

The OPIA Insider's Guide to the
**U.S. Department Of
Justice**
**Volunteer Legal Intern Application
Process**
2021

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Introduction

The US Department of Justice (DOJ) is the law firm for the federal government. Its work is incredibly diverse substantively and challenging professionally. Much of the work at DOJ is litigation (criminal and civil; trial and appellate; affirmative and defensive), though there are also offices that engage in policy work, prosecutorial training and law enforcement. DOJ includes not just the large, central office in DC (Main Justice), but also the [94 US Attorneys' Offices](#) located in every federal district in the nation, [59 immigration courts nationally](#), [21 regional US Trustees](#), and [field offices](#) of some divisions of Main Justice as well. Virtually all of these offices take summer interns. DOJ is a wonderful place to intern, and many HLS students take advantage of this opportunity during their first, second, or even third summers. More than 50 percent of all hires for the DOJ Honors Program have had prior DOJ work experience, whether volunteer or SLIP internships during law school or paralegal positions after college.

DOJ hires law students and lawyers in four ways:

1. **Volunteer Legal Interns:** unpaid internships for 1Ls and 2Ls.
2. **Summer Law Intern Program (SLIP):** paid internships for 2Ls and some 3Ls.
3. **Honors Program:** entry-level hiring for graduating 3Ls, judicial law clerks and graduates in some public interest fellowships.
4. **Lateral hiring:** hiring of any attorney with at least one year of legal experience, including clerkships.

This OPIA Guide deals only with the first path, and is designed to give you background on getting a summer volunteer law internship at DOJ. (For the paid 2L Summer Law Intern Program [SLIP] or the graduate Honors Program, see our separate “[Department of Justice SLIP and Honors Program Application Guide](#)”). The [Office of Attorney Recruitment and Management \(OARM\)](#) section of the DOJ website is also full of useful information on the volunteer application process and many more details about the various components and their projected hiring, so make sure you spend plenty of time there as well.

Identifying and Applying to Volunteer Legal Internships at DOJ

Volunteer vs. SLIP

If you are a 1L and you would like to intern for DOJ, you will have to do so via the Volunteer Legal Internships program. If you are a 2L, you also may volunteer, and you additionally have the paid SLIP option. To a great extent, a volunteer internship experience is indistinguishable from a SLIP experience. Interns and attorneys often say that they are not aware of which 2Ls are volunteers and which are SLIP participants in any given summer. (One rare exception to this general rule, however, is the Tax Division: because of strict statutory limits on the sharing of taxpayer information, only paid SLIP interns [who are considered DOJ “employees”] can access specific case materials, while volunteer interns can only do generic research. As a result, SLIP interns in Tax get significantly more responsibility than volunteers, including assisting on trials and even traveling with the attorneys.) However, there are a few differences between the

programs. It is sometimes helpful to be aware of these differences as you consider when or how you might like to do a DOJ internship:

1. Volunteer internships are unpaid. This is less significant for HLS students than for many others since HLS students have guaranteed summer funding from SPIF; the amounts paid by SPIF and SLIP have historically been comparable, but [SLIP salaries](#) have recently outpaced SPIF. Internships in both litigating and policy offices at DOJ are SPIF-eligible.
2. If you are a 2L, there may be a remote possibility of a “funnel offer” out of a SLIP position (an offer to return after graduation as part of the Honors Program). While funnel offers are themselves quite rare, it is unheard of for volunteers to receive funnel offers.
3. SLIP hiring is done in a very centralized fashion, using the same online application as the Honors Program, and the application is due early in the fall (usually immediately after Labor Day). Volunteer internship hiring, in contrast, is decentralized, begins at any point in the fall, and takes place in a rolling fashion throughout the fall and early winter. Application deadlines vary from component to component.
4. Because SLIP positions must be funded by DOJ, there are fewer of them and they are consequently more competitive and more difficult to get than volunteer positions.
5. There is also the possibility of getting a SLIP position your 3L summer if you will be clerking or beginning a qualifying fellowship after you graduate. Because the categories of people who can volunteer in federal government are very narrow (students are the main category of permitted volunteers), graduates may not volunteer for DOJ during their 3L summer.

Typically, DOJ has approximately 1,000 volunteer interns during the summer in offices nationwide (60% of whom are in U.S. Attorney’s Offices).

How to Figure Out Where to Volunteer Within DOJ

As you begin to think about where you might want to volunteer within DOJ, it is a good idea to study the [organizational chart](#) and read up on the parts of the office that interest you most (many offices include links to press releases on their web pages, and these are another great way to learn about an office). DOJ is organized by division, and then by sections within divisions. Sometimes, a section or subsection may be called a “staff,” “unit,” or “branch” instead. There is a [full list of US Attorney’s Offices](#) on the website.

