2015-2016 Federal Legal Employment Guide (FLEG)


The 2015-16 Federal Legal Employment Guide is a publication of NALP and PSJD.

NOTE: In addition to content offered in the Guide, NALP offers expanded content and resources on PSJD's Government Careers page: http://www.psjd.org/Public_Sector_Career_Paths.

Sections

Part One: Why Work for the United States Government?

Part Two: Types of Practice for Lawyers in the Federal Government.

Part Three: Where Are the Federal Government Jobs and What are the Avenues to Apply for them?

Part Four: Search Resources For Federal Government Jobs.

Part Five: Compensation and LRAP.

Part One: Why Work for the United States Government?

Federal employment offers significant responsibility early in one's career, intellectually challenging work, and unique opportunities to serve the public good in any number of capacities. In addition, the federal government offers some of the highest attorney salaries in the public sector and wonderful work/life benefits, including reasonable and flexible work hours. Government lawyers work on everything from constitutional issues to coal mine safety regulation. Also, they work in all three branches of government, although most are employed in the executive branch.

Reasons to consider federal employment:

- From Constitutional Law to Coal Mine Regulation – There is an enormous variety of legal work to be done in the federal government. Attorneys work in all three branches of government in numerous capacities, including litigating civil and criminal cases, counseling lawmakers, drafting statutes and regulations, issuing administrative legal opinions, and much more. Remember, also, that "attorney" is not the only job type to look for. Other legal specialties include hearings and appeals, contract representation, claims assistance, law examining, administrative law judges, investigators, and more.
- Immediate Responsibility - Attorneys working for the federal government develop key leadership skills quickly as a result of managing their own caseloads and other significant immediate responsibilities.
- Where in the World? - 85% of federal jobs are located outside of the Washington, DC area, and almost 50,000 federal employees work outside the United States.
- Lighten the Debt Load – Many federal agencies have their own loan repayment assistance programs. Learn more about federal student loan repayment programs at http://www.gogovernment.org/government_101/student_loan_repayment.php. Also note that the College Cost Reduction & Access Act can benefit attorneys working in the federal government. Learn more about the CCRAA on Equal Justice Works' Student Debt Relief page at http://www.equaljusticeworks.org/ed-debt.
- High-end Public Interest Pay – Federal jobs tend to pay better than jobs with nonprofit organizations. Starting salaries for entry-level federal attorneys are generally in the $50,000 range. From there, federal attorneys can move up the salary scale quickly.

Pick up more general information about federal government career opportunities at Go Government, a federal careers website operated jointly by the Office of Personnel Management and the Partnership for Public Service: http://gogovernment.org/.
Part Two: Types of Practice for Lawyers in the Federal Government

Branches of Government

All three branches of the federal government employ attorneys: the executive (the President and his or her administration), the legislative (the Senate and the House of Representatives), and the judicial. In addition, the federal government includes many independent agencies such as the National Labor Relations Board, the Federal Communications Commission, the Federal Reserve System and the Legal Services Corporation. Among the three branches and independent agencies, the executive branch and independent agencies employ the greatest number of attorneys. In March 2015, there were more than 107,000 employees with law-related positions in executive and independent agencies. In contrast, the number of attorney jobs in the legislature is smaller, as is the number of jobs with the judiciary. (For more information about working for Congress, see Capitol Hill in the Government Careers section of the Public Sector Career Paths on PSJD.

Practice Areas

When most law students think of being a lawyer, they think of litigation – filing and trying lawsuits in court. But lawyers in the federal government are just as likely to draft and interpret regulations, advise and counsel other federal employees, and shape policy.

