Prosecution Clinic Offers Students Glimpse Inside Criminal Justice System

By Judy Gielniak

We all know that many of the scenes in our favorite prosecutorial television programs are over-dramatized. But, what do we know about the real work and issues that criminal prosecutors face?

It’s true that prosecutors have an immense responsibility within the criminal justice system, our local communities, and society as a whole. They are confronted with the serious task of deciding whether a case should be prosecuted or dropped for lack of evidence. Prosecutors make these decisions with the understanding that the outcome will touch many lives.

Fortunately, Stanford Law School students are given the opportunity—through the Criminal Prosecution Clinic—to delve into the reality and value of this work under the guidance of George Fisher, the Judge John Crown Professor of Law, and supervising attorneys at the Santa Clara County District Attorney’s Office.

The Clinic is structured to work in conjunction with the Santa Clara County District Attorney’s Office, which assigns cases to the six Stanford Law School students enrolled in the clinic and helps supervise their work. Assigned cases commonly involve drug issues, thefts, and assaults, among others. Within these matters, students work on pre-trial tasks that frequently include motions to suppress and motions to dismiss.

Motions to suppress, in particular, provide regular courtroom experience, in that students present prosecution witnesses, cross-examine defense witnesses, and prepare objections to evidence offered by defense counsel.

Former Clinic student Suzanne Bratist '05 comments, “Preparing for oral arguments not only gave us the opportunity to gain a substantive view of the issues within a prosecutor’s caseload, it also helped us learn how to hone cases down to their key points and present our analyses succinctly and clearly. The small size of the clinic gave us each a chance to be on our feet a great deal and afforded us the benefit of learning from each other.”

Another former Clinic student Mario Moya ’05 weighs in with his thoughts, “George Fisher’s in-class exercises and weekly one-on-one trial preparation sessions are great exercises—continued on page 5—

SLS Salutes Professor Michael Wald

Michael Wald, the Jackson Eli Reynolds Professor of Law, smiles as he listens to former students talk about the impact he has had on their lives.

Story on Page 4
Welcome Reception on Sept. 6
The Center will hold a welcome reception on September 6 at 5 p.m. in Crocker Garden. Alumni, faculty, and students are urged to attend to welcome first-year students into the public interest community. Please RSVP with Lynda Johnston at lyndaj@stanford.edu.

Faculty Panel to Forecast Next Supreme Court Term
On September 25, Professor Larry Marshall, the David and Stephanie Mills Director of Clinical Education and Associate Dean for Clinical Education and Public Service, will moderate a lunchtime panel consisting of Kathleen Sullivan, the Stanley Morrison Professor of Law, director of the Stanford Constitutional Law Center and former dean, assistant professor of law Jenny Martinez, and newly appointed Supreme Court Litigation Clinic co-director Jeff Fisher to discuss important cases that will come before the Supreme Court this year and comment upon the changes they have seen with the new composition of the Court.

Public Service Awards to be Presented in late October
For the first time, Stanford Law School will present a National Public Service Award as well as an Alumni Public Service Award. Our first honorees will be William P. Quigley, the Janet Mary Riley Distinguished Professor of Law and Director of the Law Clinic and Gillis Long Poverty Law Center of Loyola University New Orleans Law School as well as Christa Gannon ’97, the founding and executive director of Fresh Lifelines for Youth (FLY).

New Assistant Joins the Center
Lynda Johnston, the legal assistant for the Cyberlaw and the Environmental Clinics, has replaced Judy Gielniak as the Center’s Legal Assistant. Gielniak is now the Administrative Manager for the clinics.

There is yet more growth and change for public interest at Stanford to report. As you may have noticed, our small program has become the Center for Public Service and Public Interest Law. Our new Center is the organizing force behind a number of new initiatives that will create expanded curricular offerings as well as develop stronger ties to practitioners and the community. We’ve also added a new, full-time staff position so that our Pro Bono Program has dedicated student supports and more resources. You can “meet” our new program director, Jennifer Fan, on page 7, who brings a wealth and breadth of experience in the private as well as non-profit sectors to round out our staff expertise.

