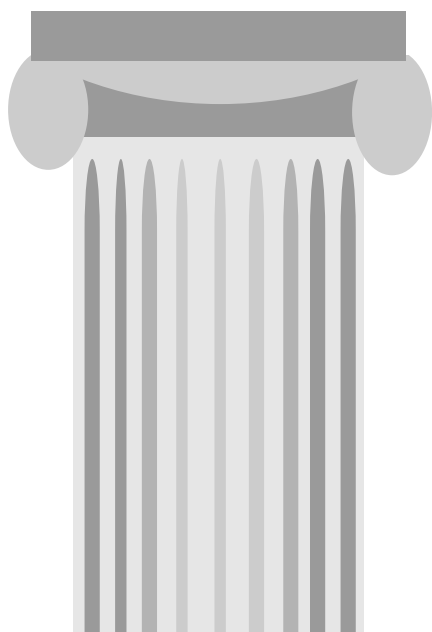


# Careers in State and Local Government



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# CHAPTER 1 INTRODUCTION

There are a wide range of exciting legal and non-legal positions available in state and local government. State and local government is a great place to get experience right out of law school, but there is also the opportunity to create a lasting, noteworthy career. This guide highlights numerous HLS graduates who have been influential and innovative in their state or local community and will introduce you to opportunities in state and local government, as well as provide information that can aid you in your job search.

## OVERVIEW

State governments oversee the provision of state services and manage many of the laws that affect state citizens. In general, state governments are responsible for ownership of property, education, implementation of welfare and other benefits programs, maintaining a justice system, setting up local governments, maintaining state highways, and regulating industry. Like the federal government, state government has three branches: executive, legislative, and judicial. Each state has its own constitution that describes the separation of powers between the branches. Local governments are also responsible for providing services which directly affect the lives of their residents. For example, local governments administer police and fire services; provide water, transportation systems, and some utilities; construct and maintain streets; look after health, recreational, and social needs; and oversee land use compatible with community economic, environmental, and cultural goals. Local government structure varies based on the laws of each individual state.

## WHY WORK IN STATE AND LOCAL GOVERNMENT?

### Impact

Working for the public interest in state and local government is rewarding. You will have the ability to see the results of your work first-hand. **Scott Bruner '92**, Director of the Department of Administrative Hearings for the City of Chicago, emphasizes that a career in state or local government truly gives you the opportunity to help people in your community and make a difference. "Working at the local level has been extremely rewarding. You see how policies directly affect people collectively and individually," Bruner explains. Especially in local government, but also in state government, you can speak with the people impacted by your work and see your projects realized. **Amanda Goad '05** of the New York City Law Department's Environmental Division writes, "Every time I sip tap water, visit a city park, or take out my recycling, I get to enjoy my clients' 'products.'"

"In state and local government, policy becomes projects. You will experience the impact of your policies on a daily basis. When you work in federal government, you don't feel that in the same way. The tangible results in state and local government are very exciting!"

- Bethany Rubin Henderson '02,  
Founder, City Hall Fellows

## Early Responsibility

If you are interested in immediate, hands-on responsibility, you should consider working in state and local government. **Kate Cook '01**, who had been offered a job at a large law firm, began her career working for the Law Department of the City of Boston. “I wanted to be in the courtroom trying cases, immediately. Not in five years and not just to carry a partner’s briefcase,” Cook writes. In state and local government positions, new attorneys are given a great deal of responsibility and tend to have their own caseload from their first day on the job. **Meredith Osborn '06** of the San Francisco City Attorney’s Office explains, “After being out of law school for 2 ½ years. I now have 45 cases that are my responsibility. I have tried cases to a jury. I’ve taken close to 100 depositions. I’ve been in state and federal court and I’ve argued in front of the 9<sup>th</sup> circuit.” Furthermore, many attorneys emphasize that with this early responsibility comes an ability to have a significant impact in your work and to rise quickly. **Ed Jerse '83**, the Legislative Affairs Chief for Ohio’s Department of Development, offers the example of Ohio’s Speaker of the House. “Four years ago, our legislature’s Speaker of the House had never held public office. Now he’s one of the most powerful people in Ohio. That can happen in state government.”

