



Government Jobs—The Ins and Outs, the Ups and Downs, and the Methods

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The government, at the federal, state, and local level, is in a constant state of change. New legislation can produce new programs and new legal responsibilities. Legal staffs may then be reorganized or augmented to meet these responsibilities. At the same time, priorities shift, financial resources are reallocated, agency responsibilities can diminish, and legal staffs may be reduced. Thus, while the basic outline of the government's legal establishment remains constant, elements of the substructure expand and contract in response to a broad range of political and public demands.

For attorneys interested in a government career, this continual change means that employment opportunities are constant and varied. Taken as a whole, the range of governmental legal responsibilities is so diverse that there is probably no legal specialty that remains unrepresented. For example, government attorneys may be experts in everything from state water law to national agricultural trade regulations to international space law. In addition, government attorneys engage in contemplative legal research as well as aggressive prosecution. Further, because the federal government hires more attorneys than any other employer in the United States and because state governments are often the largest employer of attorneys within a state, legal positions are always available.

Entry-level attorneys are recruited from law schools and experienced attorneys are recruited from the private sector and from other levels of government. Positions become available as staff attorneys retire, get promoted, or move laterally to another division or agency or to the private sector. This revolving-door aspect of attorneys migrating between the public and private sectors is a longstanding phenomenon, one, which continues to flourish because everyone concerned ultimately benefits.

Types of Government Employers

Federal Government

Federal attorneys deal with issues affecting the federal government or US citizens generally. For example, federal attorneys deal with issues such as government contracts, welfare reform, environmental protection, criminal justice, representation of the indigent, transportation policy, military policy, immigration and emigration, worker health and safety, and employment discrimination. Federal government attorneys might work for

- The Department of Justice
- The United States Attorney
- A federal agency (e.g., SEC, IRS, INS, FTC)
- A congressional committee, senator, or representative on Capitol Hill
- A federal judge

***State Government***

State government jobs are often substantively similar to federal jobs, but they deal with issues primarily affecting the state and its citizens instead of the United States. For example, state attorneys work with issues such as state government contracts, weapons laws, education, drug and alcohol enforcement, and state securities law. States often have agencies and departments that mirror federal agencies, such as a state environmental commission and a state department of transportation. Thus, state government attorneys might work for

- The state attorney general
- The state legislature
- State courts or judges
- State agencies

Local Government

Government jobs are also available on the county and city levels. City and county attorneys represent government agencies and provide legal advice to municipal agencies. They also generally perform transactional legal services in the areas of government contracts, real estate, and employment. Attorneys in this context may enforce municipal ordinances and may work in diverse areas such as education law, environmental law, zoning, labor negotiations, and civil rights. Employers may include

- City or county prosecutors
- Public defenders
- The city or county attorney's office

Tribal Government

An increasing number of federally recognized Indian tribes provide employment opportunities for attorneys who are dedicated to the cause of Native Americans. Attorneys who work for Indian tribes perform many of the same functions as attorneys in other levels of government, and often work in cooperation with state and federal government entities.

Advantages of Government Work

Probably the greatest advantage of a government legal career is that it offers an entry- or mid-level attorney a degree of responsibility generally not offered to private sector attorneys with similar work experience. Government attorneys participate directly in legal and policy actions that have an immediate impact on public and private interests. Their work is often reflected in the headlines of the media. Whether it is tax simplification, water law disputes, Wall Street scandals, education reform, international trade conflicts, the war on terrorism, illegal technology transfers, or immigration reform, government attorneys are on the front line—analyzing legal issues, framing remedial legislation, writing and implementing regulations, and handling litigation and enforcement actions.

In addition, because government lawyers are not competing for clients or attempting to make a



profit for their organization, they are free from the constant pressure to get new clients and to bill hours. This allows them to concentrate on solving legal issues rather than on wooing prospects. It also allows most government lawyers to work reasonable hours. An individual who wants to pursue outside interests will often find government practice more in tune with personal needs.

Government legal positions may also be very prestigious. Counsel for the US Attorneys Office or a state attorney general's office is often well respected among the legal community. (However, not all government positions carry this level of prestige and respect.)

Finally, government attorneys have the opportunity to specialize in a particular area of the law. Many attorneys use a government job as a stepping-stone into a career with a law firm or as corporate counsel. If this crossover advantage is appealing, keep in mind that specialization is valuable only if there is a similar area of specialization in the private sector. For example, government attorneys that specialize in areas such as banking, tax, securities, or environmental work will have less difficulty making a lateral move into private practice than will government attorneys specializing in nuclear weapons issues, international space issues, or railroad issues.

