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A Roadmap to Nomination: The Predictive Power of United States Attorney Short Lists

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Honors Thesis

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Introduction

United States Attorneys are some of the most important actors in the American justice system. Appointed by the President and confirmed by the Senate, they “well-connected, middle-aged, politically active members of the establishment¹.” They set the agenda for prosecuting and shape the American criminal justice landscape. US attorneys do not depend on any single actor, and work in a strategic environment that affords them substantial discretion (Eisenstein).

While strong research does exist about US Attorneys, it focuses primarily on their behavior in office, once they are already past the nomination process. The literature discusses the nomination process for US Attorneys, but prior to this research, no data existed on US Attorney short lists. Short lists are immensely important in understanding who gets chosen for a Presidentially-appointed and Senate-confirmed post and why they were seen as the best choice. Thus, I decided to fill this gap and focus my research on US Attorney short lists, to deepen our understanding of this highly salient and important figure in our justice system.

Using a sample of randomly selected judicial districts, I compiled information about US Attorney short lists when a vacancy occurred. I used various independent variables to compare trends across time and space and measure how these variables influenced the selection process. I hypothesized that among the possible considerations for choosing a US Attorney from a short list, having various qualities can have a positive effect on a candidate’s likelihood of being chosen as the nominee. By using my original dataset, I was able to test my hypotheses and learn about the pool of applicants vying for the coveted title of United States Attorney.

¹ Eisenstein, James. 1978. *Counsel for the United States: U.S. Attorneys in the Political and*

Legal Systems. Baltimore, Maryland: The Johns Hopkins University Press.

Literature Review

The literature on United States Attorneys all echo one commonality: US Attorneys have considerable power over the American justice system and public policy areas. They wield often unreviewed discretion in day-to-day decisions, such as which cases to prosecute. The discretion they have is immense in comparison to the already broad discretion of other actors in the judicial system. This freedom gives them great flexibility in deciding what cases they pursue and the sentences that result². Since their job's origin in the Judiciary Act of 1789, the power of USAs has increased over time, especially given the expansion of federal criminal law. The number of USAs has grown with the country they represent, moving from the original thirteen districts to ninety-three today. Each is employed by the Department of Justice, known to USAs as "Main Justice."

The president nominates the Attorney General and the US Attorney for each district, requiring a simple majority confirmation vote in the Senate. The USA hires and fires the Assistant US Attorneys in her office and has daily supervision over them³. The Department of Justice publishes a manual for USAs that aims to give guidance over policies and procedures. This manual is truly guidance, not a rule book. The extent to which federal prosecutors in each office follow these guidelines is ultimately decided by the USA in charge of each office (Davis). Regardless of the office's decision to follow the manual, its language permits broad discretion

² Miller, Banks and Curry, Brett. 2018. *U.S. Attorneys, Political Control, and Career Ambition*. Oxford University Press.

³ Davis, Angela, 2009. *Arbitrary Justice: The Power of the American Prosecutor*. New York: Oxford University Press.

and allows each office to adopt or ignore any policies or procedures within the range of their power. Even Assistant US attorneys enjoy this vast and unrestrained prosecutorial power.

Although state prosecutors have the same type of unrestrained discretion, the decisions made by a USA and her office has much greater consequences (Davis).

Eisenstein points out that USAs are important figures before they are even officially in the job. To be considered, and possibly nominated, they must already be known by an important political figure in the district (Eisenstein). Beyond name recognition, they must bring “thorough knowledge of the local community and personal contacts with many of [the district’s] political and social leaders” (Eisenstein). The subsequently appointed USA then sits in a middle of a communication web of federal judges, local political actors, police departments, larger bureaucracies such as the FBI, Senators, and the DOJ. Being in the middle of this web of the judiciary, elected officials, and bureaucrats puts USAs in a very unique position of influence over many arenas in American politics. Because they are appointed by the President himself, they have the opportunity to gain considerable exposure in the media. Combining their high profile and job power, USAs encounter many opportunities to exert influence beyond their basic job duties. Eisenstein calls this the minimum unavoidable impact, describing the inevitability of a USA’s decisions affecting policy.

According to Eisenstein, there are five policy areas that are impacted by US Attorneys: direction and effectiveness of federal law enforcement; the direction and impact of the federal civil process; the quality of federal justice; the nature of local law enforcement; and the variety of ways they impinge upon aspects of politics beyond the legal process (Eisenstein). These five areas fall under the general vicinity of minimum unavoidable impact, as these are impacts that arise from day-to-day decisions in USA’s offices. Beyond this, USAs also possess immense

knowledge over their districts, and enjoy separation from local politics that state prosecutors do not. They can take riskier decisions because of career flexibility and leaving the office, as well as taking on controversial and unpopular actions. USAs can utilize the immense resources of the DOJ. Studying federal prosecutors is important, as it showcases how the preferences of individuals affect “the authoritative allocation of values and resources;” it also shows how the agenda setting of US attorneys implicates American feelings about democratic accountability, according to Todd Lochner⁴. This paper will not study the behavior of US Attorneys while they are in office, but understanding the importance of their jobs lends credibility to studying who is rewarded these vast powers.

Holding such important people accountable is difficult, even for the President that nominated them. The current constitutional design, case law set by the Supreme Court, and failure of the Executive Branch’s mechanisms for checks and balances over the judiciary branch have resulted in a lack in accountability of federal prosecutors⁵. In addition to the failure of these institutional designs, the way federal prosecutors get hired further isolates them from the reach of the public. Because appointment is the President’s choice, (pending Senate confirmation) there is “very little input by the average citizen, and the public does not learn about the practices and policies federal prosecutors plan to implement after appointment”

⁴ Lochner, Todd. 2002. “Strategic Behavior and Prosecutorial Agenda Setting in the United States Attorney’s Offices: The Role of U.S. Attorneys and Their Assistants.” *The Justice System Journal*, Volume 23, Number 3.

⁵ Davis, Angela. 2001. “The American Prosecutor: Independence, Power, and the Threat of Tyranny,” *Iowa Law Review*, Volume 86.

(Davis). Once in office, the USA appointed by the sitting president knows she can only be removed by that president or subsequent ones, but only if people became aware of misconduct and demanded her dismissal. She then enjoys the ability to hire her own staff and oversee day-to-day operations; her boss is the president of the United States, and has far more daily responsibilities than just overseeing her conduct in office. Even if there was alleged misconduct, the Supreme Court has effectively stopped any type of mechanism for reporting it. The Court has protected prosecutorial discretion from legal challenge so much that “its decisions do not deter prosecutors from engaging in arguably abusive or inappropriate behavior” (Davis). Prosecutors working in a USA’s office can be fired by the USA herself, but she operates with the knowledge that only one person can fire her.

