



U.S. Department of Justice
Office of Attorney Recruitment and Management

Washington, D.C. 20530

Attorney Recruitment Memorandum 2008-10
July 3, 2008

MEMORANDUM

TO: Heads of Office, Boards, Bureaus and Divisions

FROM: Louis DeFalaise, Director

SUBJECT: Review Standards Guidance for Selecting Candidates for the Attorney General's Honors Program and Summer Law Intern Program

This memorandum outlines the selection process applicable to the Attorney General's Honors Program (HP) and Summer Law Intern Program (SLIP) and highlights component responsibilities. This memorandum supersedes the memorandum issued by this office dated April 26, 2007, subject: Changes to Attorney General's Honors Program and Summer Law Intern Program.

1. Merit System Principles

Reviewers at all levels will adhere to merit system principles (*see* 5 U.S.C. § 2301(b)) throughout the selection process. Furthermore, reviewers will refrain from prohibited personnel practices applicable to the hiring of career employees (*see* 5 U.S.C. 2302(b)). Reviewers may not discriminate based on color, race, religion, national origin, politics, marital status, disability, age, sex, sexual orientation, status as a parent, or personal favoritism. As a matter of policy, reviewers should not seek out information that falls within the categories listed above. To the extent that such information is presented in application materials or is readily identifiable, reviewers must exercise great care not to use such information as selection criteria. In particular, political affiliation may not be used as a criterion in evaluating candidates, and ideological affiliation or other factors¹ cannot be used as proxies to discriminate on the basis of political affiliation. Illegal discrimination on the basis of political affiliation violates the merit-based principles governing federal employment for career employees, and undermines public confidence in the Department's mission.

Effective immediately, all employees participating in the selection of HP and SLIP candidates must formally acknowledge that they have read this memorandum and will abide by its standards when selecting candidates. Components must retain proof of each acknowledgment and certify that reviewers have met this requirement by submitting the attached *Certificate of Compliance* (Enclosure 1) to OARM

¹ As noted by the Office of the Inspector General and the Office of Professional Responsibility, membership in organizations that are perceived as liberal or conservative can easily be used as a screening device to discriminate on the basis of political affiliation. *See An Investigation of Allegations of Politicized Hiring in the Department of Justice Honors Program and Summer Law Intern Program*, Special Report by the Office of the Inspector General and Office of Professional Responsibility; page 101, June 24, 2008.

by August 1, 2008. This is a continuing component responsibility applicable to any reviewer designated after August 1, 2008.

In addition, any component that issues its own guidance on the hiring of attorney career employees, law clerks, or legal interns, including but not limited to hiring under the HP and/or SLIP, must include “politics” on the list of factors, such as race, gender, age, etc., that cannot be considered in hiring decisions. Component-issued guidance must state that political affiliation cannot be considered and that ideological affiliation cannot be used as a proxy for determining political affiliation.

2. Component-Level Review

Each hiring component will ensure that its internal selection process is focused on selecting highly qualified candidates with credentials that establish their eligibility to be considered as an Honors level hire by the Attorney General. Initial component-level review must comply with the provisions of paragraph 1, above, the review standards guidance, and include an internal quality review prior to forwarding the names of candidates recommended for interviews to OARM.

3. Component Review Standards Guidance

Candidates selected for interviews should have outstanding academic credentials. Reviewers should pay close attention to academic performance (as reflected by class rank, where available), grades, academic accolades, graduation honors and other achievements. Components that select a candidate with less than an outstanding academic record must provide a justification for the selection based on the candidate’s skills, background, experience or training in a relevant field of the component’s practice. Suitable skills and experience include: judicial clerkships (particularly at the Supreme Court or Federal Circuit Court level); law review/journal positions and articles; competitive moot court experience demonstrating superior oral advocacy ability; or special education, skills or background directly relevant to the Department’s and/or component’s priorities and missions. This list is not exhaustive. The justification should articulate the basis for selecting the candidate for interview, explain how the candidate would positively contribute to the component’s mission, and should demonstrate the lack of suitable candidates possessing both the identified qualifications and a strong academic background. The justification should be unique to the individual candidate, and not a “boilerplate” narrative applicable to all candidates selected by a specific component.

It is also very important that a candidate’s overall submission reflect the level of writing skills, organization, and persuasiveness commensurate with selection as an Honors level hire by the Attorney General. The quality of the candidate’s overall submission, particularly the structure and content of responses in the “short answer questions” are critical factors that should be considered in assessing the candidate’s character, judgment and maturity.

Components should, as a matter of practice, check a candidate’s references and review any information about the candidate that is easily accessible to the general public. Pending further guidance regarding the use of the Internet in candidate screening, component reviewers should exercise due caution to ensure that any web-posted information is relevant, reliable, and, if created and/or posted by the candidate, is in its original form and can be correctly attributed to the candidate. This information and its use must comply with the guidance in section 1, above.

Finally, each component's internal review should ensure that the selection process identifies candidates that meet Department and component needs and that selected candidates, when compared objectively to those who were not selected, are, in fact, the best candidates for these positions.

4. Department-Level Review (HP)

An *ad hoc* working group composed of representatives who are career employees from the major participating components will conduct a Department-level review to ensure that selections comply with the Review Standards and that the number of HP interviews does not exceed budgetary limitations. Each formally participating major component should designate a career employee to participate in this process full-time for approximately two working days. The reviews will be conducted on-site at OARM. After the review is completed, OARM will provide affected components with a list of candidates who were identified as noncompliant, as well as the basis for that conclusion. If, after further review, the component still wishes to proceed with an interview, it may return a candidate's name to OARM with further explanation. If OARM concurs, the interview can proceed; if not, the component head can elect to request reconsideration of the candidate consistent with the practice in other career personnel matters.

5. SLIP and Funnel Offer Reviews

There is no formal Department-level review for SLIP selections. In order to reduce the burden on the *ad hoc* working group for Department level review, and to ensure timely responses to the components, OARM will instead randomly monitor SLIP selections for compliance with this memorandum and notify components of any discrepancies along with the basis for that conclusion.

Funnel offers are subject to the same review standards and process that apply to the Honors Program. Components should forward proposed funnel offers to OARM for review and concurrence before issuing offers (*see* OARM Memorandum 2008-9 for details). OARM will provide the component with the reason for the non-concurrence of any proposed funnel offer. The non-concurrence may be appealed, consistent with the practice in other career personnel matters.

Each reviewer's personal involvement, interest in and support of the Attorney General's Honors Program and Summer Law Intern Program is greatly appreciated. As with other past changes, OARM is interested in receiving comments and suggestions for improving the HP or SLIP and how we conduct them. Each individual's further ideas and suggestions are always welcome.

Questions about the hiring principles outlined in this memorandum or the hiring process in general should be directed to me at (202) 514-4420 (Lou.DeFalaise@usdoj.gov or to Deana Willis (Deana.Willis@usdoj.gov).

CERTIFICATION OF COMPLIANCE

Component/Division/Bureau/Board/Division: _____

Date: _____

This certifies that all reviewers for the Attorney General's Honors Program and/or Summer Law Intern Program have formally acknowledged that they have read OARM Memorandum 2008-10 , *Review Standards Guidance for Selecting Candidates for the Attorney General's Honors Program and Summer Law Intern Program*, and will abide by its standards when selecting candidates. Names of approved reviewers are listed below or attached (alphabetic order).

Fax or e-mail to OARM, Attn: Deana Willis (deana.willis@usdoj.gov) or Jan Cuniberti (jan.r.cuniberti@usdoj.gov); fax (202) 514-0713).