Once you have a sense of what makes up DOJ, and which offices might interest you most, you can browse the [“Volunteer Legal Internships” page](#) of the OARM website. This page is formatted as a searchable database; you can search for the Main Justice or US Attorney’s offices that are looking for summer interns, and can see how many they anticipate hiring and how and when to apply. More postings are typically added as they become available later in the fall. You can search by positions (e.g., summer or term time), hiring organization (i.e., office), practice area, and/or state. To see a comprehensive list of all summer opportunities, simply select “Law School Volunteer – Summer” in the Position field, and search. You can also check out this [table of volunteer opportunities](#), which you can sort by hiring component, job title, state or date of posting.

Every year, DOJ posts a more extensive list of volunteer opportunities, but it is still not necessarily exhaustive; if you are interested in an office of DOJ that does not appear, you may still apply to it. The list of volunteer opportunities is definitely more fluid than the list of SLIP or Honors Program positions, and our students have at times interned in offices that were not listed on the website. Note that many of DOJ's legal policy offices have had opportunities in the past for volunteer internships in Washington, D.C. (for example, the Criminal Division's Office of Policy and Legislation), and that many divisions' "front offices" (the office of the Assistant Attorney General for that division) have also taken volunteer interns; in such offices, you may have a mix of litigation and policy work, or you may be involved only in policy. (If you are interested in working for a US Attorney's Office after graduation, we recommend that you also review OPIA's [*Fast Track to a US Attorney's Office*](#).)

In addition to your personal preferences, you can also take into account the number of volunteer summer interns each division or section plans to hire; other things being equal, you will have a better shot at a division or section that hires many than at one that hires fewer. The U.S. Attorney's Office for the District of Columbia has had a large program as well, usually offering more than 100 slots for volunteer interns each summer. Students are permitted to apply to as many offices as they wish, and being broadminded about where you'd like to work and diligent about submitting multiple applications will also increase your odds of interning at DOJ.

You should also consider where you want, or are willing, to work geographically. Most volunteer internship positions are based in Washington, DC or at the various U.S. Attorney's Offices, with the remainder scattered in field offices throughout the U.S. If you are willing to apply outside of the most competitive cities like Washington, DC and New York, you may have good luck at a U.S. Attorney's Office or DOJ field office.

There are two other sources of information that may be very useful in helping you decide where to apply. First, your fellow students are a great source of information. You can access student evaluations of past internship experiences in [the public interest organizations database in HELIOS](#) by searching for particular DOJ offices and reading the linked evaluations. Often a section of DOJ that does not immediately catch your interest can provide a surprisingly good summer experience (or vice-versa); the evaluations can help clue you in to this. You can also speak directly to other students who have had a DOJ internship experience. If you are not sure who worked where last summer or the summer before, you can take advantage of OPIA's online listing [*Who Worked Where*](#) to find students with whom to speak.

And finally, HLS alumni now working for DOJ can be an excellent source of information. See *Alumni Mentors at DOJ*, below, for information on how to find and contact them.

How to Apply to Volunteer at DOJ

When applying to volunteer at Main Justice, whenever possible you should send your application directly to the section(s) where you would like to work, and try to tailor your cover letter to explain your particular interest in, and qualifications for, working there. Each section is in charge of making its own volunteer intern hiring decisions. If you are willing to work in any section within a division, you can certainly also send a letter to the division itself expressing this. However, the likelihood of a section recruitment coordinator pulling your resume out of the (smaller) section pile is definitely greater than the likelihood of him or her finding your resume

in the (much larger) division pile. If an office's instructions say you should apply to the division and identify your sections of interest, you should follow these instructions, but also send applications directly to your sections of interest, noting that you have applied to the division as instructed, but wanted to be sure to communicate your particular interest in the section as well.

You can link to specific postings through the [Volunteer Legal Internships page](#) and/or [the table of volunteer opportunities](#) to determine what to send along with your cover letter (resume, transcript, references, writing sample, etc.). If you are applying to a part of the department that is not listed, you should send a cover letter, resume, short writing sample (5-10 pages) and transcript, and note that you will be happy to provide references upon request. You should be sure to note the season (summer) and year for which you are applying in your cover letter; offices may be juggling applications for fall, spring and/or summer at the same time, and you want to make sure your application is not misfiled.

A note about transcripts: if you are a 1L, you are obviously applying without the benefit of any law school grades yet. Don't forget that the application requirements listed also apply to 2Ls seeking summer internships and to local DC area students applying for term-time internships; these students may have transcripts to forward, which is why the requirement is there. You are not disadvantaged by not having grades yet. In the meantime, if you like, you can submit a copy of your undergraduate transcript, and/or note in your letter that you will be happy to forward your first semester grades when they become available.

If you have any personal connections within the section or division to which you are applying (friend, classmate, family member) and/or if you have been in touch with any alumni in that office, you should let them know that you have applied. In particular, if there is anyone in the section or elsewhere at DOJ who would have cause to know you personally and think highly of you (perhaps you interned there as an undergraduate?), you should make sure they know that you are applying for a volunteer internship. While DOJ hiring is merit-based and not a matter of "pulling strings," anyone tasked with hiring values highly and relies upon honest recommendations from trusted sources. Having said this, it is absolutely NOT necessary to "know people on the inside" at DOJ to get an internship there, so if DOJ is entirely new to you, you are not disadvantaged!