Understanding who gets this job is arguably the most important aspect of studying the job at all. The nomination and confirmation process is arguably the only mechanism of control over US Attorneys. The President picks a nominee that he believes will shape policy in line with his own beliefs. A typical nominee will have previous service experience as that of a bureaucratic nominee, but are subject to the nomination process of a judicial nominee⁶. They are appointed by the President as are executive branch officials, and are subject to the blue slip process similar to judicial appointments. This blue slip process refers to the ability of a home state senator’s ability to recommend or block positions within their state. Once a vacancy occurs, an interim is appointed until the process is complete. The rules of this interim appointment have changed over time. After 1986, Congress amended a statute stating that an interim would be appointed by the

⁶ Nelson, Michael, and Ostrander, Ian, 2016. “Keeping Appointments: The Politics of

Confirming United States Attorneys”. *Justice System Journal*, 37:3, 211-231.

Attorney General, and if the Senate did not confirm a US attorney within 120 days, the District Court would appoint a new interim. If the Senate remains in stalemate, the interim appointed by the District Court will remain the US attorney until the next presidential term (Nelson and Ostrander).

Nelson and Ostrander studied how institutional factors play a role in the nomination process, specifically how these factors affect the speed at which a US attorney is confirmed. Because US attorneys have high policy relevance but low public salience, Senatorial obstruction is common and has little repercussions for the Senator's consistencies (Nelson and Ostrander). The District Courts play a strategic role in nominations as well, because they serve as a reversion point once there is no President-Senate bargain struck. The Court might have a preferred nominee that is not the presidential-appointed nominee, thus giving the Senate an opportunity to use the Court as a reversion point. If the Court and the key Senate actor are ideologically distant, the reversion point is considered extreme; the more extreme this point is, the more beneficial obstruction becomes to senators (Nelson and Ostrander). Before this occurs, the President has the agenda setting power and may pick a nominee that they believe will succeed in the current institutional context.

Nelson and Ostrander focus their research on the nomination process once a candidate is selected by the president and is sent to the Senate for confirmation. Using a survival model, the research finds that ideological distance between the District Court and the Senate Judiciary chair increase delay, as this scenario creates an incentive for presidents to choose more controversial nominees. Distance between the president and the Senate Judiciary chair causes substantial increase in delay; however, there is no evidence that distance between the President and the District Court affects confirmation timing (Nelson and Ostrander).

Nelson and Ostrander found results that are important to this research, which focuses on the pre-nomination period of US attorneys. The blue slip constraint in US attorney nominations influences the speed at which a nominee is confirmed. When the president faces moderate constraint – one home Senator of his party, and one of the other – the process moves about 15 days faster. There is no difference in having two Senators of the same party and having two Senators of the other party; this suggests that there is more bargaining before the nomination when delegations are divided rather when they are united (Nelson and Ostrander). There is also evidence that nominees who attended law school in the state for which they are attempting to serve are nominated about 16 days faster than their counterparts who went to law school out-of-state (Nelson and Ostrander).

Existing research about US Attorneys and their nomination process focuses on what happens once the president formally nominates a candidate, although what occurs before this nomination is equally important. Focusing on what Nelson and Ostrander understand about blue slip processes, this research builds on how different circumstances in the process of US Attorney nomination can shape and influence the eventual confirmed USA. This was done by studying short lists. A short list in American politics refers to the list, or group, of potential candidates being considered for a nomination. Although no research has been completed on the short lists for US Attorneys, it has been completed for federal bureaucrats and Supreme Court justices. Both nominated by the President of the United States, this data has predictive power and serves as a point of reference for US Attorney short lists and appointment outcomes.

The process of nominating and confirming a Supreme Court justice is virtually identical to the appointment process of US Attorneys. The President makes a recommendation, one of the candidates on his *short list*, that candidate is reviewed by the Senate Judiciary Committee, and

sent to the full Senate for consideration. One potential difference is that the president tends to keep a running short list of Supreme Court justices, even if there is no vacancy⁷. For the Justice nomination process, the President's ability to control the nominating environment and likelihood of Senate confirmation is greatest at the selection stage. Over time, various presidents have fluctuated in how much they consider the opinions of members of Congress before they officially nominate someone for consideration (Nemacheck). When there is an open debate on a few candidates, rather than just one, the president still holds some power in his hands. According to Nemacheck, "a president's decision to relinquish some control over the development of the short list may well be strategic."

Nemacheck finds that for Supreme Court Justices, Presidents act strategically in listening to and incorporating Senator's suggestions and endorsements. This is more evident under various institutional constraints such as his party being the minority in the Senate, or his political capital, such as popularity. With less constraints, he controls the process with a narrower scope; under these constraints, Nemacheck finds the president to act strategically. Nemacheck defines this strategic behavior as allowing more voices to influence those on a short list, and who is chosen from that list. Those with a powerful voice (such as having a leadership position in the Senate) are heard more.

The appointment process of Justices is functionally identical to that of US Attorneys. Another appointment process dominated by the president is that of federal agency leadership positions. This process is different because there is great variation in how many appointees'

⁷ Nemacheck, Christine. 2007. *Strategic Selection: Presidential Nomination of Supreme Court*

Justices from Herbert Hoover through George W. Bush. University of Virginia Press.

various agencies have. Over time, the majority of federal agencies in the United States have been “politicized,” meaning they have the largest percentage and deepest penetration of appointees⁸. The number of political appointments the President of the United States makes for federal agencies in the first days in office is far greater than any other government in the world. There are many types of federal appointees, but for the sake of comparing this process to US Attorneys, we will focus on the other jobs referred to as PAS: President appointed and Senate confirmed.

The people chosen for these positions are those who “have the greatest chance of accomplishing what the principal wants done,” (Lewis) the principal being the President⁹. This is one of the first tasks when a president is elected into office. In the modern era, many administrations have employed professional recruiters to identify qualified individuals for positions at the top of each agency. The first short lists compiled are those jobs that are important for public safety and those important to advancing the President’s agenda. These Executive Branch positions have direct control over policy, possibly even more so than judges or US Attorneys. The motive behind picking the right candidate for these positions is getting control of policy, and deciding who will be most loyal to the president while also being qualified (Lewis). Terry Moe argues that presidents are held accountable for the performance of the whole government, therefore are more concerned with having a staff that responds to his political needs

⁸ Lewis, David, 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance*. Princeton University Press.