## Collegial Environment

**Kate Cook '01**, Deputy Legal Counsel to the Governor of Massachusetts, emphasizes the rewarding atmosphere of state and local government legal offices. “Government law jobs foster a cooperative, collaborative environment. We are all on the same team and we all serve the same client. I have found that this type of lawyering and teamwork creates an excellent work product and work environment.” This collegial environment creates many opportunities for mentoring, which are especially helpful when beginning your career with such high levels of responsibility. **Amanda Goad '05** of the NYC Law Department’s Environmental Division notes, “There was a balance between the significant responsibilities I was assigned and the significant support I was provided in carrying out those early assignments. I felt very comfortable asking question of my supervisors, mentors, and peers.”

## Variety of Work

Another unique aspect is the variety of cases and issues in state and local government. Many, even those who specialize, cite a great diversity of work from week to week. **Ed Jerse '83**, a former state legislator, underlines, “Every day is different. Within a course of a day you can go from dealing with tax issues to dealing with criminal justice issues.” State Attorney General’s (AG’s) Offices have broad jurisdiction over an extraordinary range of issues. In addition to State AG’s Offices, there are opportunities for lawyers in state executive agencies, ranging from Human Services to Transportation. If you have a specialized interest, you will surely find a position that engages those issues in state and local government.

## Geographical Flexibility

State and local government employment provides geographical flexibility. Every state and every city needs and employs lawyers. Therefore, there are no geographical limitations. A majority of the alumni interviewed for this guide emphasized a desire to work in their home state or city. **Alvin Bragg '99**, who has held various positions in both state and local government, explained his feelings about this perk. "I'm a New Yorker and so that's probably the thing that sways me first. For federal jobs, you have to move to that one town and for people who want to move back home that is problematic. That's very real. I remember classmates feeling the tug that if they want to work in big law firms, they have to work in NYC and if they want to work for the government, they usually have to live in DC."

"I found that returning home, people really respected the fact that you could have been working on Wall Street or on Capitol Hill, but you came home to make a difference. I cannot stress the value of and the chance you have to make a difference by going back to where you came from, taking the education that less than .1% of Americans have the opportunity to get and using that to help your community and your state."

- Jonathan Miller '92, Secretary of Finance and Administration for Kentucky

## WHAT OPPORTUNITIES ARE AVAILABLE IN STATE AND LOCAL GOVERNMENT?

Every state has an AG's office, parallel to the Department of Justice on the federal level, charged with representing the state in litigation. These attorneys conduct complex civil litigation, both defensive and affirmative, in state and federal courts in furtherance of state government policies. State AG's Offices also provide legal advice to state officials and agencies.

In addition to State AG's offices, state agencies offer diverse employment opportunities for attorneys as well as law students. Most have in-house counsel with expertise in the law relevant to that agency's particular area of responsibility, such as public health or transportation. There are also opportunities for lawyers, both elected and non-elected, in the state legislative branch.

Cities, municipalities, counties, school districts, boards of education, and state and local colleges and universities all need and employ lawyers. Large urban centers often have city attorney or solicitor offices. These offices provide legal counsel to city officials and represent the city in litigation, like the Attorney General's Office on the state and federal levels. Many large cities have city agencies, like state agencies, that have in-house counsel. Municipalities may have corporation counsel who provides representation in litigation and legal advice on the day-to-day issues which arise in running the municipality, as well as drafting and negotiating legislation, public contracts, and real estate agreements. City councils or boards of selectmen tend to have lawyers on staff as well.

## THE JOB MARKET

New lawyers continue to be integral to the success of state and local government operations. Despite current budget cuts and hiring freezes, in the future, there will be a great number of openings for lawyers in state and local government. It is estimated that a significant percentage of

the state workforce across the country will be eligible to retire in the next five years. The same is true for municipal employees.

Most positions with state government are located in the state capital, but many agencies have field offices in outlying areas. Similar to the federal government, there tends to be little central coordination of the hiring process. Availability of positions cannot be predicted, and depends in large part on the health of the state budget. Most AG's offices and some state agencies offer summer internships to law students. Additionally, there are a handful of Honors Attorneys Programs for recent graduates in State AG's offices. These programs will be highlighted in this guide.