• Litigation- There are several ways to litigate for the federal government.
  • If you know you want to litigate, consider the Department of Justice (DOJ). DOJ is the central agency for the enforcement of federal laws and consequently is the main litigating branch of the U.S. government. DOJ is composed of headquarters in DC and 93 U.S. Attorney's Offices throughout the country. The President appoints a United States Attorney to each of the 94 federal districts (Guam and the Northern Mariana Islands are separate districts but share a United States Attorney).
  • DOJ hires dozens of recent law graduates every year through the Attorney General's Honors Program (http://www.justice.gov/careers/entry-level-attorneys/).
  • Most honors positions are in DC, though a few are in other major cities throughout the country. Honors Attorneys work in various offices that range from Civil Rights to the Executive Office for Immigration Review.
  • In addition to DOJ, attorneys at many other federal agencies are also involved in litigation—and many also have honors programs. Congress granted over two dozen offices with independent litigating authority including the Department of Labor, Federal Energy Regulatory Commission, Office of the Solicitor and the Securities Exchange Commission, Division of Enforcement. Finally, the majority of agencies have "coordinate jurisdiction" with DOJ, meaning that DOJ attorneys initiate all lawsuits and handle any depositions and oral arguments, while the agency attorneys draft the legal papers and provide the subject-matter expertise.

• Regulatory—Regulatory lawyers are at the forefront of forming and enforcing new rules. Agencies such as the Food and Drug Administration (FDA), Environmental Protection Agency (EPA), Consumer Financial Protection Bureau (CFPB), and many others are considered regulatory agencies, because they are empowered to create and implement rules and regulations.

• Advisory—Some attorneys at DOJ do not litigate but instead provide advice and counsel; for example, attorneys in the Office of Legal Counsel and the Federal Bureau of Prisons rarely litigate and focus instead on providing analysis and advice. If you think you would enjoy working with clients to help them comply with the law, you should investigate "attorney advisor" or "counselor" positions. For example, lawyers at the Food and Drug Administration are divided into "counselors" and "litigators." The counselors work on congressional inquiries, Freedom of Information Act requests, rule-making and citizen petitions.

• Public Policy—Individuals who want to work in public policy should focus on positions in addition to traditional "attorney" positions. Agencies that are engaged in a lot of policy work include the Department of State, Department of Commerce, and Congressional Research Service.
  • An excellent point of entry to federal policy-making is the Presidential Management Fellows Program (PMF). The PMF Program is a two-year fellowship that places approximately 100 graduating graduate students (including J.D. 3Ls and LL.M.s) in public policy and management positions with executive agencies. Possible placements include the Department of Defense, the Department of Veterans Affairs, the Department of State, the Department of Housing and Urban Development, and many other agencies. Detailed information is available at the PMF website: www.pmf.gov.

Part Three: Where the Federal Government Jobs Are - Finding Jobs and Identifying the Avenues to Get to them

This section offers data on current federal attorney staffing and anticipated future hiring needs, reviews the most common points of entry to employment for attorneys and law students, and highlights opportunities for legal careers in the U.S. military.

Where the Jobs Are

There are approximately 100,000 employees working in the legal field in executive and independent agencies. Examples of these types of jobs include attorneys, law clerks, paralegal specialists and contract representatives. The following figures take account of individuals working in the United States, U.S. territories, foreign countries and unspecified locations; they include cabinet level agencies and large, medium and small independent agencies. At the cabinet level, the agencies that typically employ the most individuals in law-related positions are: Department of the Treasury, Department of Veterans Affairs, Department of Justice, Department of Defense,* and Department of Homeland Security.

There are approximately 36,000 general attorneys employed by the federal government in the United States, U.S. territories, foreign countries and unspecified locations; this figure includes cabinet level agencies and large, medium and small independent agencies. At the cabinet level, the agencies that typically employ the most attorneys are: Department of Justice, Department of Defense,* Department of the Treasury, Department of Homeland Security, and Department of Commerce.

*For purposes of categorization, we have combined all of the military branches—Department of the Air Force, Department of the Army, and Department of the Navy—with the Department of Defense employees.