⁹ Note: the data and literature on the PAS appointees Lewis discusses excludes US Attorneys.

rather than effectiveness¹⁰. This has led to increased politicization among bureaucratic appointments.

One marked difference between the appointment of US Attorneys and agency appointees is that Congress controls the number and location of agency appointees, while the number of US Attorneys remain fixed. Regardless of being Senate approved or not, while appointing agency positions, the president always has an eye toward Congress's response. If there is policy preference divergence between Congress and the president, the president may increase the number of appointees to pull the respective agency's policy away from what a member of Congress prefers (Lewis). Furthermore, the preferred number of appointees from a member of Congress's standpoint will change based on their ideology relative to the president and the agency: the more policy divergence, the less Congress wants to politicize. Lewis also finds that patronage appointees (those applicants connected to the campaign, have party or interest group ties, etc.) are likely to increase in agencies whose policy views are similar to the president. These patronage appointees are more likely to be Schedule C positions, as these are the least visible to Congress and easiest to create. Senate-confirmed appointees (PAS) are the most visible to Congress and hardest for the president to change once confirmed, but have the largest control on policy.

Unlike federal agencies that are fluid in the amount of politicization that may occur, the President cannot change policy outcomes of the Department of Justice by the nature of its organizational structure and appointment system. The number of US Attorneys is fixed, and after

¹⁰ Moe, Terry, and Howell, William, 2009. "Unilateral Action and Presidential Power: A Theory". *Presidential Studies Quarterly* 29.

removing USAs from the count, there are only about 36 PAS appointees for Justice. Lewis argues that Congress can shift policy of various agencies by increasing or decreasing the number of appointees granted, as can the president (assuming Congressional approval). This is not true for Justice's most important actors, US Attorneys, which is why studying *who* is chosen for the job, rather than *how many*, is the best way to understand how the president and Congress influence the outcomes of the DOJ. However, Lewis's work serves as an important resource for understanding *policy* versus *patronage* reasons behind a president's choice; this research will explore the relevance of these motivations behind contenders for US attorney positions.

The literature on US Attorneys and other presidential appointees demonstrate what is considered by the President, Senators, and others aiding the nomination process. The literature made suggestions about the importance of law school education, previous employment, policy preferences, and racial and gender demographics when deciding between candidates. This research aims to uncover what the nomination process is for US Attorneys, of which there is no data on their short lists. I collected and analyzed a sample of US Attorney short lists to predict what considerations and characteristics are the most important while picking the next US Attorney.

Hypotheses

Legal Education

In any political appointment for positions that serve at the state level, it is an advantage to be from that state, as it increases the likelihood for name recognition and more connections. A lot of lawyers tend to work in the state they attended law school in, as the school will also have job connections. This is true for lawyers working in the public sector just as much as those working

in the private sector; Eisenstein points out that US Attorneys must “thorough knowledge of the local community and personal contacts with many of [the district’s] political and social leaders” (Eisenstein). Attending law school in the state for which a candidate is seeking a US Attorney spot is a strong measure of demonstrated commitment to and knowledge of that state.

Furthermore, Nelson and Ostrander find that nominees who attend law school in-state enjoy a faster confirmation process, thus noting the importance of where a nominee’s legal education took place.

H1: Attending law school in a candidate’s home state will be a positive predictor of their likelihood of being nominated as US Attorney.

A law school’s ranking has long been deemed a measure of their graduate’s intellectual and professional capabilities. If a lawyer attended a “top-14” ranked law school, most assume they are smart and hard-working to have graduated from a top school. Those who are considered for a US Attorney role must demonstrate a deep understanding of the legal profession and the abilities of a strong lawyer. Attending a top school is an indication of ability for most lawyers, and is no different for those competing for a US Attorney spot. Not only is attending a top school an indication for those on a short list, but I expect it to be an unwritten prerequisite.

H2: Attending a top-14 ranked law school increases a candidate’s likelihood of becoming US Attorney.

Previous Employment

Those who are interested in serving in a public sector position, such as in a US Attorney’s office, tend to have already worked in the public sector versus private. Working in the public sector is especially helpful if one’s eventual career aspiration is an important position such

as US Attorney; it demonstrates dedication to local and state governments, and more broadly, dedication to well-being and justice in their community. Furthermore, public service work in the legal profession means public record of a candidate's job performance, which could be an indication of their policy preferences. Having a candidate's policy preference align with his own is important to the President in a highly salient position such as US Attorney.

H3: Working in the public sector at the time of consideration will be a positive predictor of being chosen as US Attorney.

Even if a candidate is working in the private sector at the time of consideration for the US Attorney post, having previous work experience in the public sector will still benefit them.

H4: Having experience working in the public sector will increase a candidate's likelihood of being chosen.

From the existing literature, Lochner found that average tenure has increased among Assistant US Attorneys since the 1990s. This longer tenure allows AUSAs to gain more experience in the office and make personal connections that would benefit them in attempting to get a promotion.

H5: Since the 1990s, there will be an increasing number of Assistant US Attorneys considered for US Attorney.

Furthermore, when a vacancy occurs, an AUSA could be an ideal candidate, as they would possess name recognition, know a considerable amount about the job, and have had the opportunity to demonstrate their potential while working under a USA. As AUSAs have become more professionalized, their rising status in US Attorney offices will be rewarded by being considered for a promotion when a US Attorney vacancy occurs.

H5: Being an Assistant US Attorney will be a positive predictor in being chosen as US Attorney.

Personal Characteristics

In addition to resume characteristics, candidates should be recognized by their gender, race, and other personal characteristics that separate themselves from “the pack.” Many candidates may be recognized for their leadership as a female or racial minority, in a career field often dominated by older white men. As female representation in the legal profession has steadily increased since the 1980s,¹¹ female representation among US Attorneys should increase accordingly, as there are more qualified female candidates. Being a woman will subsequently be a benefit to this candidate, as her nomination can be used as a sign of the President’s and Senators commitment to gender diversity in the legal profession.

H6: Over time, there will be more female candidates in the pool of applicants.

H7: Being a female candidate increases the likelihood they are chosen.

Furthermore, both leaders in the legal community and Presidents of the United States have weighed in on the lack of diversity among American lawyers. In 1999, the former President of the American Bar Association was not afraid to point out the lack of minority representation among the legal profession: 30% of the nation’s population were members of racial or ethnic minorities, but only 8% of lawyers were minorities¹². Presidents Kennedy and Clinton made similar claims to point out this lack of diversity, and summoned changes to prevent racism and increase diversity. In 1999, President Clinton created an Advisory Committee to help “minorities share in modern American prosperity and urged the legal profession to take steps to diversify the

¹¹ Carson, C, 2004. *The Lawyer Statistical Report: The U.S. Legal Profession in 2000*. Chicago: American Bar Association.