Lawyers hired for local positions are often required to have prior legal experience, as well as local state bar admission. However, there are a significant amount of entry-level positions in big city offices, like the NYC Law Department. In addition, municipalities sometimes contract out all or part of their legal work to private law firms specializing in public sector law. The salaries of municipal lawyers vary greatly depending on the city. The largest cities and agencies tend to offer the highest salaries. Generally, the pay is comparable to salaries in a small to medium sized law firm. In 2007, the median earning for lawyers in local government was \$87,130. It is also important to research the specific requirements for each city. Every city has a different civil service system. For example, some cities, such as Boston, have residency requirements.

# 2 CHAPTER JOBS IN STATE GOVERNMENT

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“At their best, states can find creative, innovative solutions to address major issues and problems in a way that is tailored to the particular needs of its residents. State governments have the potential to be quicker, more responsive, and more progressive.”

- David Friedman '96, First Assistant Attorney General for Massachusetts

## STATE ATTORNEY GENERAL'S OFFICE

The Attorney General is both the legal adviser to state government branches and agencies and the legal representative of the public interest in that state. The State AG's Office represents the state in litigation. Despite their multi-faceted roles and functions, State AGs prioritize their duty to be the lawyer of the people, working to protect the states' citizens from actions as varied as deceptive practices of mortgage lenders to the failure of the U.S. Environmental Protection Agency to enforce the Clean Air Acts. The work of a State AG touches the lives of individuals every day, including “keeping intrusive and unwanted telemarketers away, protecting consumers against fraud and abuse, ensuring a fair marketplace, fighting crime, defending state laws against court challenges, defending criminal convictions on appeal, and serving as stewards of the environment” (NAAG).

### How Do You Become a State AG?

In 43 states, the state Attorneys General are popularly elected for four year terms and are able to serve at least two terms. In five states (New Hampshire, New Jersey, Wyoming, Hawaii, and Alaska), the AG is appointed by the Governor. The Mayor appoints the AG for the District of Columbia. Maine has a unique election process, where the AG is elected by a secret ballot of a Joint Session of the Legislature. The AG of Maine can only serve two four year terms. The AG of Tennessee is selected by the Supreme Court of Tennessee and serves for one eight year term.

### Structure and Function of State Attorneys General's Offices

The structure and function of the Attorneys General's office varies by state and is determined by state constitution and law. Because the State AG's jurisdiction is generally defined by statute, case law, common law and custom, there is a great deal of interpretation involved when it comes to delineating the power of the State AG. First Assistant Attorney General of Massachusetts **David Friedman '96** adds, “The most exciting aspect of a State Attorney General's Office is the very broad range of tools available to address problems. As a general matter, with very few exceptions, our office has wide latitude to focus on problems that we think are the most serious and where we can make a real difference.” In general, the State AG's common law powers are as follows: “duty to appear for and to defend the state and its agencies, right to control litigation and appeals, right to

initiate or intervene in legal proceedings on behalf of public interest, power to determine state's legal policy, and authority to prosecute criminal activity in the absence of express legislative restriction" (NAAG).

Most AG's Offices are organized by areas of specialization such as **antitrust, consumer law, charitable trusts, civil rights, criminal law, environmental law, bankruptcy, state defensive litigation, Medicaid fraud, labor law, and securities law**. Specifics concerning the organization of each state's AG office can be found on the state's website.

## Trends in State Attorneys General's Offices

Over the past two decades, new state and federal legislation, along with evolving conceptions of the office, have expanded the responsibility of the State Attorney General. These new powers and responsibilities have emphasized the role of the State Attorney as a "public interest lawyer." "New responsibilities for Attorneys General have included such diverse tasks as investigation and prosecution of cybercrime and securities fraud, review of non-profit health care provider mergers, ethics, insurance, statewide investigations, organized crime prosecution, crime victims' assistance, tobacco regulation and protection of vulnerable populations, including children and the elderly. Both program responsibilities and civil enforcement obligations have been expanded in virtually every jurisdiction. Many Attorneys General have established specialized units or office-wide task forces in their offices to handle these responsibilities" (NAAG).