Disadvantages of Government Work

The pay scale is the largest disadvantage of government work. Most law school graduates that work for the government start at approximately \$42,000 a year; experienced attorneys who move to government positions often start at approximately \$54,000. If you are interested in a large paycheck and a cut of the partnership profits, government work is definitely not for you, unless you plan to move laterally to a law firm at a later date.

Another disadvantage is that a government attorney who plans to move to the private sector must often do so before practicing for too many years. It is often difficult to move with more than four or five years of government experience. However, most agencies and departments are not eager to expend resources training attorneys just to send them into private practice after two years. In order to retain attorneys after training, many agencies require that newly hired attorneys make a time commitment of three to four years. Some government agencies have new attorneys expressly agree to this time commitment, but most treat the commitment less formally, though not less seriously.

A third disadvantage of government work is that federal executive-level officials who have worked for a department or an agency may not appear before that department or agency for one year after leaving. For example, if an attorney leaves her job at the Equal Employment Opportunity Commission, she may not represent a client before the EEOC for one year. In addition, special conflicts of law rules apply to government employees. For instance, federal government employees may not represent people on matters that fell under their responsibility during their last year of government service. Some excellent lawyers who would otherwise be interested in government work do not take government jobs because they do not want to limit their post-government options.

Finally, some government jobs, especially high level jobs on Capitol Hill and leadership positions in



government agencies, may require a particular political affiliation. For instance, an appointment as White House legal counsel will depend on knowing politically connected people and having the same political affiliations as the current President. For those who do not enjoy networking or do not have strong political ties, seeking and keeping such a position may be frustrating.

Getting a Government Job

Federal Jobs

Most federal agencies and departments hire interns and new attorneys through either their general counsel's office or their personnel office. Most federal job applicants are required to fill out a voluminous multi-page application called an SF-171. Fortunately, several agencies and departments have replaced the SF-171 application with a simplified hiring process. In order to apply for a job under this simplified hiring process, an applicant needs to submit only a resume with all the necessary information. To protect against an incomplete resume, these agencies and departments suggest that an applicant include a cover letter and a two-page form called the OF-612 with the applicant's resume. Contact the agency or department to find out which application materials it requires. Having ties to a particular geographical area may be helpful in obtaining some jobs, particularly jobs on Capitol Hill. Some senators and representatives prefer to hire counsel from their home states. Chairs of congressional committees also may prefer to hire committee counsel from their home states.

State Government Jobs

The hiring process for positions in state government often seems like a maze of bureaucratic red tape. Unlike private employers, state agencies and departments have regulations governing how they must choose the most qualified applicant. Likewise, state personnel policies may embody other criteria (e.g., preference for veterans) that further impact the selection process. While at first glance the hiring procedures may seem confusing, the states generally follow one of four patterns for applications for legal positions. The basic patterns are listed below:

- Centralized listings and application process
- Direct agency recruitment
- A register of qualified applicants
- Attorney General selection

Each of these processes is used to fill attorney vacancies in some states. Only by being familiar with the pattern used by government agencies in your state can you be assured that your application will receive appropriate consideration.

States that utilize centralized listings and application processes generally require that application be made to the state personnel agency. Applications often must be for a specific advertised position (with application made within the vacancy period) and vacancy announcements may be requested from one source. This process has the advantage of centralizing all attorney positions in one location but requires the applicant to repeatedly check the vacancy listings for job openings.



The opposite of the centralized process is direct agency recruitment for attorney positions. In this case, each agency lists its own positions, establishes application requirements, and hires with little involvement by the state personnel agency. While this process has the advantage of less formality, it requires that the potential applicant contacts each agency to determine if there are, or are likely to be, any attorney vacancies.

The third hiring process often used by state governments is the establishment of a register of qualified applicants. In this process, applicants submit application materials to state personnel to have their qualifications examined for positions that may arise within state government. Generally, this examination process does not require any additional testing beyond the bar exam. Once the applicant's materials have been rated, the applicant will be placed on the register and referred to agencies with vacant positions for attorneys. In states utilizing this procedure, applicants must be hired from the register. For this reason, applicants are encouraged to regularly update their materials to achieve a higher ranking on the register.

The final pattern of state hiring is that of the Attorney General selection. In states using this method, the Attorney General is responsible for representation of all state agencies and all attorneys are hired as Assistant or Deputy Attorney Generals. Once hired, the Assistant Attorney General is assigned to represent a particular state agency.

County and City Jobs

Each county and city has its own hiring process. Contact the county or city personnel office, or the county or city attorney's office directly, for more information.