¹² New ABA Head Decries Lack Of Diversity, 222 N.Y. L.J., Aug. 11, 1999.

profession¹³". After the lack of diversity among lawyers became a known public issue, Presidents in charge of US Attorney nominations found an opportunity to demonstrate their genuine or forged commitment to diversity for a favorable public outcome, or to increase descriptive representation.

H8: Over time, there will be more racial minorities in the pool of applicants.

H9: Being a racial minority increases the likelihood they are chosen.

Design

Data

Until the dataset for this research was collected, there had been no data on US Attorney short lists. While research on US Attorneys exists, it is only of those who are already selected to the position. Thus, I had to collect every piece of information that makes up this dataset. To complete the research, new methods had to be discovered for finding out what type of candidates make up the applicant pool of US Attorneys. The research depended completely on short lists availability to the public. Luckily, local news sources found US Attorney short lists important enough to report on, and provided enough preliminary information to compile this short list data. Newspaper articles provided the names on a short list, and generally included information about their current employment and previous employment. While some parts were found in the original article, I had to use additional sources to find the remaining parts. What was of interest to me

¹³ Malpica, William and España, Mauricio, 2003. "Expanding Latino Participation in the Legal Profession" Strategies for Increasing Latino Law School Enrollments". Fordham Urban Law Journal, Volume 3, Number 4.

was applicant pool names, current and previous employment, law school attended, gender, and race.

Due to time constraints, I was not able to collect research on every judicial district in the United States; I decided to collect a random sample of 10 judicial districts. Of the 93 judicial districts that make up the US, the districts were categorized and separated by the number of cases the district saw each year, thus separating the smallest from the largest districts by case volume. Five levels of activity were created, and two districts from each of these groups were randomly selected to be studied. The sample includes Texas West; Oregon; Tennessee East; Alabama North; Montana; Massachusetts; Wisconsin East; Delaware; Maine; and California. While only the central district of California was randomly selected, I decided to include all of California in my dataset. I did so because California encompasses districts with varying levels of judicial activity and thus provides opportunity for a wide range of data points. Overall, I believe this sample to be a good measure of the bigger population of districts that make up the country; they represent different geographic location and case volume, and had data going back to President George H.W. Bush's time in office.

One setback the sample had was the lack of news articles, thus lack of data, in three of the districts. These were Tennessee East, Alabama North, and Texas West. I concluded that this data did not exist within public knowledge, or in some vacancies, there was only one candidate being considered. However, I was able to find ample data on each of the other districts in my sample, still providing a rich dataset to perform my analysis.

The first step in my data collection process was locating an article discussing a particular vacancy's short list, finding these in an online database. After a substantial amount of trial and error in determining the right search method to use in large databases such as ProQuest and

LexisNexis, I was able to create a system that worked. The system that I used was narrowing the publication date to one year before and one year after a US Attorney nomination, and searching the eventual nominee's name with the current President's name. This generally worked, and if no relevant results appeared, I would use each Senator's name instead of the President, or use another database.

Once I found an article that provided short list information, I would record their name and any information the article provided about the candidate, such as employment. Next, I would use their name to find information about where they went to law school, previous places of employment, and race. This information was readily available in online biographies on their employer's webpage, news articles about promotions to judgeships or faculty at law schools, or even obituaries in some cases. Once the information was collected on one short list, I would move to the next. Before coding variables, a short list in my dataset would look as so:

Table 1. California Central Judicial District Short List, 1993

Name	Employment	Law School
Lourdes G Baird*	LA Municipal Court Judge; LA Superior Court Judge	UCLA
Donald C. Smaltz	AUSA; private firm	Penn State
Alexander Williams III	Headed narcotics unit for USA's office; Justice Department's Narcotics and Dangerous Drug section; Chief Assistant to USA; judge on Superior Court	UVA
Terry Bird	AUSA overseeing a task force that prosecuted fraud and corruption in federal housing programs; Partner at private firm	UCLA

*Was eventually nominated to US Attorney.

Compiled and organized in one sheet, I was able to use this information to code for variables and analyze the data.

Comparing employment histories of various shortlists across time and space represent a lot of the knowledge I have about US Attorney applicant pools. While law school, gender, and race are important, most illuminating in studying US Attorney short lists is the amount high-achieving and “top” public and private sector jobs candidates held. If they are coming from the private sector, they are partners at law firms. If they are coming from the public sector, they are chairs of committees and associations, legal advisors to top politicians, district attorneys, or even state representatives. A 1993 Los Angeles Times article is a good example:

Chief assistant U.S. attorney for three years, now a partner in Los Angeles office of Skadden... Los Angeles County Superior Court judge... Chief counsel to the California Department of Transportation... partner in Talcott, Lightfoot, Vandeveld, Woehrle & Sadowsky... chief of the criminal division of the Los Angeles city attorney’s office¹⁴...

These qualifications describe some of the lawyers being considered for a USA post in Los Angeles, a highly active judicial district. Even in a smaller district, the same type of coverage was expected:

Andrea Gargiulo, the former head of Boston's Licensing Board and one-time assistant district attorney in Middlesex County has applied, as have Boston attorneys Rikki J. Klieman, a former clerk for US District Judge Walter Jay Skinner and a former assistant district attorney, and Alice Richmond, a former head of the Massachusetts Bar Association, sources said¹⁵.

While the results of this paper provide a solid base in learning about US Attorney short lists, the prestige and success of each candidate was not as easily translated to coded variables. I

¹⁴ Weinstein, Henry. 1993. “10 Lawyers Vie for Powerful U.S. Atty. Job.” Los Angeles Times.

¹⁵ Brelis, Matthew. 1993. “US Attorney hopefuls make a varied field.” Boston Globe.

provide this sample short list and segments of articles to stress the importance of considering how equally impressive candidates eventually win the nomination. In simple terms, every short list candidate in my research is hard-working and successful: how does one stand out from the others?

Dependent Variable

My dependent variable was a candidate being selected as US Attorney from their short list.

Independent Variables

In-State Law School. I measure those who attended a law school in-state versus those who took their legal education out-of-state. Because all candidates work in the state they are being considered to represent at US Attorney, attending a law school in that state can be a more accurate measure of “home state advantage.”

Law School Rank. I coded whether a candidate attended a top-14 ranked law school, which measures the prestige of their legal education.

Public Sector Job. I coded whether or not a candidate was working in the public sector at the time of consideration.