While DOJ is not legally bound to apply a veterans' preference in volunteer selection, the Department has stated that it is committed to following the principle of veterans' preference in its volunteer selection procedures "as far as administratively feasible." If you are a veteran seeking to volunteer at DOJ, it may be in your interest to let DOJ know of your status. For more information on how to do so, see their [Conditions of Employment webpage](#).

Application Timeline and Timing of Offers

Although each office within DOJ sets its own timeframe for applications and hiring, most follow roughly the same schedule. For many offices, 2Ls can begin submitting applications at any time and often do so in early fall; while the DOJ website states that "interested students should plan to apply at least four to five months in advance of the start date of the internship", 2Ls who wait until January or February to apply are likely to find themselves closed out of their preferred volunteer internships. 1Ls may not submit applications until December 1st. Each office is a bit different, though, so be sure to check deadline information for any office you are considering. **Many, if not most, offices make internship decisions on a rolling basis, so while it is not**

essential for 1Ls to be hovering over the “send” key of their computers at 12:01 a.m. on December 1st, it will be to your advantage to get your applications in as early in December as you can manage, especially for the most competitive offices.

Likewise, each section also extends its own offers, and some are much more organized than others about doing so. Offers to 1Ls will be made throughout December and January, with some as late as February. Some offers to 2Ls have been known to be made as early as October.

The Interviewing Process

A few DOJ offices hire volunteer interns based entirely on their paper applications, while most others conduct phone or video interviews. In-person interviews were rare even before the pandemic for volunteers, as DOJ does not typically have the time or resources to conduct them (although in past years, a few US Attorney’s Offices [for example, EDNY] have required in-person interviews even for volunteers). Since the pandemic, all internship interviews have been conducted virtually, and this will be the case for summer 2022 internships as well. If you will be spending time over the semester break in the same city as any offices to which you plan to apply, you can certainly note that in your cover letter and offer to meet with anyone in the office at their convenience. Even if you are not taken up on your offer, it will show additional interest on your part.

A Note for 2Ls: Volunteer Positions as an Alternative to SLIP

If you are a 2L who did not apply to, or did not receive an offer from, the SLIP program, you can and should consider applying to be a volunteer intern instead. As described above, you may apply directly to your sections of choice for a volunteer position. Virtually all offices that hire through SLIP also take on volunteers, and you will not be penalized for seeking to come in as a volunteer rather than a paid intern, even if you struck out in the SLIP process (in fact, DOJ is likely to regard this as a positive indicator of your commitment to the Department.) Some divisions (for example, the Criminal Division) historically do not hire through SLIP and therefore take on only volunteers. Others (for example, the Civil Rights Division) have been allocated no SLIP slots in recent years, and so will also take on only volunteers. As the SLIP program has contracted in recent years due to budget constraints, even more volunteers have been used. From the student’s point of view the internship experience will be virtually identical (with the exception of that in the Tax Division; see “Volunteer vs. SLIP” above), and DOJ attorneys have told us that they often don’t know which of their 2L interns are SLIPs and which are volunteers. Fortunately, guaranteed funding through the HLS Summer Public Interest Funding (SPIF) program allows you to volunteer.

For those who have applied through SLIP and have a SLIP application still pending: you may opt to wait to apply for a volunteer internship in a division that hires through SLIP if your SLIP application is still pending, but if you strike out at SLIP, there is no downside to then applying to that office as a volunteer. You can also always apply for a volunteer internship in one office while your SLIP application is still pending for another office. For example, if you have applied to Office A through SLIP, but are also interested in Office B, which is not participating in SLIP, there is no conflict in applying as a volunteer to B while your SLIP application to A is still pending.

More recently, we have also recognized that it may be sometimes be sensible to submit a volunteer application to an office even while a SLIP application to the same office is pending. For example, before 2011, the Civil Division generally hired between 20 and 30 SLIP interns. In the budget crunch of 2011, that number was cut to 3 and in 2012 the number was 6. It was not clear whether Civil Appellate, a popular and very competitive section of the Civil Division, would be allocated even a single SLIP position. Under those circumstances, Civil Appellate told us that they didn't mind receiving volunteer applications from SLIP applicants before the SLIP process was complete. SLIP openings have increased somewhat in recent years, but if you are applying to an office with a tiny SLIP allocation, and especially if such an office is your strong preference, it may be wise to consider a simultaneous volunteer application.

Mentors

Alumni Mentors at DOJ

There are many HLS alumni/ae at DOJ. After you have done your homework by studying the DOJ website, we encourage you to talk to them for more detailed information about what the different components at DOJ do and about current hiring practices. One good source of information about alumni at DOJ is the Heyman Fellowship Program website. Part of this program supports select recent graduates in federal government jobs. As Heyman Fellows, these alumni have agreed to serve as sources of advice for current students and young alumni, and many of them are very recent graduates themselves. You can go directly to the [Heyman Fellowship Program website](#), or you can connect to the Heyman site from [OPIA's home page](#) by going to "[Gateway to PI Jobs: Fellowships](#)." You can then navigate to the [Current and Past Fellows page](#) for the list of Heyman Fellows, which includes their federal job(s) and email links.