In areas that have traditionally been considered the exclusive responsibility of the federal government, the State AGs now have shared enforcement authority. The federal government and State AGs have fostered cooperative relationships, especially in the areas of trade regulation, environmental enforcement, and criminal justice. However, the federal government and State AGs do not always work together. Where the federal government has failed to regulate and enforce the laws, the State AGs have stepped in, launching legal action and investigations. The level of state activism is then generally dependent on the level of activism in the federal government. The expanding power of the states began with the administrations of Presidents Reagan and Bush. These administrations sought to limit the power of the federal government by giving power to the states. In doing this, these advocates for small government created a new force. The states limited their individual actions and coordinated with the federal government during the Clinton administration.

### Massachusetts v. EPA

In 1998, the U.S. Environmental Protection Agency (EPA) determined that the Clean Air Act gave it the authority to regulate carbon dioxide. However, in 2003, the EPA denied that it had the authority to regulate greenhouse gases because of the "scientific uncertainty" and that they are not "air pollutants." Believing that the Agency (EPA) had a mandatory obligation to enforce these regulations, the state of Massachusetts, along with 12 other states and numerous environmental organizations, sued the EPA for an injunction forcing the EPA to regulate emissions from motor vehicles. In April 2006, the U.S. Supreme Court ruled that the EPA could no longer disregard its authority to regulate greenhouse gases under the Clean Air Act, and it remanded the case back to EPA for action.



However, just because the states eased off in the beginning of the Clinton administration does not mean that the states gave up their power. In the mid-1990s, realizing that the federal government was not doing enough to regulate the tobacco industry, a group of State AGs sued the tobacco industry for consumer fraud. “This litigation resulted in a national settlement (the Masters Settlement Agreement), which recovered more than \$200 billion for the states and imposed a number of limits on tobacco company advertising, marketing and distribution.” This movement against the tobacco industry reinvigorated state activism. The success of this movement demonstrated to State AGs the effectiveness of multi-state initiatives. In a multi-state lawsuit, State AG offices can coordinate information, resources, and even share their staffs to better argue the case. “Through the National Association of Attorneys General, subcommittees, task forces, and working groups have been established to monitor specific issues on behalf of all the AGs. These include: privacy, subprime lending, telemarketing fraud, telecommunications, health fraud, pharmaceutical issues, financial practices and automobiles” (NAAG).

The State AGs have become more active in the areas of consumer protection, antitrust, and environmental law. For example, the states and the federal government began working together to protect consumers against telemarketing fraud. First, the state governments passed legislation mandating “do not call lists.” This move was then supported with regulation from the Federal Trade Commission that could be enforced by the states. Collective action by the State AGs continued during the eight years of the Bush administration.

The State AGs have indicated that they will coordinate their multi-state initiatives and state activism with the Obama administration. Yet, even with such coordination, there will still be state activism. For example, in July 2009, Martha Coakley, Massachusetts Attorney General, announced that Massachusetts will challenge the constitutionality of the federal Defense of Marriage Act.

### **Solicitor General Model**

A notable development in State AG’s offices has been the increasing use of State Solicitors. Traditionally, in a State AG’s office, the various civil sections independently handle their own appellate briefs and arguments. In fact, many offices give the argument to the attorney who handled the case in the lower courts. Other offices select a senior attorney to conduct the argument. However, in the past decade, many states have created the position of a State Solicitor.

State Solicitors oversee the office’s appellate practice. About thirty states now have a State Solicitor or someone who essentially plays that role in providing appellate oversight. In those offices, the Solicitor takes the lead in Supreme Court cases. State Attorneys General are second only to the United States Solicitor General in frequency of appearance before the Supreme Court. In the 2002 term, Attorneys General served as counsel in 20 of the 75 cases in which the Court heard oral argument. However, of these 20 cases, in only four did the Attorney General personally make the argument?