Public Sector Experience. I coded whether a candidate had any experience working in the public sector, at any point in their legal career.

Assistant US Attorneys. This variable measures Lochner’s idea that AUSAs have been increasing their tenure since the 1990s, thus increasing their ability to rise to the role of US Attorney.

Gender. To measure if gender plays a role in the comparison of candidates across short lists, female candidates were coded differently than male candidates.

Race. To determine the importance of representing a racial minority on a short list, minorities were coded differently than Caucasian candidates.

After coding each variable, I was able to find averages of a variable across the whole dataset, compare averages of different regions and time frames, and perform a regression model using each variable. In each of my tables, I compared independent variable mean among those who were selected as US Attorney and those who were not. I did so to emphasize the comparison, and any significant differences, between the chosen nominee and his peers on a short list. To provide a baseline average across all short lists, I found the mean of each independent variable across my whole dataset. Although I did not make predictions about differences across regions or time, I separated the districts by these measures to see if there were any interesting differences, or anomalies that could explain unexpected results. I did this for all of my hypotheses except *H5*, which expects being an Assistant US Attorney as a positive predictor. I decided to focus on separating the results by more time periods, rather than by region, because my motivation for studying this variable was assessing the literature's claims that AUSAs have professionalized over time. Lastly, I compiled each independent variable's regression model.

Results

The results of this data analysis include results on data averages and probability models that shed some light on the process of appointing US Attorneys. While some models yielded less than significant results, the insignificance of these results is equally informative about the nomination process. Table 1 provides variable averages for US Attorney eventual nominees and

the other candidates. Each overall average is listed first, and subsequent categories separate results by region and time.

Table 2. Legal education

	Actual Nominee (n=39)	Potential Nominee (n=97)
<i>Home State Advantage</i>		
Attended Law School In-State	0.500	0.633
Northeast	0.571	0.793
Midwest	0.667	0.824
West	0.458	0.455
Pre 2000	0.600	0.724
Post 2000	0.421	0.590
<i>Law School Selectivity</i>		
Attended a top-14 ranked law school	0.470	0.458
North	0.286	0.429
Midwest	0.333	0.176
West	0.542	0.591
Pre 2000	0.533	0.486
Post 2000	0.421	0.443

None of the results from this analysis are particularly striking. Somewhat surprisingly, of those selected for US Attorney (and were confirmed by the Senate), exactly half attended a law school in their home state. It was expected that the majority of those chosen for US Attorney would attend law school in the state they were later chosen to represent. This result is also surprising when compared to the pool of applicants they were competing against, with about 63% home-state representation. In the regions studied from the United States Northeast and Midwest, the competitors to the chosen US Attorney represent a fairly larger portion of home-

state JD recipients than their counterparts. In the Western districts, the law school representation is much more evenly distributed. Additionally, the Northern and Midwestern districts demonstrate a larger commitment to home-state law school goers. Time also shows a lessening commitment overall to home-staters. Although these results are slightly contrary to what was predicted, further analysis of this variable's predictive power of US Attorney selection can provide explanations.

Attending a top law school was another expected trend across short lists. The data shows that nearly half of all candidates went to a top-14 law school. The West Coast districts represent more top-14 law school attendance than the other regions. Additionally, after 2000, attending a top school was less common than the previous 13 years the data represents. This result is interesting to consider with the fact that both US Attorneys and peers on a short list represent less in-state legal education after 2000. Considered together, these could indicate the weak predictive power of selection a candidate's legal education has. There is no trend across regions, as each region differs in having more or less of the potential versus actual nominee attending a top school. This is also true when comparing the two different time periods. Thus, the attendance of a top-ranked law school appears to have less predictive power over being selected as US Attorney as I had hypothesized.

Looking at the data results regarding public sector experience demonstrate the seemingly strong effect of working in the public sector as an advantage in a USA short list pool.

Table 3. Public Sector Experience

	Actual Nominee (n=39)	Potential Nominee (n=97)
Worked in Public Sector at time of consideration	0.824	0.733
North	1.00	0.724
Midwest	1.00	0.882
West	0.75	0.682
Pre 2000	0.933	0.690
Post 2000	0.737	0.754
Has work experience in public sector	0.882	0.865
North	1.00	0.886
Midwest	1.00	0.882
West	0.833	0.841
Pre 2000	0.933	0.914
Post 2000	0.842	0.836

Although in line with the prediction, these results may be the result of self-selection; it is fairly unlikely to be considered for a highly salient public service position when you work in the private sector, or have no public sector experience. Unless a candidate worked in the public sector previously or knows people in high places, they most likely will have no name recognition among Senators and the President, or even have any desire to be a US Attorney. However, what is telling about these results is the fact that *not one single* US Attorney in the Northern and Midwestern districts in this dataset came from the private sector directly. Although they do represent some of the potential nominee pool, they were not chosen. This result must be quantified by the fact that the dataset is not fully comprehensive across all districts and all time. However, it does suggest a bias against private sector lawyers who are in the initial pool of

applicants. There also seems to be a decline in the number of public sector attorneys after the year 2000, suggesting this bias has slightly decreased over time. Across all regional and time groups, the actual nominees represent more public sector employment at the time of consideration than their potential peers. This evidence supports my hypothesis that more US Attorneys will have worked in the public sector at the nomination process, and that it is a positive predictor of being chosen as US Attorney.

Reviewing the results of candidates who worked in the public sector at any time prior to consideration demonstrate this common characteristic across short lists. Large percentages of both actual and potential nominees had public sector experience at some point in their careers; a comparison between chosen and potential nominees does not see significant differences. These results do not provide strong evidence for my hypothesis regarding the effect of public sector work on a candidate's likelihood for nomination, because the vast majority of candidates have public sector experience. With about 88% of all candidates having public sector experience at some point in their careers, it becomes the norm to have such experience. The opposite of my hypothesis might be plausible, meaning *not* having any public sector experience would be a negative predictor of being selected as US Attorney.

Another result of importance is the occurrence of increasing (or decreasing) numbers of Assistant US Attorneys rising to the US Attorney role. Lochner suggested increasing AUSA tenure since the 1990s, and this data can provide a small window in determining how this affected in-office promotions in USA offices.

