. PEAK

## PANEL 1: HOW THE ECONOMY HAS AFFECTED DEFENSE PRACTICES AND RECOMMENDATIONS FOR SEEKING FUTURE EMPLOYMENT

*Moderator:*

### **Richard Gilbert**

Mr. Richard Gilbert has been a sole practitioner for the last thirty years specializing in criminal defense. Currently, he serves on the Board of Directors of the National Association of Criminal Defense Lawyers and the Council for Court Excellence. He is a standing member of the “Redbook” Committee, which drafts the standard jury instructions used in both local and federal courts in the District of Columbia. He also teaches a course on wrongful convictions at the American University, Washington College of Law. Prior to starting his own firm, Mr. Gilbert served eight years in the Army as an infantry officer and JAG officer.

*Panelists:*

### **Jeffrey Blumberg, Director of the Compliance Branch at the Office for Civil Rights and Civil Liberties at the Department of Homeland Security**

Mr. Jeffrey Blumberg has nearly eighteen years as a criminal litigator. He began his legal career as an Army JAG and then worked as an Assistant Public Defender in Montgomery County, Maryland where he represented individuals in over one hundred trials. Mr. Blumberg was Special Litigation Counsel with the Criminal Section of the Civil Rights Division at the Department of Justice. Currently, he serves as the Director of the Compliance Branch at the Office for Civil Rights and Civil Liberties at the Department of Homeland Security. Mr. Blumberg is also an Adjunct Professor at American University, Washington College of Law.

### **Joseph Caleb, Caleb Law PLLC**

Mr. Joseph Caleb is a 2005 graduate of American University, Washington College of Law. He began working as a staff attorney at the Public Defender Service of the District of Columbia upon graduation. He worked there for five years before he left for private practice. Mr. Caleb now runs his own firm where he specializes in criminal law.

### **Colle Latin, Staff Attorney, Public Defender Service of the District of Columbia**

Ms. Colle Latin is an alumnus of American University, Washington College of Law. Upon graduation, Ms. Latin was Law Clerk to the Honorable Rhonda Reid Winston, Presiding Judge, Probate and Tax Division of D.C. Superior Court. Currently, she is a staff attorney at the Public Defender Service of the District of Columbia. She represents indigent juvenile clients charged with the most serious felony offenses.

Mr. Gilbert began by asking the panelists to talk about how they found themselves in their current employment position. Each of the panelists had different experiences. After graduating law school, Mr. Blumberg worked as a law clerk at a law firm. Due to the difficult economy, the firm was unable to hire him as a full time attorney even though he had passed the bar. Mr. Blumberg began looking for other employment opportunities that would allow him to continue to practice, but would offer him more financial stability. He saw a posting for Army JAG and thought it was the perfect opportunity for him because he would have the chance to practice law and travel to a number of countries. After spending several years with JAG, he worked as a Public Defender for Montgomery County, Maryland. Mr. Blumberg eventually made the transition to the federal government where he still is today. He advised students to be open to taking different routes in the career since opportunities may come in different forms.

Mr. Caleb interned with the DC Public Defender Service (PDS) during most of his law school career. Upon graduation he was offered a position as a Public Defender. After working at PDS for five years, Mr. Caleb made the decision to leave and become self-employed. Last year, Mr. Caleb started his own firm, CalebLaw, PLLC.

Ms. Latin had a longer route to PDS. Ms. Latin knew she wanted to work for PDS so she applied very narrowly to only a few positions. She did not get offered a job at PDS and was left looking for a job late into her 3L year. Through networking, she applied to a clerkship with the Honorable Rhonda Reid Winston, a job she had previously applied to and had not heard back from. However, this time she was offered a position. After her first year of clerking she applied to PDS again and was again not offered a position. Ms. Latin, applied a third time to PDS

and was offered a position. Ms. Latin remarked that her advice to job hunting students is to not do what she did, but rather to apply very broadly to a number of positions.

Next, Mr. Gilbert asked the panelists if they had any particular law school experiences that they felt helped prepare them for their jobs. Ms. Latin had a narrow focus in criminal law during her legal education. She knew that criminal law was the field she wanted to practice, so she tailored her extracurricular activities towards preparation for criminal law litigation. She took many of the advanced criminal law courses. Ms. Latin was also a member of the Mock Trial team to help her develop her trial skills, and noted that joining the team was a good decision and a great experience. She also encouraged taking advanced courses in the areas that one is interested in practicing to become prepared and knowledgeable in the field.

Mr. Blumberg remarked that his most valuable experience in school was participating in the Clinical Program. Beforehand, Mr. Blumberg did not necessarily want to litigate. However, after getting his first client and realizing that the client and the client's family were depending on him, he got more excited about litigation. He highly recommends participation in the Clinical Program to help prepare students for their careers by getting the experience to be the attorney. Mainly they all encouraged students to get as much experience as possible.

## PANEL 2: HOW THE ECONOMY HAS AFFECTED PROSECUTOR'S OFFICES AND HOW FUTURE PROSECUTORS CAN BEST MARKET THEMSELVES

*Moderator:*

### **Professor Andrew Taslitz**

Professor Andrew Taslitz is a former prosecutor from Philadelphia, Pennsylvania. He has published over one hundred works including *Rape and the Culture of the Courtroom* and *Reconstructing the Fourth Amendment: A History of Search and Seizure 1789-1868*. He is a member of the Governing Council of the American Bar Association (ABA) Criminal Justice Section, its incoming First Vice Chair and Editor-in-Chief of its publication, *Criminal Justice*. Professor Taslitz has taught at Duke University, the University of Pittsburgh, Villanova University, Howard University, and American University. He joins the Washington College of Law as full-time faculty this coming Fall 2012.