Other alumni at DOJ can be found in [Amicus](#) (HLS's alumni mentor database.) You can log into Amicus with your Harvard Key.

Additionally, OPIA advisers are familiar with many more alumni at DOJ; if you can't find a contact another way, feel free to come to drop-in office hours or make an appointment with an OPIA adviser for advice about how to find one.

Finally, a bit of friendly advice: alumni are often very happy to assist students, but please keep in mind that they are doing so as a favor to you and are often very busy; be sure to be considerate, patient, and appropriately appreciative of the assistance they give you.

Faculty Mentors

A number of HLS faculty members have worked at DOJ. You should feel free to approach any of these for advice. They include:

- Lecturer on Law Antonia Apps (USAO SDNY)
- Lecturer on Law James Baker (Counsel for Intelligence Policy; FBI General Counsel)
- Visiting Professor David Barron (Office of Legal Counsel)
- Lecturer on Law Ben Berwick (Civil Division, Federal Programs Branch; Counsel to AAG for Civil Division)
- Professor Glenn Cohen (Civil Division, Appellate Staff)

- Lecturer on Law Brackett Denniston (Chief, Major Frauds, USAO DMA)
- Lecturer on Law Michael Dreeben (Deputy Solicitor General)
- Lecturer on Law W. Neil Eggleston (AUSA and Chief Appellate Attorney, USAO SDNY)
- Lecturer on Law Deana El-Mallawany (USAO DMA)
- Professor Charles Fried (U.S. Solicitor General 1985-1989)
- Lecturer on Law Ara Gershengorn (Civil Division, Appellate Staff, USAO EDPA)
- Lecturer on Law John Gleeson (AUSA & Chief of Appeals, Special Prosecutions, Organized Crime and Criminal Division, EDNY)
- Professor Jack Goldsmith (Office of Legal Counsel)
- Lecturer on Law Joseph Greenaway (Chief, Narcotics Bureau, USAO DNJ)
- Professor Jim Greiner (Civil Division, Federal Programs Branch)
- Professor, Emeritus Lani Guinier (Civil Rights Division)
- Lecturer on Law Liam Hardy (Office of Legal Counsel)
- Professor, Emeritus Philip Heymann (Deputy Attorney General)
- Professor Vicki Jackson (Office of Legal Counsel)
- Professor of Practice Alan Jenkins (Office of the Solicitor General)
- Lecturer in Law Daniel Kahn (Chief, Criminal Division, Fraud Section)
- Lecturer on Law Lorinda Laryea (Criminal Division, Fraud Section, FCPA Unit)
- Professor Richard Lazarus (Solicitor General's Office, Environmental and Natural Resources Division)
- Dean and Professor John Manning (Office of Legal Counsel)
- Climenko Fellow Francesca Procaccini (Civil Rights Division)
- Professor Daphna Renan (Counsel to the Deputy Attorney General)
- Lecturer on Law Diane Rosenfeld (Violence against Women Office)
- Lecturer on Law Patti B. Saris (Chief, Civil Division, USAO DMA)
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- Visiting Professor of Law Patrice Simms (Environment & Natural Resources Division)
- Senior Lecturer on Law Luke Sobota (Office of Legal Counsel)
- Lecturer on Law Emily Schulman (USAO DMA)
- Professor Daniel Tarullo (Antitrust Division)
- Professor, Emeritus Laurence Tribe (Senior Counselor for Access to Justice)
- Lecturer on Law Leo Tsao (Chief, Bank Integrity Unit, Money Laundering and Asset Recovery Section, Criminal Division; FCPA Unit; USAO EDPA)
- Lecturer on Law Jamie Wacks (USAO DMA)
- Professor, Emeritus Lloyd Weinreb (USAO DDC)
- Visiting Professor of Law from Practice Alex Whiting (Civil Rights Division, USAO DMA)
- Lecturer on Law Jonathan Wroblewski (Criminal Division, Office of Policy & Legislation; Office of Legal Policy; Civil Rights Division)
- Professor Crystal Yang (USAO DMA)

A Special Note on Politics

Many students have asked us whether politics play a role in volunteering at the DOJ, and whether students should remove frankly political elements from their resumes. While DOJ line attorney hiring is legally required to be apolitical, and has a long and proud tradition of being just that, concerns have been raised about untoward political influence in hiring in the past, and it seems these concerns arise again cyclically. In the years between 2002 and 2006, it seems clear that there were indeed times when ideological concerns affected hiring in both the Honors Program and the Summer Law Intern Program. A number of bodies have investigated this phenomenon, and some reports have been issued confirming it (see, *e.g.*, [this report](#) from DOJ's Office of the Inspector General and Office of Professional Responsibility.) In the years following the IG/OPR's report, substantial changes in the Honors Program and SLIP hiring process were instituted, and OPIA believes that ideological influence in DOJ line attorney hiring was effectively eliminated. Most recently, however, questions have been raised by some as to whether the policy of political hiring returned under the Trump administration. In our increasingly partisan political environment, some may also have questions about how interning or working within a particular administration may impact a future job search elsewhere. If you have any questions of this nature, it's best to discuss them with an OPIA adviser.

