

Preparing for Hypothetical Questions in Public Defense and Prosecution Interviews

Public Defense Values:

- Δ Your commitment to the client, and not to justice or the victim or the truth.
- Δ Your willingness to go very far to protect your client – legally and in other ways – only drawing the line at breaking the law or ethical rules.
- Δ Your openness to the client's own input into his or her case.
- Δ Your awareness of poverty issues, such as physical and mental health problems; educational deficits; and housing, immigration, and benefits issues.
- Δ Your empathy.
- Δ Your ability to detect when your client is mistrustful of you and your ability to elicit more information respectfully.
- Δ Your realism about/ability to adapt to the limitations under which you will work (e.g. high case load, low budget, etc.).



Prosecution Values:

- π Prosecutors represent the state, not the victim nor the witnesses; you will not always be driven by what the victim wants.
- π Seemingly “personal” crimes may affect society and not just the direct victim.
- π Prosecutors do not make laws; they enforce them; you must be able to enforce petty crimes and drug crimes, and argue for high sentences at times.
- π Prosecutors report to an elected or appointed official and carry out his or her policies, not their own personal agendas. In some states this will include being willing to seek the death penalty.
- π The police work hard and make difficult decisions in moments. A prosecutor should respect the conditions under which police work, but is bound by the law and not by police decisions.
- π Jail – for however long – is a serious punishment and a terrible place to be, but you must be comfortable being the person to push for it.
- π A prosecutor's job is to do justice, not to accumulate convictions. Sometimes a conviction is not the just outcome.