*Speakers:*

### **Carlos Acosta, Inspector General for the Prince George's County Police Department**

Mr. Carlos Acosta is the Inspector General for the Prince George's County Police Department. He has served in the Department of Justice Criminal Division's Office of Overseas

Prosecutorial Development Assistance and Training (OPDAT). Mr. Acosta began his prosecutorial career with the Montgomery County, Maryland Office of the State's Attorney. He was the Deputy State's Attorney for Prince George's County and has also served as a Trial Attorney for the Department of Justice Criminal Division Gang Squad. Mr. Acosta clerked for the Honorable Vincent E. Ferretti, Jr. in the Circuit Court of Montgomery County, Maryland. He has been an Adjunct Associate Professor at the Washington College of Law since 1997.

### **Jeffrey Wennar, Assistant State's Attorney, Montgomery County State's Attorney's Office Gang Prosecution Unit**

Mr. Jeffrey Wennar began his legal career as an Assistant State's Attorney in Prince George's County, Maryland. In 1993 Governor Schaefer of Maryland appointed Mr. Wennar to the Governor's Executive Advisory Council requesting him to study gangs in Maryland. He is currently the Gang Prosecutor of the Montgomery County State's Attorney's Office. Mr. Wennar is also an Adjunct Professor at both American University and the Washington College of Law.

Professor Taslitz started with a discussion of what students can do in these tough economic times to better position themselves for employment. Both panelists responded that volunteering in the form of internships and externships is the best way to help oneself out in the future employment search. Mr. Wennar commented that employers and judges value when students give them quality work product when they are being unpaid. Employers have high opinions of students when they see that a student puts out his/her best work even when they are volunteering, they are more likely to vouch for the student or to write letters of recommendation. Mr. Acosta remarked that being a good unpaid intern or extern is a major way to develop a good reputation in the field.

Reputation is extremely important according to Mr. Acosta. It is not only important now at the beginning of the job hunt, but years down the line, an attorney's reputation is how he will be able to continue to perform his work. Mr. Acosta also noted that in order to develop this good reputation, the main goal of interns should be to put out good work and to make as many contacts as possible. Particularly in tough economic times, networking is a way that many people find jobs. Mr. Acosta encouraged all the students to take advantage of internships and meet as many practitioners as possible. The people one meets today can be the people that help us find jobs tomorrow.

A student addressed concerns with the difficulty of transitioning from defense to prosecution. Both panelists adamantly refuted that this be a major concern for those in the criminal field. Both have countless colleagues who have made the switch either from defense to prosecution or vice versa. Generally, the most difficult part of the transition is not the transition itself, but it is the changing of one's frame of view. For example, if one

has been a prosecutor for a number of years and later becomes a defense attorney, it will take some work to “think like a defense attorney.” Both still found the positives in making the switch in one direction or the other because the experiences gained from one perspective helps in the future jobs and positions.

Another student asked about Mr. Acosta’s intern’s responsibilities and what kind of experience interns should be gaining. Mr. Acosta discussed his current legal fellow. His legal fellow is a law school graduate with good grades and was Editor of the journal at her law school, but due to the economy had a difficult time finding a job. Her law school provided her with a stipend to work as a fellow. Mr. Acosta remarked that in some respects they work similar to a small two-attorney law firm. She assists him with all his cases and travels with him to various meetings with police departments and other organizations. Mr. Acosta’s goal is to make sure that she receives adequate training so she will have developed skills she can take to her next job. Also, he actively works to help her network so that she will have contacts that she can reach out to when she begins her job hunt again. Mr. Acosta re-iterated his prior point of focusing on gaining skills and gaining networks during unpaid work.

Near the end of the discussion, Professor Taslitz described some of the techniques employers use in the interview process. Some interviewers present interviewees with a series of hypothetical questions which they must answer on the spot. In other instances interviewers giving interviewees a file and informing them they will be cross-examining a witness (played by an actor) in a few minutes. In general, it is a process to weed out

unprepared applicants. Professor Taslitz asked the panelists if they have used any of these techniques during their interview processes. Mr. Wennar and Mr. Acosta do not ask these questions, but they advised that students go into interviews prepared for the worst case scenario. In fact, Mr. Acosta even asks applicants where they worked in high school or college to see whether they have endured tough situations and learned the meaning of “grunt work.”

After the panels, a networking event was held to help connect the panelists with the attendees. The panelists continued to share their advice and experiences among the audience members.

## ABOUT THE AUTHOR

**Bethany J. Peak** graduated from the University of California at Berkeley and received her B.A. in Interdisciplinary Studies. She will receive her J.D. degree from American University, Washington College of Law in 2013, where she serves as a staffer and blogger for the Criminal Law Brief. This year she was the President of the Black Law Students’ Association. Currently, she works as a research assistant at the Project Addressing Prison Rape, where she compiles statistics on nationwide policies of corrections institutions and drafts portions of articles for publication.