Significantly, volunteer law intern hiring has always been decentralized and hence seems not to have been subjected to the same political pressures that appear to have influenced Honors Program and SLIP hiring. In any case, while the final call is always the student's, OPIA does not generally recommend eliminating significant activities, jobs or internships from resumes for political reasons. First, this can leave odd gaps in your history that may raise more questions than the deleted material would have. In addition, it's not a great idea to start your legal career by hiding things. Finally, and most significantly, if such activities have been important to you, you should think twice about whether you would want to work for an employer who would find them off-putting. OPIA therefore still encourages you not to edit your resume politically. If you have further questions or concerns, it would be wise to talk them over with an OPIA adviser.

A Special Note about Grades

Many students ask what kind of grades they need to have a realistic chance at volunteering for the DOJ. It's certainly true that these are competitive programs; the ratio of applications to offers is evidence of that. But it's also true that DOJ legitimately evaluates applications holistically, and grades are only one part of that mix. Some offices are more grade-conscious than others; for example, successful applicants to Civil Appellate, Federal Programs, and the Office of the Solicitor General usually have done quite well in their coursework, and frankly poor grades will of course reduce anyone's chances of success. But applicants for many other components have been successful with a range of decent grades on their transcripts because they have other attractive elements to their applications: a demonstrated commitment to public service, relevant internships and clinical experiences, on-point research and writing experiences, persuasive essays, etc. If you have concerns about your transcript, you should come speak to an OPIA advisor about it before you preemptively rule yourself out of the running.

Security Clearance (and Past Drug Use)

Terminology and Process

For any legal position with DOJ, the student or attorney must pass some degree of security check; the level of scrutiny varies with the nature of the position and the component involved. A “suitability check” is a simple review designed to determine whether you are generally fit for federal employment; it examines character and conduct. A more detailed “background investigation” is required for anyone who will be working for DOJ for more than 6 months, or in multiple internships within a one-year period. A “security clearance” is required if you will have access to sensitive or classified information that would pose a risk to national security if disclosed; it examines an applicant’s trustworthiness when given access to such materials.

The suitability check is the lowest level of scrutiny; this rather routine investigation is conducted for all summer interns (whether volunteer or paid) and permanent employees. A suitability check involves fingerprints and a relatively non-intrusive questionnaire. Interns, whether in the SLIP or volunteer program, may be asked to provide a urine sample for drug testing, at the discretion of the employment office. Suitability reviews are processed by DOJ’s Office of Attorney Recruitment and Management. The more extensive “background investigation” is additionally required for more lengthy or full-time employment, and includes checking with references, former employers, co-workers, friends, neighbors, landlords, institutions of higher education, and credit/military/tax/police records. Some U.S. Attorney’s Offices also impose more stringent requirements than Main Justice for their intern or graduate hires. Finally, for students or graduates who will be working with sensitive or classified information, a true security clearance is necessary, involving a much more detailed questionnaire and more intrusive investigation. The security clearance process at DOJ is conducted by a separate office, the Security Emergency Planning Staff, and may also involve the FBI. For SLIP or volunteer positions in U.S. Attorney’s Offices, the suitability or security packages are first reviewed by the district where the candidate will work, and then by the Executive Office for United States Attorneys (EOUSA) in Washington.

The questionnaires used for both suitability checks and security clearances are called “standard forms”; the most common [standard forms](#) used by DOJ are SF85, SF85P, SF85PS and SF86. SF85 is the least intrusive form, used for generic federal employment; SF85P (sometimes with the supplemental SF85PS) is the form most commonly used for law students interning at DOJ; SF86 is the most probing form, used for students or graduates who will be working in components with a higher degree of involvement with national security issues and materials.

While this process almost always runs smoothly and is completed without a problem, security clearances for Main Justice, U.S. Attorney’s Offices and other federal agencies do sometimes run into bumps in the road. If DOJ has concerns, they will raise them directly with you and work with you to have them resolved if possible. DOJ’s OARM has told us that they work hard to mitigate any issues, and that fewer than 1% of applicants are found unsuitable for employment, so while you should take the process seriously, you need not panic about it, nor should you automatically self-select out of the process because of anxiety about your ability to clear.

Having said that, these processes have occasionally taken long periods of time and have proven an obstacle to a few applicants. There are certain relatively common factors (dual or naturalized

citizenship, extensive international travel, etc.) that are likely to slow down a clearance, and at times a clearance seems to get hung up for no reason at all. If you are concerned in advance about possible factors that may slow down your clearance, or you suspect that your process is taking longer than it should, contact OPIA right away. We can often get additional information for you, and it's always better for us to know there may be a hold-up early in the process rather than at the last minute. In any case, you can contribute to a smooth process by turning around your security forms quickly once you get them (we recommend within a few days if possible).