Additional Notes: There is a wide variety of opportunities available for both attorneys and individuals with legal backgrounds at federal agencies across government. From the Federal Communications Commission to the Nuclear Regulatory Commission and every office in-between, the federal government is looking for attorneys and legal professionals, and it is important that you do your homework to determine which agencies best fit your interests and skill set before applying for positions. To learn more about various agencies, their missions and available positions, visit individual agency web sites, USA.gov, USAJOBS.gov, and http://gogovernment.org/.
Common Points of Entry for Students, Recent Graduates, and Experienced Attorneys

Student Internships

Just about every legal office in the federal government hosts summer interns and most host interns during the academic year as well. A terrific resource for finding these opportunities is the Government Honors & Internship Guide - http://www.law.arizona.edu/career/honorshandbook.cfm - published by the University of Arizona College Of Law, which highlights summer and entry-level opportunities at a number of agencies. Annual online subscriptions are available to law schools for distribution to their students and graduates. Law students and graduates should contact their career development offices for more information on this resource.

Through the Pathways Internship Program, students hired into internships can be eligible for conversion to permanent positions after the completion of 640 successful hours of service, although they are not entitled to conversion. Up to half of these hours can be waived for interns who demonstrate high potential as evidenced by high academic and on-the-job performance. Positions must be posted on USAJobs (www.usajobs.gov/StudentsAndGrads/), although the program continues to be administered by individual federal agencies.

Many federal offices hire paid interns as well as volunteers. For 1Ls, compensation for paid internships is generally based on the GS-7 scale, or approximately $6600 for ten weeks of work, while 2Ls are paid based on the GS-9 scale, or approximately $8100 for ten weeks of work. Compensation varies by agency.

Recent Law Graduates/Entry-Level Attorneys

There are three primary avenues through which recent law school graduates seek federal government employment:

- **Recent Graduates Program** - This new program is meant to streamline and add transparency to entry-level hiring. Students are eligible for the program for up to two years after receiving a degree. Agencies are required to post available Pathways Recent Graduates positions on www.usajobs.gov/StudentsAndGrads.
  - This program is also meant to help develop applicants into successful career civil servants. Successful applicants are placed into a 1-year developmental program of 40 hours of formal interactive training, orientation, and mentorship opportunities. With the completion of one year of service, employees are eligible for, but not entitled to, conversion into a permanent position or term-limited appointment. Current 3Ls should know that many agencies require applicants to have passed a bar exam, but some agencies will post opportunities for which graduating students are eligible. The successful applicant will have a specified time period in which to sit for and be admitted to a bar.

- **Honors Programs** - Many federal agencies hire new attorneys primarily (and sometimes solely) through an "Honors Program." Honors Programs are usually two-year commitments after which most or all participants convert to permanent federal employees. The most comprehensive resource for post-graduate Honors Programs is the Government Honors & Internship Guide - http://www.law.arizona.edu/career/honorshandbook.cfm. Your law school likely has a subscription to this resource. Please check with your career services office. Here are just some examples of federal Attorney Honors Programs:
  - Department of Justice Attorney General Honors Program: http://www.justice.gov/legal-careers/entry-level-attorneys
  - Federal Communications Committee: https://www.fcc.gov/encyclopedia/attorney-honors-program
  - The Presidential Management Fellows (PMF) Program - https://www.pmf.gov - is a competitive Pathways program that recruits masters, law, and doctoral-level graduating students who are interested in public service. Students are eligible to apply in their final year of graduate school or for up to two years after receiving their degree. Finalists for the program have one year to secure a PMF position with an agency.
  - This program also includes many developmental opportunities. All PMFs must complete an individual development plan along with 160 hours of interactive training over the course of two years. Many PMFs are also mentored by members of the Senior Executive Service.
  - There are opportunities to do legal work, but the positions are not attorney-advisor positions.

Graduates may also consider civil service jobs for which a law degree may be useful but not required, such as Hearings and Appeals Specialist, Labor Relations Specialist, Policy Analyst, Estate Tax Examiner, and others. See USAJobs for information on attorney positions as well as non-attorney legal positions.