The expanded resources and staff of the Center reflect the law school’s commitment to ensuring that every student at the law school understands that public service is part of becoming a professional in the legal field. By increasing pro bono and other service learning opportunities, the Center’s goal is to work with every law student at the school.

While we will continue to operate all of the programs you expect of us—externships, summer funding, public service awards, and the like—you should also be on the lookout for expanded trainings, more substantive programming, and a summer conference for new public interest practitioners in the coming years.

So—welcome back to returning students and welcome to the Class of 2009. Anna, Jennifer, Lynda, and I look forward to working with all of you this coming year—a year which promises to be among the best for public service at Stanford Law School.

Best,
Diane T. Chin

This newsletter is designed and produced by the staff of the Center for Public Service and Public Interest Law. Unless specifically noted, all articles are written by staff.

The Center’s staff consists of three full-time and two part-time staff. Diane T. Chin directs the Center, Anna Wang serves as the associate director, Jennifer Fan directs the Pro Bono Program, Lynda Johnston is the legal assistant, and Megan Lawson (BA ’07) is the program assistant. Jennifer Chang also contributed to the content this issue.

To receive the newsletter by e-mail, please write to majordomo@lists.stanford.edu with the command “subscribe create_change” in the body. If you have any problems subscribing to the list, please write to public.interest@law.stanford.edu.

Create Change is published quarterly via e-mail and past issues are available at http://publicinterestlaw.stanford.edu. Articles, letters, and photos are welcome. Please send them to: Create Change, c/o CPSIL, Stanford Law School, Crown Quadrangle, 559 Nathan Abbott Way, Stanford, CA 94305-8610.
Spaulding ’97 Returns to Stanford to Teach

Last year, after having established himself as a nationally recognized scholar in the area of professional responsibility and the history of the legal profession, Professor Norman Spaulding ’97, the John A. Wilson Distinguished Faculty Scholar, accepted an offer from his alma mater to join the faculty.

In the same halls where he once roamed as a student, working on both the Stanford Law Review and the Stanford Environmental Law Journal and serving as an officer of the Black Law Students Association, Spaulding now teaches civil procedure, professional responsibility, and remedies.

Only a small percentage of lawyers go on to become legal scholars, and an even smaller percentage return to their alma mater. Spaulding’s quick ascent into this rarefied world is likely due to his impressive credentials.

Upon graduating law school, Spaulding spent a year doing environmental litigation at Skadden Arps before serving in judicial clerkships with Judge Betty Fletcher of the U.S. Court of Appeals for the Ninth Circuit and Judge Thelton E. Henderson of the U.S. District Court for the Northern District of California.

From there, he began his teaching career at the University of California at Berkeley School of Law (Boalt Hall), where he was a tenured professor and taught for four years until Stanford invited him back.

Spaulding’s journey to become a legal scholar began at a very young age. Born to a Caucasian mother from New England and an African American father from Chicago who were married one year after Loving v. Virginia (which held that outlawing interracial marriages was unconstitutional), Spaulding saw first-hand the injustices and racial prejudices of our nation.

He explains, “Seeing my parents deal with discrimination and thinking about the fact that their marriage might have been illegal made me deeply conscious of the way the law can reach into your home.”

It was this curiosity that sparked Spaulding’s desire to understand law, for it played such a major role in his life.

When asked if there was any professor that significantly impacted his life, Spaulding does not hesitate to mention his criminal procedure professor and inspiration, Barbara Babcock, the Judge John Crown Professor of Law, Emerita. It was through Babcock’s example that Spaulding decided to become a professor.

“When I teach, I think of her style: Caring for students, and how she relates gender, class, and race to issues of law.” Indeed, Babcock demonstrated to him how a teacher can greatly affect her students outside of the classroom. When Spaulding’s father passed away in his third year, he had to take on the task of taking care of his family, both physically and financially. He contemplated dropping out, but first turned to Babcock for advice. She encouraged him to stick it out and helped him land his clerkships—in his words, “She got me through law school.”

When reflecting on his own teaching career, Spaulding emphasizes, “If I could do anything in my career even close to [Babcock], that would make me happy.”