Table 4. Assistant US Attorneys and Short Lists

	Presence on Short Lists (mean)	Selection for US Attorney (mean)
<i>Increasing in-office promotions</i>	0.182	0.455
1987-1995	0.195	0.50
1996-2005	0.125	0.60
2006-2015	0.222	0.333

Table 4 demonstrates two figures, one being average presence of Assistant US Attorneys on Short Lists, and the average selection of an AUSA to the post. Overall, only about 18% of the compiled candidates were AUSAs at the time of consideration. This is a fairly low number, considering their proximity to the job opening. However, as Lochner states, AUSAs only recently began staying in their offices for longer than a year or two, making the expertise of these figures relatively new. Lochner suggested this change in an AUSA's career aspirations to be around 1995, which is the reason for separating these results by year, and taking special note of changes after the year 1995. The results found from this notably small sample demonstrate that the literature may be correct, but changes were not seen until well after the new century began. While less AUSAs were considered post-1995 than pre-1995, the data does suggest more AUSA consideration after 2005: with 22% of the latter decade's short lists being AUSAs, versus about 12% from 1987 through 2005. While this increase is not particularly large, its existence in the data is worth noting.

Of the AUSAs being considered, nearly half were chosen to fill their former bosses' job, as demonstrated by the second set of results in Table 4. Across all years for which data was collected, 45% of the AUSAs were subsequently chosen for US Attorney. Prior to 1995, 50% were hired, representing a figure close to the overall average. Comparing these averages before and after 2005 is both interesting and surprising, as 60% represent the former average and 33% for the latter. While post-2005 saw an increase in AUSAs *considered*, the year also marked a decrease in AUSAs *actually chosen*.

Table 5. Gender and Race

	Actual Nominee (n=39)	All Nominees (Actual & Potential n=136)
<i>Female Representation</i>	0.265	0.221
Northeast	0.143	0.262
Midwest	0.00	0.25
West	0.333	0.188
Pre 2000	0.133	0.20
Post 2000	0.368	0.235
<i>Minority Representation</i>	0.176	0.084
Northeast	0.143	0.095
Midwest	0.00	0.00
West	0.208	0.101
Pre 2000	0.133	0.06
Post 2000	0.211	0.099

Perhaps the most striking evidence of female and minority representation on US Attorney shortlists is the lack thereof. A quarter of US Attorneys, in the selected districts, were women.

Grouped by region, the results show more female attorneys as contenders than actual nominees. The Northeast had twice as many women on short lists than they did female US Attorneys. The Midwestern district saw no female US Attorneys in the sample districts and years. The West Coast districts, however, have women representing about one third of their US Attorneys, even though about 18% make up their short lists. This suggests that female candidates stand out in these districts, as they represent a fair margin at the US Attorney post, but make up far less than a third of the short lists. In terms of female representation over time, the evidence supports that more there have been more and more female US Attorneys, especially after 2000. However, when looking at female representation on short lists, the results do not support my hypothesis regarding more female representation on short lists. Before and after 2000, a comparable percentage of women were on US Attorney short lists, which does not lend my expectation much credibility.

Similarly, minorities do not represent any significant portion of US Attorney posts and short lists. Trends between regions and time are similar to the trends seen in female representation. However, although only 17% of US Attorneys I researched were minorities, only 8% of short lists were made up of minorities. A figure not noted in this table is the fact that of all the minorities in this dataset, across all time and districts, 60% were selected as a US Attorney, which is the group that makes up the 17% seen in Table 5. Although this statistic from this sample might not be transferable to the larger population of US Attorneys, it is hopeful evidence of increasing minority representation among USAs. There is a small increase in percentage of minorities on short lists, giving a small amount of support for my expectation of this figure increasing.

These results demonstrate the demographics of the short lists collected, but what is of greater importance is the measured effect each variable has on the possibility of a candidate rising to the job.

Table 6. Regression Model

Various Effects on Selection Probability	Coefficient	Std. Error
<i>Legal Education</i>		
Attending in-state law school	-0.11027	0.08173
Attending top-14 law school	0.009524	0.077915
<i>Previous Employment</i>		
Working in public sector at time of consideration	0.09787	0.09389
Work experience in public sector	0.03019	0.11518
Being AUSA	0.23232*	0.10384
<i>Personal Characteristics</i>		
Female Candidates	0.07633	0.09425
Racial Minority	0.37341*	0.14213

* $p < .05$ (one tail test)

The various predicted effects on likelihood of selection did not perform particularly well in the regression model. The only variables that demonstrate being an Assistant US Attorney, or being a minority, and both show movement in the expected direction. These results support my hypotheses that being an Assistant US Attorney is a positive predictor of being chosen as US Attorney, as is being a minority. The regression demonstrated being an AUSA as a positive predictor, which was the expected direction. This is not surprising given the known increase in

tenure and professionalization among Assistant US Attorneys. Demonstrating comparable credentials to other short list candidates, taking an AUSA job and remaining in the job proved to be beneficial in getting promoted. The evidence I collected for this from my own research compliments existing literature about the new job prospects created by increasing AUSA tenure.

The evidence of race as a predictor of nomination likelihood is strengthened by the large amount of minority candidates who were successful in being nominated. Perhaps they were chosen because the nominating President or Senators wanted positive recognition for choosing the first minority US Attorney of a given district. Perhaps they were the favorite candidate to begin with. Regardless of this information, the results signify positive news for minority representation in the highest ranks of the legal profession.

While disappointing that the other independent variables have significant effect, the lack of effect is a crucial result. This data suggests a lack of effect on selection of a US Attorney candidate by these variables alone, suggesting other political and strategic mechanisms are at work. Analyzing the variables alone do not account for a candidate's alignment with the President's policy preferences; personal relationships between a candidate and the President or Senators; or a candidate's long-time shown commitment to the community in which they work. These subjective characteristics appear to be what sets a chosen candidate apart from his peers on a short list.

Discussion

I decided to conduct this research because I saw a gap in the knowledge about a powerful and important figure in the United States justice system. US Attorneys are the gatekeepers to decisions about justice, law, and order, in the US. They are not elected by the public, yet enjoy

almost unmatched discretion once in office, which makes the person who has this job very important. Because there was no baseline knowledge about US Attorney short lists until this data was collected, I decided to look at how basic qualifications such as education, career, gender, and race played a role in who was chosen as US Attorney. My results showed that only two independent variables showed support for my hypotheses in the regression model, being an Assistant US Attorney and being a minority.

In light of recent literature and current political knowledge, it is not surprising that these two variables moved in the expected direction. If an Assistant US Attorney performed well in the job, and had enough tenure in the office to demonstrate enough experience, there are little reasons why they would *not* be chosen for a promotion. Working directly under a US Attorney allows for more knowledge of and exposure to the policy goals of the current US Attorney, which most likely match the policy goals of the current administration. These federal prosecutors also have autonomy and their own level of discretion, thus an opportunity to display their own policy agenda, and often handle high-profile cases. The combination of these factors puts federal prosecutors into a group of special consideration when a US Attorney vacancy occurs, more so than other high-profile public attorneys, such as a District Attorney.