Experienced Attorneys

USAJobs is a primary conduit for finding and applying for federal jobs - http://www.usajobs.gov - but information on federal attorney positions may be found elsewhere as well. More information on USAJobs and other resources is included in Part Five. In addition to attorney positions, experienced professionals may consider a position as an Administrative Law Judge (ALJ). Many agencies, including the Securities and Exchange Commission, the Social Security Administration, and the Department of Labor, hire attorneys with at least seven years experience for these positions. ALJs conduct hearings to resolve disputes between government agencies and persons affected by decisions of that agency. The Office of Personnel Management administers ALJ examinations.

Practicing Law in the Military

A military legal career offers immediate responsibility and exposure to a wide variety of law, from criminal to contract. The armed service branches' JAG Corps offer one popular avenue for military/legal service, either as an entry-level or experienced attorney:

- United States Army JAG Corps - http://www.goarmy.com/jag/about_army_jag_corps.jsp
- United States Coast Guard JAG Corps - http://www.uscg.mil/legal/

Part Four: Search Resources For Federal Government Jobs

USAJobs - http://www.usajobs.gov - As noted above, this is the official job site of the United States Government. You can complete a job search by job type,
location, salary, agency and other criteria. Job seekers can register with USAJobs, at no cost, and then post resumes online, apply to jobs directly through the website, and receive automated email alerts of recent job openings. For tips on searching the database, see: https://help.usajobs.gov/index.php/Tutorials. Note that while USAJobs is a valuable resource for attorney position announcements, in some cases federal agencies use streamlined procedures for hiring attorneys and should be contacted directly about potential opportunities. This is particularly true for the Department of Justice, which has a robust recruitment site - http://www.justice.gov/aarm/ - with attorney job listings.

- United States Government Policy and Supporting Positions Book - http://www.opm.gov/ges/facts_and_figures/plumbook.asp - This publication, commonly referred to as the Plum Book, is produced every four years, just after the presidential election. The Plum Book contains data on over 9,000 Federal jobs that are political appointee positions. If you find a position that interests you, apply directly through that agency.
- The University of Arizona Public Policy Handbook - http://www.law.arizona.edu/career/honorshandbook.cfm - This handbook provides application information and deadlines for federal, state and local honors programs and internships, including deadline tables arranged alphabetically by agency and by class year. The guide is geared to current students seeking summer employment and entry-level positions. Annual online subscriptions are available to law schools for distribution to their students and graduates. Law students and graduates should contact their career development offices for information on accessing this resource.
- The University of Arizona Public Policy Handbook - http://arizonahandbooks.com/u/loyola - This handbook is a web-based comprehensive listing of federal, state and advocacy organizations and agencies with internships and post-graduation positions for those with an interest and training in public policy administration and analysis.
- Working on Capitol Hill – For information on careers on Capitol Hill, see http://www.psjd.org/Capitol_Hill.

- Disability Employment - The Federal Government is actively recruiting and hiring persons with disabilities. To find out more about schedule A hiring, see www.opm.gov/policy-data-oversight/disability-employment/
- Veterans – For veterans seeking federal government employment there is the potential to receive veterans’ preference and/or be eligible for special hiring authorities. For more, see www.gogovernment.org/government_careers/veterans.php

**Part Five: Compensation and LRAP**

**Government Salaries**

Most white-collar federal jobs, including attorney positions, fall under the General Schedule (or GS) pay scale. On this scale, jobs are ranked according to level of responsibility and difficulty and are assigned corresponding grades. Grades start at GS1 and go up to GS15, and then into the Senior Executive Service (SES). As grades increase, salaries increase correspondingly. Within each grade level there are several steps, often as many as ten. Length of tenure in a position and job performance can bump employees up by steps within their grade; this will also lead to a salary increase.

Master’s level graduates usually enter at level GS-9 or higher, depending upon prior work experience. Special rules allow agencies to pay attorneys more, so law school graduates often start at GS-11 or higher, depending on whether the applicant is entering an Honors Program or has experience from a judicial clerkship. This generally means a starting salary somewhere between $50,000 and $75,000.