Spencer Jones ’07 would say Spaulding is well on his way to matching Babcock’s legacy. Jones is the Public Interest Fellow who worked with Spaulding in mentoring first-year law students through the Public Interest Faculty Mentor Program this past school year.

Jones states, “Professor Spaulding’s enthusiasm for the law, as well as his passion for working with students, made him an ideal public interest mentor. He was always available to help chart my course through law school—from having several of us over to his house for dinner, to suggesting an impromptu one-on-one lunch to discuss clerkship strategy, to being available for periodic office visits just to check-in.”

Spaulding truly enjoys his role as a professor and mentor. “Seeing students make the transition from undergrads to professionals is the most rewarding aspect of being a professor,” according to Spaulding. “Law is one of the most important, if not the most important, professions in the country because of the social power lawyers have. Strong training is critical.”

When asked for his advice to students of color who wish to advance in a profession that is not diverse, Spaulding encourages them to first resist the feeling of alienation (especially in the first year) that can creep in when you study and practice law, and also to use the law to uncover your own strengths and weaknesses.

For those students seeking public interest careers, he advises, “The market for paid [public interest] work is probably as competitive as it’s ever been. Do not assume that your values alone will carry you into a job. You need a passion for justice, but that is not enough. You must put yourself in the most competitive position possible.”
On May 4, the Center for Public Service and Public Interest Law hosted a Celebration of Michael Wald, the Jackson Eli Reynolds Professor of Law, in honor of his shift into emeritus status at the law school.

Faculty members, deans, students, staff, and alumni from as far away as New Jersey and Washington, DC, joined in a heart-felt commemoration of the work of Wald, who joined the Stanford faculty in 1967, directly after graduating from Yale Law School.

Bill Koski, the Eric & Nancy Wright Professor of Clinical Education, charmingly emceed a program that featured speakers representing almost every decade of Wald’s life at Stanford Law School. Judge Thelton Henderson opened the program with tales of coming to the law school in the 1970s to find a ready ally in Wald to move forward in his assignment to help the law school diversify.

Lauren Brady ’06, Liz Steyer ’86, Maya Harris ’92, LaDoris Cordell ’74, and Michael Waitzkin ’74 relayed a theme through personal stories: how Wald worked as diligently with students to teach them how to care as to teach them how to think.

The program ended with a toast from Center Director Diane Chin, asking those present to raise a glass, or “perhaps more appropriately, a fist,” in honor of a man who “shows us what we can be and models for us what we should be.”

In May, Wald was also presented Stanford University’s highest award for public service—the Miriam Aaron Roland Volunteer Service Prize.
Clinic Challenges Students to Question Assumptions

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in practical litigation training. It was phenomenal preparation for the bar exam and beyond.”

In addition to substantial courtroom experience, Clinic students work on a wide array of cases, including some on progressive constitutional issues.

Former clinic student David Lieberman ’06 states, “We worked on a variety of criminal cases (like homicides, guns, drugs, prostitution, theft, and insurance fraud) and in all types of proceedings (preliminary hearings, Fourth Amendment suppression hearings, motions to dismiss, bail revocation proceedings, motions in limine to exclude expert witnesses, responses to state habeas petitions, and amicus briefs to the California Supreme Court). The work was fast-paced and never dull.”

Lieberman adds, “The prosecution clinic was one of my most valuable experiences at Stanford Law School. The clinic provided a balance between practical skills development and academic inquiry into the major ethical issues related to our criminal justice system and the prosecutor’s role.”

Moya agrees, “The clinic was definitely the high point of my law school career. Each assignment was a new learning experience. I had excellent supervision at the DA’s office and Professor Fisher was an invaluable resource while preparing for my court appearances.”

Students generally spend 25 hours per week in the Clinic, which includes a seminar led by Fisher, two days of work in the Santa Clara County D.A.’s office, and one individual meeting per week with Fisher.

As part of their case work, students visit crime scenes, crime labs, and police departments. To facilitate a more well-rounded experience, they are also given the opportunity to ride along with police officers for a look at the day-to-day operations of the police force, as well as to visit San Quentin State Prison to gain insight into the operation of the correctional system.