Race is a similarly unsurprising motivation behind choosing the next US Attorney. Presidents have expressed their own personal commitments to diversifying the legal profession to create more equality, combat racism, and increase descriptive representation among lawyers. Nominating a well-qualified minority US Attorney is a means to do so, as it will be public knowledge that a minority US Attorney was hand-picked by the President. Whether the President, or Senators, had a genuine interest in increasing diversity in the legal profession or were merely interested in boosting public ratings and election favorability, it is still good news

for minorities. A strong performance in office will hopefully help break down racial stereotypes and pave the way for more diversity in the profession. It is not wholly unsurprising that race had a stronger benefit to candidates than gender did; although women have also faced their own struggles in the legal profession, minorities face a more difficult uphill battle than women. While sexism still exists, racism in America is systemic and is not going away any time soon.

Although having predictions about the effect each variable would have on nomination likelihood, I know the considerations for a highly salient post are strategic, political, and sometimes arbitrary. The applicability of the principal-agent theory to American politics is enough to know that a candidate is selected for reasons other than legal education, previous employment, and other measures of job ability. Presidents, Senators, and any on a nominating committee knows that US Attorneys are wildly powerful and unchecked once they are put in office, which is why picking the right candidate is imperative. The literature suggests that a President may focus on picking a candidate that the Senate favors, and has a good chance at passing Senate confirmation; other literature suggests a President will pick a candidate who will best achieve his policy goals, regardless of how effective this candidate might be as an agent. Every political appointment is complicated and includes private negotiations that researchers will never know about.

This research covers the demographics and characteristics of US Attorney applicant pools, from a fairly representative sample. Although I did not uncover what the “ideal” US Attorney hopeful resembles, we know more now than before. The potential considerations of a President while picking a US Attorney is shorter by demonstrating evidence that some characteristics, such as those regarding legal education and previous employment, do not predict much about which candidate is selected. Thus, we are closer to determining what does incur

favorability in selection by knowing what does not. Future research can review factors such as policy motivations, confirmation motivations, and others.

Conclusion

In nomination processes, and in American politics as a whole, there is never an easy answer or one factor that can predict such complicated processes. It is a combination of many factors, political considerations, and often, behind the scenes deal making. From this research, we learn about US Attorney applicant's legal education, previous employment, and other descriptive characteristics. We also know how these variables may or may not be important at all when comparing candidates. Of the variables I studied, being an Assistant US Attorney and being a minority demonstrated positive predictive power of selection. The results also demonstrated general homogeneity in the characteristics of candidate's legal educations and previous work experience. Coming from equally impressive backgrounds, the research demonstrates that the appointment process of US Attorneys is concerned with bigger picture outcomes, such as policy and agenda setting once in office.

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Appendix

Short Lists for US Attorney Nominations

TXW; OR; TNE; ALN; MT; MA; WIE; DE; ME; CA. 1987-2015.

George W. Bush

MA	Wayne A Budd	Former President of MA Bar Assoc	Wayne State U
MA	David Locke	MA House Rep, Senate	Harvard
MA	Argeo Paul Cellucci	Chairman of Bush's personnel advisory committee	Boston College
MA	Thomas Trimarco	Mass Secretary of Admin and Finance	Boston College
MA	Leon J Lombardi	cochair of Bush's 1980 campaign in MA, chair of MA GOP, member of MA House	BU
MA	William Sawyer	Private firm	Harvard
MA	Terence McGinnis	Bank of Boston VP	Boston College
MA	Dan Winslow	GOP legal advisor	Boston College
MA	Joyce Hampers	State revenue commissioner	Boston College
MT	Doris Poppler	County Attorney	U of Montana
CAC	Lourdes G Baird	LA Municipal Court Judge; LA Superior Court Judge	UCLA
CAC	Donald C. Smaltz	AUSA, then trial lawyer at private firm	Penn State
CAC	Alexander Williams III	Headed narcotics unit for USA's office, then Justice Department's narcotics and dangerous drug section, then chief assistant to USA, then judge on Superior Court	UVA
CAC	Terry Bird	AUSA overseeing a task force that prosecuted fraud and corruption in federal housing programs, then partner at private firm	UCLA
CAE	George L OConnell	Private	Harvard
CAS	William Braniff	interim USA/AUSA in another state	Rutgers

Bill Clinton

MA	Donald Kenneth Stern	Chair of the US Attorney General's Advisory Committee, chief legal counsel to Gov Dukakis, assistant attorney general in MA	Georgetown
MA	Eleanor Acheson	Partner at Ropes & Gray	BC
MA	Alice Richmond	Head of MA Bar Association	Harvard
MA	James Shannon	Attorney General	GW
MA	Andrea Gargiulo	District Attorney	Suffolk
MA	Rikki Klieman	District Attorney	BU
MA	Deval L Patrick	Partner at Hill & Barlow/ MA governor	Harvard
MA	Alan D. Rose	Partner at Nutter, McLennen and Fish	UVA
MT	Sherry Matteucci	Assistant District Attorney	U of Montana
WIE	Thomas Paul Schneider	Assistant Deputy Attorney	Wisconsin
WIE	Peg Lautenschlager	DA Winnebago county, WI State assembly *became USA for WIW in 1993*	wisconsin
WIE	Mark E Sostarich	Milwaukee atty private	wisconsin
WIE	Patricia Gorence	WI's deputy AG	Marquette
DE	Gregory Moneta Sleet		Rutgers
DE	Carl Schnee		Villanova
ME	Jay Patrick McCloskey	AUSA	Maine
CAC	Nora Margaret Manella	LA Municipal Court; LA Superior Court; Legal Counsel to US Senate Judiciary Committee	USC
CAC	Terree A Bowers	US attorney (interim)	Texas
CAC	Richard E Drooyan	Federal Prosecutor, Partner at Skadden	Harvard
CAC	Dana S Henry	Superior Court Judge	U of San Diego
CAC	Thomas . E Holliday	White Collar Criminal Defense Specialist	USC
CAC	Michael J Lightfoot	Federal prosecutor, now partner at firm	UVA
CAC	Nora Manella	fed prosecutor, chief of USAs office criminal appeals unit	USC
CAC	Burt Pines	Federal prosecutor, now partner at firm	NYU
CAC	Brian Sun	Federal prosecutor, now partner at firm	USC
CAC	Alejandro N Mayorkas	AUSA	Loyola
CAC	Richad Drooyan	Second in command at prosecutors office - boss of ANM (chief assistant US attorney)	Harvard
CAE	Charles Joseph Stevens	AUSA	Berkeley
CAE	Paul L Seave	Picked as interim and subsequently nominated	Penn
CAN	Michael Joseph Yamaguchi	Tax lawyer	USF
CAN	Robert S Mueller III	Interim USA	UVA
CAS	Alan D Bersin	AUSA	Yale
CAS	James W Brannigan JR	US attorney (temp after Braniff)	USD
CAS	Gregory Vega	AUSA	Valparaiso