Both DOJ and OPIA strongly recommend that you always answer all questions on these forms as honestly as you can. More often than not, issues that worry you may prove not to be obstacles to working at DOJ, but dishonesty on your security forms, if discovered, will be an absolute, lifetime bar to DOJ employment. Again, you can run any concerns you may have by an OPIA adviser, who will keep your discussion entirely confidential, and who may be able to allay your concerns or help you gather more information on your situation. Here are some additional details on issues that most commonly come up during the clearance process.

Drug Use

Much concern has been expressed in the past about minor drug experimentation barring lawyers or law students from jobs at DOJ. You can get a sense of the kinds of questions you may be asked about drug use by reviewing the standard forms described above. Drug use and past drug use continue to be taken seriously by DOJ. This is a particularly difficult issue: admitting to even minor drug use may sometimes lead to rejection, yet lying is committing perjury. Here is some information that may be useful to you in thinking about how DOJ may assess drug use:

1. There are no bright-line rules about how drug use will be assessed by DOJ. All drug use is reviewed by DOJ case-by-case, and based on the totality of the circumstances involved. Some of the factors DOJ will consider in this inquiry are the recentness of the use (**it can be very difficult to clear if there has been any use in the past year**), the frequency of use, the type(s) of drugs used, whether you bought or sold any drugs, the point in your life at which use occurred, whether you were a member of the bar when use occurred (post-bar use is typically a huge problem), whether you were in a position of public trust when use occurred, whether the use was legal where you used it, and any other mitigating circumstances. (The federal Office of Personnel Management recently issued a [memorandum](#) on assessing suitability for federal employment on the basis of marijuana use; reading this may give you a sense of how DOJ's case-by-case assessment may be conducted.)

Thus, for example, minor experimentation with “recreational” drugs as a college student will not automatically bar you from DOJ employment, may not in fact prove to be a problem, and certainly should not lead you to avoid applying to DOJ. The more recent and/or frequent the use, the more likely it is to be problematic, and use within the past few months, and/or during law school, *definitely* creates a problem. As a result, we continue to recommend that ***if you think you may want to work for DOJ at during a summer or any point after you graduate, the best approach is to stop any drug use at all right now.*** You should also note that, whatever the laws in the various states in which you may have lived or travelled, possession of marijuana is still illegal under federal law everywhere. A final note about drug use: while use of CBD oil is now legal, federally, it is not regulated by the FDA, and hence there is no guarantee, despite any given product's labelling, that it may not contain trace amounts of THC, the chemical flagged in drug tests. In one instance recently, for example, a single topical use of

CBD oil during a massage (even followed by a negative drug test) threatened to undermine an Honors post in the FBI OGC. DOJ is working on a consistent policy on CBD oil, but one hasn't yet emerged. Therefore, out of an excess of caution, we recommend abstaining from use of CBD oil as well.

2. Once hired, DOJ employees may be required submit to a drug test, and may be subjected thereafter to spontaneous drug testing throughout the duration of their employment with DOJ.

3. U.S. Attorney's Offices can apply different rules. It is critical to note that each U.S. Attorney's office independently formulates its own policies regarding prior drug use by applicants. There is no centrally organized, universal U.S. Attorney's Office policy towards past drug use. For instance, some time ago, an HLS student was turned down for a security clearance by the Colorado U.S. Attorney's Office because he admitted to trying marijuana *once* on an experimental basis; this almost certainly would not have been a problem at some other U.S. Attorney's Offices.

4. Be forewarned: this drug policy may undergo transformations across time. Since these policies are not written or fixed anywhere, they can and do change over time; sometimes in a more liberal direction, but not always.

Additional Factors

Finances

Certain financial factors can slow down or torpedo the suitability check or security clearance, including any defaulted student loans, neglected financial obligations, or failure to comply with tax laws. Failure to file a return or pay taxes may preclude a candidate from obtaining clearance, although one or two delinquencies may not be a problem if you timely enter into a payment plan and abide by it. Debt (even significant debt) in and of itself is not a bar to clearance, but failure to make timely payments, seek debt relief, or make arrangements with creditors can be problematic. DOJ will not look at your credit score, but will want to see that you are managing any debt responsibly.

Residency

Honors Program, SLIP and volunteer intern candidates are also subject to a residency requirement. Candidates who have lived outside of the U.S. for two or more of the past five years (cumulatively), counting back from a few weeks before the date they would begin at DOJ, may have difficulty being approved for appointments. Federal or military employees and their dependents are exempted from this rule (although Peace Corps volunteers are NOT exempted from the rule), and miscellaneous vacations abroad, unless they add up to a significant chunk of time, are generally not counted. (See the [Volunteer Interns "Conditions of Employment"](#) page). Additionally, while some DOJ offices (for example, Civil Appellate) have in the past been willing to seek residency waivers for interns who spent significant time abroad because of overseas scholarships, waivers are not guaranteed even if you receive an offer, and approval takes considerable time, sometimes several months; internships can fall through at the last minute for this reason.