Although the nature of the cases is presumably a challenge for some stu-

dents, one of the biggest hurdles Fisher believes Clinic students face is struggling with issues and laws that may not fall in line with their personal beliefs, such as the propriety of the “Three Strikes law” or laws concerning the registration of sex offenders. However, students are always given the option not to advocate a particular position.

Lieberman explains, “The clinic was a very safe environment, one that allowed us to test our predispositions and assumptions about the criminal justice system. No one was ever forced to argue a position or pursue a case that they vehemently disagreed with.”

There is no doubt that the Clinic is successful on many fronts, but Fisher is sensitive to the use of terms such as “win” and “loss” when applied to the prosecution of cases. Rather, he feels success is determined by the ultimate decision rendered. He points out, “One may lose on the face of things, but if the right decision has been made, it’s not thought of as a loss.”

Certainly, Fisher’s sensitive and skillful guidance is greatly appreciated by his students and has made him one of the most admired faculty members. Not surprisingly, he has twice earned the John Bingham Hurlbut Award for Excellence in Teaching.

Moya remarks, “Not only is [Fisher] deeply enthused about teaching, he is absolutely devoted to mentoring his students. He actively encourages his students to contact him should they ever need anything—career advice, ethical guidance, or any other assistance—and many do. In fact, it is not rare for his former students to contact him years after they have left SLS. Professor Fisher truly is a paradigm of excellence in teaching.”

Fisher’s career in teaching began in the early 1990’s after several years working as a prosecutor for the DA’s Office in Middlesex County, Massachusetts and later as an Assistant Attorney General in the Massachusetts Attorney General’s Office. At the DA’s office, he prosecuted a variety of violent and non-violent street crimes working alongside police officers. As an Assistant Attorney General, Fisher gained a different perspective handling civil rights actions arising from alleged police officer misconduct.

The years Fisher spent prosecuting cases provided an invaluable educational experience that he looked forward to sharing with the next generation of lawyers. With the help of Margo Smith, a long time prosecutor with the Santa Clara County DA’s office, he began the Criminal Prosecution Clinic.

Fisher considers his present work extremely rewarding. He feels one of the more important educational concepts students can take away from their experiences in the Clinic is how to act morally with power.

He explains, “Prosecutors have a lot of power and discretion over real people who may or may not be guilty. Prosecutors are the system’s front line of defense against wrongful convictions.”

Fisher continues, “A judge or jury ultimately decides the case, but the prosecutor has a chance to reflect quietly on the evidence, investigate, and form some opinion about what happened. If the evidence to convict simply isn’t there—or wasn’t gotten legally—the prosecutor can drop the case before it ever reaches a judge or jury.”

Clearly, through his work in the Criminal Prosecution Clinic, Professor George Fisher continues to help students gain a sense of what it means to use their power, intellect, and compassion in the way our judicial system has always intended.
Students Apply Legal Skills to Serve Public

Students ventured all across the country and around the globe this summer to pursue legal internships where they could apply their legal skills to serve the public.

Read about the breadth of work accomplished with the generous support of $5,000 grants from the Stanford Public Interest Law Foundation and Stanford Law School.

Alan Bakowski '08 worked in the Santa Clara County Counsel’s Office, which handles all civil matters for the County and provides counsel for the Board of Supervisors and county agencies. “My projects included working on emergency preparedness plans, election procedures, airport regulations, and civil rights litigation.”

Ruth Barnes '07 was in London working for Article 19, a non-profit focused on the right to freedom of expression, opinion, and information as codified in Article 19 of the International Covenant on Civil and Political Rights. “My largest project was conducting a global overview of counter terrorism legislation and the right to freedom of expression. I could not have had a better summer and I will go back to Stanford with a greater understanding of human rights and of how powerful and persuasive international human rights law can be.”

Kristin Burford '08 spent her summer at NRDC’s San Francisco office focusing on policies to promote sustainable energy and reduce greenhouse gas emissions in California. “Awareness of climate change is growing rapidly, along with the sense of urgency that we need to act. Spending a summer with the dedicated and talented NRDC staff working on climate change issues in California has been a phenomenal learning experience.”