George W. Bush

OR	Michael W Mosman	Private	J. Reuben Clark Law School
OR	Karin Immergut	Multnomah County Deputy District attorney	Berkeley
OR	Kevin Mannix	workers comp attorney	UVA
OR	Rob partridge	State rep	Willamette
OR	Kevin Mannix	workers comp attorney	UVA
OR	Karin J Immergut	Dep. Chief of narcotics section	Berkeley
MA	Michael J Sullivan	district attorney for Plymouth County	Suffolk
MA	Ralph C Martin II	Suffolk county DA	Northeastern
MA	Jeffrey Locke	Dept of Social Services head	BU
MA	Christopher Supple	Governor's. former chief secretary	Duke
MA	Elizabeth Scheibel	Northwestern DA	Western New England College
MA	Mark Robinson	chair of mass port authority	BU
MA	Leonard Lewin	governor's legal counsel	Suffolk
MT	William Mercer	Associate Attorney General	George Mason
WIE	Steven M. Biskupic	AUSA	Marquette
WIE	Vince Biskupic	Outagamie County DA	Loyola Chicago
WIE	Robert Flancher	Racine County DA	Marquette
WIE	John Franke	Milwaukee county circuit judge	Wisconsin
WIE	Michael Nieskes	Racine County Deputy DA	Wisconsin
WIE	Joseph Paulus	Winnebago county DA	Wisconsin
WIE	Francis Schmitz	AUSA	Marquette
DE	Colm F Connolly		Duke
CAC	Debra W Yang	CA Judge	BC
CAC	John Gordon	Interim USA	Golden Gate Law
CAC	Rod Pacheco	Assemblyman, R-Riverside	U of San Diego
CAC	Michael Bradbury	Ventura County DA	UC Hastings
CAC	Gordon Greenberg	Criminal defense private	Chicago-Kent SOL

CAC	Thomas . E Holliday	Private	USC
CAC	Uttam S Dhillon	Private	Berkeley
CAC	Thomas P OBrien	Deputy DA	USD
CAC	Dickran Tevrizian	US District Judge	USC
CAE	McGregor William Scott	DA	UC Hastings
CAE	John Vincent	Head of criminal division at USA's office, Acting USA	Notre Dame
CAN	Kevin Vincent Ryan	CA Municipal Court judge	USF
CAN	William McGivern Jr	Marin County Superior Court judge	U of SF
CAN	Boris Feldman	Silicon Valley lawyer private	Yale
CAN	Joseph P Russoniello	USA	NYU
CAN	Michael Shepard	White collar defense lawyer Heller Ehrman, federal prosecutor in Chicago	Stanford
CAN	Timothy Crudo	AUSA	Berkeley
CAN	Patrick Robbins	White collar lawyer with Shearman and Sterling	American
CAS	Carol ChienHua Lam	AUSA	Stanford
CAS	Christopher Pace	San Diego civil attorney	Penn
CAS	Jeffrey Taylor	counsel for US Senate Judiciary committee	Texas
CAS	Edward Allard	AUSA	Western New England

Barack Obama

OR	Kent Robinson	acting USA	Georgetown
OR	Josh Marquis	Clatsop County DA	U of Oregon
OR	S Amanda Marshall	Dep. DA	Willamette
MA	Carmen Milagros Ortiz	Federal Prosecutor	GW
MA	Ben T . Clements	Legal counsel to Deval Patrick	Cornell
MA	Kathy Wienman	President of MA Bar Association	Michigan
MA	David Meiner	Head of Homicide. Suffolk DA office	
MA	Gerard T Leone Jr	Middlesex DA	Suffolk
MA	Martin Murphy	Private	Harvard
MA	Allison Burroughs	AUSA, private	Penn
MA	Scott Harshbarger	Civil rights attorney, Middlesex DA, Mass AG	Harvard
MA	Karen Green	AUSA, deputy chief of civil division in USA office, private, judge	Harvard
MA	Ralph Cinquegrana	Private	Boston College
MT	Michael W Cotter	US Army	Notre Dame
WIE	James L. Santelle	Interim USA, Legal Advisor to US Embassy in Baghdad	Chicago
WIE	David Feiss	Assistant DA	Wisconsin
WIE	Alex Flynn	Criminal defense- private	Marquette
WIE	Richard Frohling	Assistant DA	Wisconsin
WIE	Robert Jambois	Assistant DA	Wisconsin
WIE	Mel Johnson	AUSA in Milwaukee	Wash U
WIE	william Lipscomb	Senior litigation counsel, USA'S office	Wisconsin
WIE	Karine Moreno Taxman	Assistant USA	Wisconsin
WIE	Daniel Vaccaro	Assistant USA	American
DE	Charles M Oberly III	State Ag; Senate Candidate	U of Virginia
ME	Evert Fowle Jr	DA	U of Maine
ME	Jay McCloskey	Former USA	U of Maine
ME	Thimi Mina	AUSA	American
CAC	Andre Birotte Jr	AUSA (then private)	Pepperdine

CAC	Brian J Hennigan	Federal prosecutor, then partner at Irell and Manella	Northwestern
CAC	Michael Raphael	Chief of criminal appeals section in US attorney's office	Yale
CAC	Eileen Maura Decker	LA Deputy Mayor for Homeland Security and Public Safety	NYU
CAC	Stephanie Yonekura	Acting USA after Birotte left post	UCLA
CAE	Benjamin B Wagner	US Justice Dept resident Legal Advisor in Jakarta	NYU
CAE	Anthony Capozzi	Criminal defense attorney, former State Bar president	U of Toldeo
CAN	Melinda L Haag	Federal prosecutor	Berkeley
CAN	Matt Jacobs	Fed prosecutor	Stanford
CAN	Steve Meagher	Fed prosecutor	UVA
CAS	Laura E Duffy	AUSA	Creighton
CAS	Kevin Kelly	Second in charge at USA office	USC
CAS	Jerry Coughlan	defense lawyer and former prosecutor	UVA
CAS	Timothy Coughlin	AUSA	Whittier