Dual Citizenship

Dual citizenship can also create some additional steps and/or delays for the suitability check or security clearance. The process can take longer if applicants have naturalized or dual citizenship, and dual citizenship with some countries (such as Iran) can sometimes make security clearance virtually impossible to obtain. Marriage to a non-citizen can also slow down the process. Some dual citizens may be asked to sign a “Loyalty Statement” and/or fill out a “Dual Citizen Statement”. For example, we have occasionally seen certain U.S. Attorney’s Offices, as well as Main Justice’s Criminal Division, require such statements for Honors, SLIP and volunteer hires. The Loyalty Statement that we have seen reads:

I understand that, because of the citizenship laws of the country that I have listed on my Personnel Questionnaire Form, it is possible that country currently considers me to be its citizen, regardless of my valid U.S. citizenship. Notwithstanding such a possibility, I hereby declare that I am a citizen of the United States, and that my loyalty and allegiance are to the United States.

If required, the Loyalty Statement must be signed for the applicant to clear. The Dual Citizen Statement that we have seen says, in pertinent part:

...You indicated that you claim Dual Citizenship with [country]. Because you indicate you hold dual citizenship, the [xxx] Division, Security Programs Staff requires a statement containing the following information:

Please explain why you consider yourself a dual citizen and how you maintain that citizenship.

Are there any obligations, benefits or rights you have (or have received and exercised) as a citizen of [country], to include your voting rights?

Lastly, if asked by the DOJ, are you willing to renounce your citizenship with [country] and (if applicable) relinquish your foreign passport? If not, please indicate why.

We have not been able to find out whether answering “no” or “I’m not sure” regarding your willingness to renounce your dual citizenship and relinquish your foreign passport would mean you would not pass the suitability check. We are unaware of any students or graduates who have actually been required to renounce dual citizenship, but we would not necessarily have access to that information.

In making an individualized determination for a dual-citizen applicant, DOJ appears to consider where the ‘center of gravity’ of the applicant’s connections lies. So, for example, DOJ may want to know: how many years has the applicant spent in each country? Where does he or she vote? Has he or she taken advantage of government programs (e.g., national health coverage) in either country? Has he or she served in the military in either country?

Multiple Internships

The need for a background investigation can also sometimes get in the way of a student doing multiple DOJ internships within the same year. Working at the Department requires access to DOJ information, IT systems, and facilities. Access for up to six months is not a problem. However, beyond six months, or for two short term appointments within a 12-month period, a background investigation is required. The cost of this investigation would be borne by the component hiring the intern. In some cases, that component may not be able or willing to bear this expense. If you have served in a prior DOJ internship/externship and are considering a second DOJ internship within 12 months of the start of the first internship, we encourage you to raise this issue with the hiring component prior to accepting an offer. This issue proved problematic recently for a student who did a summer DOJ internship and was then planning to have a clinical term-time placement with the local immigration court; she was unable to do the clinical placement.

Mental Health Treatment

Finally, in the past, a couple of students have been flagged for further questioning because of admitted use of prescribed anti-depressant drugs or mental health treatment – neither of which is a bar to employment, it should be noted. In such cases, you may be asked for permission for DOJ to contact your physician or counselor, who would be asked only the following single question: “Does the candidate have a diagnosis or treatment that could impair his/her judgment or reliability, particularly in the context of safeguarding classified national security information or special nuclear information or material? If so, please describe the nature of the condition and the extent and duration of the impairment or treatment.” If the clinician’s answer is “no”, no further information is required. DOJ will not review a candidate’s medical records, and will not ask about legally prescribed drugs.

Once again, if you have concerns about these or other issues in the early stages of your application, you should speak to an OPIA adviser. We will keep your concerns in strict confidence, and can seek additional information for you if necessary. Once you have an offer from DOJ, if you still have a concern, you can also choose to call the Office of Attorney Recruitment and Management anonymously at 202-514-8400 and ask to speak to a background investigation attorney. Simply identify yourself as a law student or graduate with an offer, and run your concerns by the BI attorney; they will do their best to assess whether you need to be concerned, and if there is anything you should do to mitigate the situation.

A Note about Citizenship and Residency

Only U.S. citizens are eligible for internships with the Executive Office for Immigration Review, the U.S. Trustee's Offices, and the Federal Bureau of Investigation. Positions at U.S. Attorneys' Offices are restricted to U.S. citizens and individuals who owe permanent allegiance to the United States (currently, natives of American Samoa, Swains Island, and certain inhabitants of the Commonwealth of the Northern Mariana Islands). Non-U.S. citizens may apply for volunteer internships with other Justice components, but such appointments are extremely rare; an appointment would be possible only if necessary to accomplish the Department's mission and would be subject to strict security requirements. As a result, as a practical matter, DOJ virtually never hires non-citizens as volunteer interns.

Dual citizens of the U.S. and another country may apply, and will be considered on a case-by-case basis. As discussed above, some dual citizens may also be asked to fill out additional paperwork as part of the security clearance process.