Why the wide range? The federal government has both base pay tables and “locality pay” tables. In metropolitan areas such as San Francisco or New York City, federal employees earn a higher salary to compensate for the higher cost of living, earning significantly more than base pay. Areas that do not have a locality pay formula are covered by the standard GS formula. The full 2015 General Schedule table and all locality pay tables can be found at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2015/general-schedule/.

While the GS serves as the salary scale for most federal attorneys, there are notable exceptions. Among the groups that do not follow the GS:

- Assistant United States Attorneys (AUSAs) are not compensated via the GS. Rather, they are compensated under an administratively determined (AD) pay scale authorized by Title 28 of the U.S. Code. (Other attorneys working for the Department of Justice are compensated via the GS. For more information on salaries, promotions, and benefits in the Department of Justice, see http://www.justice.gov/careers/legal-entry-salary.html.)
- Attorneys working for the Securities and Exchange Commission are paid separately from the GS as well. You may learn more at http://www.sec.gov/jobs/jobs_fulllist.shtml
- Administrative Law Judges (ALJs) are compensated according to the separate pay scale at Title 5 U.S. Code, Section 5372. More information about ALJ salaries is found at http://www.opm.gov/oca/pay/html/ALJPaySystem.asp.
- The Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Comptroller of the Currency, the Federal Housing Finance Board, the Farm Credit Administration, the Commodity Futures Trading Commission, and the Office of Thrift Supervision have independent pay scales as authorized by Title 12 U.S. Code, Section 1833b.

For certain hard-to-fill positions, departments and agencies may be able to offer a special pay rate that allows them to increase salaries for potential recruits. Examples of departments and agencies that use special pay rates include the Securities and Exchange Commission, Department of Justice, Internal Revenue Service (Office of Chief Counsel), Government Accountability Office, Department of Commerce, Department of Defense, the Army and Air Force JAG, Housing and Urban Development, and Health and Human Services.

**Federal Loan Repayment Assistance Program (LRAP)**

One of the biggest benefits of federal employment for recent law school graduates is student loan repayment assistance. Federal agencies are authorized to provide up to $10,000 in loan repayment assistance per year for federal loans with a total lifetime cap of $60,000 per employee. In exchange for each year that an employee accepts this benefit, she or he must commit to working for the federal government for an additional three years. If an employee accepts this benefit and leaves before this period expires, she or he must repay the full amount.

To learn more about the Federal Student Loan Repayment Program, visit opm.gov or contact human resources representatives at the federal agencies you are most interested in.

**College Cost Reduction & Access Act of 2007 (CCRAA)**
Federal legislation titled the College Cost Reduction & Access Act created the Income Based Repayment (IBR) repayment option AND established a loan forgiveness program for public service lawyers that will forgive eligible federal educational debt after a 120-month (10-year) period of repayment. The program is designed so that after paying via IBR for a period of time, a public service lawyer may be qualified to have the rest of his or her eligible loans forgiven.

- Income-Based Repayment - Through IBR, high debt/low income borrowers can significantly reduce their monthly payments if they can demonstrate “partial financial hardship,” as defined in the CCRAA statutory and regulatory language. It is essentially a calculation based on the amount of your eligible debt and your income. You do not have to be poverty-stricken to qualify for IBR, on the contrary, its provisions are generous.
- Public Service Loan Forgiveness – Borrowers working in a broadly-defined group of public service jobs may have qualified federal educational loans forgiven after a period of ten years (120 monthly payments) working in public service, provided that during that period they make monthly payments via the IBR Program (or through a combination of IBR and other payments).

For more information on CCRAA, visit these sites:

- Heather Jarvis, Student Loan Expert: http://www.askheatherjarvis.com

***

For more information on federal legal careers, visit PSJD’s Government Resources Page: http://www.psjd.org/Public_Sector_Career_Paths. Good luck!

Category: Public Sector Career Paths