Molly Clafin '08 was in Los Angeles where she worked at the American Civil Liberties Union of Southern California. “This summer, I was lucky enough to work on the domestic surveillance case against California telephone companies. It was so exciting to be a part of something so important, and so timely, that affects everyone I know. That’s the beauty of the ACLU cases—they impact not just one individual, but all of society.”

Bianca Garcia '08 spent her summer with Legal Services for Children, which is dedicated to advancing the rights of youth by providing direct legal representation and social work services. Bianca assisted attorneys with various cases involving education, dependency, immigration, emancipation, and guardianship. “I also gave a community presentation on language access issues in late July.”

Luke Itano '08 worked for the U.S. Attorney’s Office’s Criminal Division in San Jose. Under the supervision of an Assistant U.S. Attorney, he prosecuted his own caseload of misdemeanor federal offenses and assisted attorneys with legal research, writing pleadings and appellate briefs, and trial preparation. “The Computer Hacking & Intellectual Property (CHIP) Unit is based in this office and allowed me to work on cutting edge legal issues relating to computer crime and intellectual property.”

Megan Karsh '08 worked with the Special Trials Unit and the Felony Division of the Santa Clara County Public Defender, assisting the attorneys in preparing the defense for a capital murder trial. Her work included preparing a homicide cold-case for trial, writing Romero and speedy trial motions, rewriting habeas petitions in light of recent Crawford decisions, assisting a Deputy P.D. in a month-long felony trial, conducting legal research and supervising two college interns.

Jonathan Lee '08 spent his summer with the Office of the United States Trade Representative (USTR) in their World Trade Organization (WTO) and multilateral affairs division. “While with USTR, I witnessed a critical phase of the Doha Round of WTO negotiations and sat in on negotiations for the U.S.-Malaysia free trade agreement. I worked on trade issues in a variety of areas, including trade liberalization and development, trade preferences for least-developed countries, fisheries subsidies, and WTO trade policy reviews. In all, I got an up-close sense of how U.S. trade policy is made and how USTR coordinates the federal government’s interagency process on trade issues.”

Kavita Narayan '08 spent her summer with the Legal Aid Society of San Mateo County. “My long-term summer project was to research and ‘become the office expert’ on language access issues in the public benefits system. I focused on what state and federal laws require from county welfare and healthcare providers in terms of services for limited English proficient populations, and what remedies are available to compel the providers to comply with the law when they fail to provide such services.”

—continued on page 7—
**New Director of Pro Bono Program Named**

The newly created position of Director of the Pro Bono Program has been filled by Jennifer Fan (BA ’95, with distinction), an attorney with a strong background perfectly suited for this challenge.

Fan explains, “Fortunately, while my position is a new one, I am by no means starting from scratch. Stanford’s commitment to pro bono work is already evident from its strong clinical education program and relationships with various non-profit organizations. My challenge will be to help students to best leverage the opportunities already available within Stanford Law School and strive to make each pro bono opportunity rewarding so that students will want to incorporate pro bono work as part of their practice or make it their career.”

First on her plate is getting to know students and their interests. She states, “1Ls, 2Ls and 3Ls have different goals and I would like to encourage more pro bono work particularly in the last two years at law school where I understand there is decreased involvement.”

Prior to accepting this position, Fan was a senior associate at Wilson, Sonsini, Goodrich & Rosati, where she made pro bono work a significant part of her corporate securities practice. “[Pro bono work] gave me valuable experience in interacting with clients at a very early stage in my career which ultimately helped me to better serve my private sector clients as well. Most recently, I incorporated and completed 501(c)(3) applications for non-profit corporations. I also led the merger of two organizations focused on assisting the homeless.”

Fan has also worked in development for Stanford University, served as vice president and director of legal affairs at the Asian Pacific Fund, and was a corporate associate in New York and California after graduating from the University of Pennsylvania Law School in 1998.

She adds, “This position appealed to me because it combines my various interests in the law, public interest, student advising and community outreach. I believe that I have a unique opportunity to expose students to pro bono opportunities and encourage them to contribute to the causes that they are passionate about. Hopefully, pro bono work can become a lifelong commitment for future generations of Stanford-trained attorneys.”