Again, as discussed above, the DOJ residency requirement applies to volunteers. If you have lived outside of the U.S. for two or more of the past five years (cumulatively) counting back from when you would start work at DOJ, you will almost certainly not be cleared. Federal or military employees and their dependents are exempted from this rule (though Peace Corps volunteers are NOT exempt), and miscellaneous vacations abroad, unless they add up to a significant chunk of time, are generally not counted.

A Note about Diversity and Disability

Note that there are now disability “points of contact” within all the components at DOJ. If you have any questions about disabilities and working at DOJ, you can [reach out to the disability “points of contact” directly](#).

There is also a [diversity ambassador program](#), with specific DOJ attorneys assigned to HLS. You should feel free to reach out to any of these ambassadors with any questions as well (not just those assigned to HLS, and not just questions related to diversity.)

Further Information

If, after reviewing this Guide and DOJ’s website you need additional assistance from DOJ, you can call during business hours (8:00 a.m. to 4:30 p.m. eastern time): (202) 514-3397. Individuals with disabilities or needing special accommodations can leave a voice mail message at (202) 514-1175. The TDD number is (202) 616-2113.

URL Addresses of Hyperlinks Used in This Document

- 94 US Attorneys' Offices: <https://www.justice.gov/usao/find-your-united-states-attorney>
- 59 immigration courts nationally: <https://www.justice.gov/eoir/eoir-immigration-court-listing>
- 21 regional US Trustees: <https://www.justice.gov/ust/us-trustee-regions-and-offices>
- Field offices of some DOJ Divisions: chrome-extension://efaidnbmnnnibpcajpcgglefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.justice.gov%2Farmor%2Fimages%2Ffieldoffice.pdf&clen=27650&chunk=true
- OPIA's Department of Justice SLIP and Honors Program Application Guide: https://hls.harvard.edu/secure-login?redirect_to=https%3A%2F%2Fhls.harvard.edu%2Fmedia%2F56712%2F292d364bb3aff1f2a11939b3aac91858%2Ffile
- The Office of Attorney Recruitment and Management section of the DOJ website's Volunteer Legal Internships page: <https://www.justice.gov/legal-careers/volunteer-legal-internships>
- SLIP salaries: <https://www.justice.gov/legal-careers/salary-promotion-benefits>
- DOJ organizational chart: <https://www.justice.gov/agencies/chart>
- Full list of US Attorney's Offices: <https://www.justice.gov/usao/us-attorneys-listing>
- "Volunteer Legal Internships" page of the DOJ website: <https://www.justice.gov/legal-careers/volunteer-internship-opportunities>
- Table of volunteer opportunities: <https://www.justice.gov/legal-careers/volunteer-internship-opportunities>
- The Fast Track to a US Attorney's Office: chrome-extension://efaidnbmnnnibpcajpcgglefindmkaj/viewer.html?pdfurl=http%3A%2F%2Fhls.harvard.edu%2Fcontent%2Fuploads%2F2008%2F06%2Ffast-track-final.pdf&clen=406173&chunk=true
- Public interest organizations database in Helios: <https://www.pin1.harvard.edu/cas/login?service=https%3A%2F%2Fhelios.law.harvard.edu%2FLogin.aspx%3Fc%3Dhkeylogin>
- Who Worked Where lists: <https://hls.harvard.edu/careers/networking/who-worked-where/#hlsnav-about>
- Volunteer Legal Internships webpage: <https://www.justice.gov/legal-careers/volunteer-legal-internships>
- Table of volunteer opportunities: <https://www.justice.gov/legal-careers/volunteer-internship-opportunities>
- DOJ Conditions of Employment webpage regarding Veterans' Preference Eligibility: <https://www.justice.gov/legal-careers/conditions-employment#veterans>
- The Heyman Fellowship Program website: <https://hls.harvard.edu/dept/opia/fellowships/heyman-fellowship-program/>
- From OPIA's homepage: <https://hls.harvard.edu/dept/opia/>
- Gateway to PI Jobs: Fellowships: <https://hls.harvard.edu/dept/opia/fellowships/>
- Current and Past Heyman Fellows: <https://hls.harvard.edu/dept/opia/fellowships/heyman-fellowship-program/current-past-heyman-fellows/>
- Amicus: <https://amicus.law.harvard.edu/>
- DOJ's OIG and OPR Report: <https://www.justice.gov/opr/page/file/1206586/download>

- Standard Forms: <https://www.opm.gov/forms/standard-forms/>
- OPM memorandum on assessing suitability on the basis of marijuana use: <https://www.chcoc.gov/content/assessing-suitabilityfitness-applicants-or-appointees-basis-marijuana-use-maintaining-drug>
- Volunteer interns conditions of employment page: <https://www.justice.gov/legal-careers/conditions-employment>
- Reach out to the disability points of contact directly: <https://www.justice.gov/legal-careers/disability-points-contact>
- DOJ law school ambassadors: <https://www.justice.gov/legal-careers/ambassadors>