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**Tom Nosewicz ‘08** worked at UNITY For Greater New Orleans, an umbrella organization for different homeless groups that, since Katrina, has adopted the goal to bring back all residents of New Orleans, no matter their economic status. “I was extremely happy to be back home in New Orleans after Hurricane Katrina. The work was both overwhelming and inspiring. In particular, I worked on creating model leases for long-term housing for the homeless and analyzing and making recommendations to update New Orleans’s (woefully inadequate) evacuation plan for low-income, homeless and disabled residents.”

**Jon Novotny, ‘08** was at the U.S. Department of Justice, Criminal Division, Computer Crime and Intellectual Property Section in Washington, DC. “I have drafted legal memos on a variety of cybercrime issues, including the applicability of the Fourth Amendment to computer searches and methods for prosecuting network-based computer intrusions.”

**Craig Segall ‘07** worked in Bozeman, Montana for Earthjustice, where he aided a national public interest environmental law group in protecting the Northern Rockies and the planet.

**Steve Siger ‘08** worked with the ACLU National Prison Project in Washington, DC, which brings class action lawsuits on behalf of prisoners, challenging unconstitutional conditions of confinement. The National Prison Project does not contest underlying controversies, but instead works to ensure that our nation’s jails and prisons meet constitutional standards. “While working there, I traveled to the Delaware Correctional Center to interview prisoners complaining of inadequate medical care, helped with research for a Supreme Court amicus brief, and assisted in the filing of various other court motions.”

**Jessica Townsend ‘08** was in Denver, Colorado working for Earthjustice. “I am fortunate to have spent my summer in their Denver office contributing to these important cases, primarily by conducting legal research relevant to their current docket. It was great to be around such a passionate group of people and this opportunity has really helped me connect with the issues that brought me to law school.”

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**ALL PHOTOS COURTESY OF RESPECTIVE STUDENTS**
### SEPTEMBER

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<td>Wednesday, Sept. 6</td>
<td>Public Interest Welcome Reception</td>
<td>5 p.m.</td>
<td>Crocker Garden</td>
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<td>Thursday, Sept. 7</td>
<td>U.S. Department of Justice Honors Program Presentation</td>
<td>12:30 p.m.</td>
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<td>Public Interest &amp; the Law Firm Experience</td>
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<td>Brown Bag Lunch with Christopher Hornig '79</td>
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<td>Loan Repayment Assistance Program Q&amp;A</td>
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<td>Thursday, Sept. 14</td>
<td>Public Interest Career Planning for 2Ls</td>
<td>12:45 p.m.</td>
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<td>Financial Management &amp; Budgeting for Public Interest 1Ls</td>
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<td>Monday, Sept. 25</td>
<td>Supreme Court Discussion Panel</td>
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<td>Externship Informational Workshop</td>
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<td>Wednesday, Oct. 4</td>
<td>Public Interest Career Options Panel</td>
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<td>Thursday, Oct. 5</td>
<td>Public Sector Career Options Panel</td>
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<td>Wednesday, Oct. 11</td>
<td>Public International Law Career Options Panel</td>
<td>12:45 p.m.</td>
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<td>Thursday, Oct. 19</td>
<td>Environmental Law Career Options Panel</td>
<td>12:45 p.m.</td>
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<td>Wednesday, Oct. 18</td>
<td>D.C. Public Interest Alumni Reception</td>
<td>(Washington, D.C.)</td>
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<td>Wednesday, Oct. 25</td>
<td>Criminal Law Career Options Panel</td>
<td>12:45 p.m.</td>
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<td>Oct. 27 - Oct. 28</td>
<td>Shaking the Foundations Conference</td>
<td>12:45 p.m.</td>
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<td>To Be Announced</td>
<td>National Public Service Award Dinner</td>
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<td>Nov. 1 &amp; 2</td>
<td>1L Public Interest Job Search Workshops</td>
<td>12:45 p.m. and 4 p.m.</td>
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<td>Wednesday, Nov. 9</td>
<td>PI Interviewing Skills</td>
<td>12:45 p.m.</td>
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<td>Nov. 28 - Dec. 9</td>
<td>Mock Interviews for 1Ls</td>
<td>3:00-6:00 p.m.</td>
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