“Many State Solicitor Generals and Deputy Solicitor Generals have the opportunity to argue in the Supreme Court. This is a great position to pursue if this is a goal of yours. Many State Solicitors are HLS grads and have moved from the Federal Government into this new, exciting position in State Government.”  
-Dan Schweitzer ’89, National Association of Attorneys General

## Positions in State Attorneys General's Offices

When applying to a State AG's office, you will generally apply to work in a specific division or section. **Jim Milkey '83**, former Chief of the Environmental Division of the Massachusetts Attorney General's Office, explains, "You do not necessarily have to be an expert in the issue area of the division. While many attorneys in the Environmental Division did have a background in environmental law or a demonstrated interest, there are attorneys who had never dealt with these issues who ended up loving their work." As to whether or not attorneys can switch between divisions, Milkey notes that it can be done. In one case, after fifteen years in the administrative law division, an attorney moved over to the environmental division. **Alvin Bragg '99**, a former Assistant Attorney General for New York, says about the New York Attorney General's Office, "People tend to be where they want to be. Someone who is very interested in civil rights will be working in the Civil Rights Division." It is important to emphasize that there is a great diversity of practice in each of these issue areas. For example, attorneys in the Civil Rights Division may handle small, but fast-moving cases, where a preliminary injunction may end the case. On the other hand, attorneys in the Administrative Law Division have large defensive caseloads consisting of primarily appellate cases.

### State AG's Office Positions

Position titles and roles may vary; for instance a starting attorney in a State AG's office may be called an Assistant Attorney General or a Deputy Attorney General. In addition to the Attorney General, support positions in the State AG's offices include:

**Chief Deputy** is the top adviser to the Attorney General. The Chief Deputy Attorney General acts as the liaison to state executive offices, the state legislature and the judiciary. In addition, each division within the AG's office may have a Chief Deputy.

**Assistant Attorneys General** are generally hired for specific divisions. AAGs have significant responsibility for their own caseloads and frequently develop expertise in several areas of law.

**State Solicitor** oversees the office's appellate practice and takes the lead in Supreme Court cases.

**Chief of Staff** advocates for the agenda of the Attorney General and often supervises the non-legal initiatives, legislative relations, scheduling, and media requests. The Chief of Staff tends to be someone with long-standing ties to the state Attorney General.

**Honors Attorneys** are AAGs who are hired right out of law school for a 1-2 year fellowship. The Maryland, Massachusetts, New York, and Oregon AG's offices each have an honors program.

If you would like to explore the different divisions and bureaus of a State AG's office, you should consider applying for an **Honors Program**, described later in this guide. The majority of these Honors Programs have fixed rotations where you will spend about a year in specific bureaus and then rotate to another. This type of program will open a young attorney's eyes to the variety of opportunities in a State AG's office.

## GOVERNOR'S OFFICE

The Governor's office is at the center of the action in state government. The Governor plays an important agenda-setting role. The Governor influences the state's legislative agenda through actions such as the preparation of the executive budget and the state-of-the-state address. The Governor is also involved in legislative deliberations. The state executive departments look to the Governor to establish administrative goals and implement strategies. The public looks to the Governor for leadership and guidance. (Mandelker).

The Governor's Office holds many opportunities for lawyers. The organization of each Governor's office varies based on the size of the state. The average size of the Governor's staff is 62, but ranges from nine to 293. Lawyers work for the Governor as legal counsel or general staff. These lawyers review and draft legislation, work on policy matters, liaise with the Attorney General on behalf of the Governor, and draft executive orders and opinions.

### Positions in the Governor's Office

In addition to the Governor and the Lieutenant Governor, there are numerous positions available to lawyers in a Governor's Office.

**Legal Counsel** serves as the Governor's attorney. The Governor's legal counsel interprets state and federal laws, rules, and regulations; protects the legal interests of the governor and the Governor's office; monitors litigation that has an impact on the Governor and the administration; and serves as the legal advocate for the Governor at all times. The legal counsel is also one of the Governor's key advisors. The legal counsel contributes to the development of policy and legislative strategies for the administration, often to help prevent legal challenges to important legislation and policy initiatives.

"From the day Governor Patrick was inaugurated, I have proudly served as one of his five attorneys. Given the size of the office and the variety of legal issues presented to the Governor, my work is extremely diverse from week to week. My dream of using my law degree to help people is realized every time the Governor signs a bill or issues an Executive Order."

-Kate Cook '01, Deputy Legal Counsel to the Governor of Massachusetts

**Chief of Staff** is responsible for the day to day management of state agencies, the cabinet, and the department. The Chief of Staff often acts as a strategist for the Governor, working to promote the Governor's agenda. While it is not technically a legal position, many Chiefs of Staff have legal backgrounds. In 2007, 14 Chiefs of Staff held law degrees. The Governor's Chief of Staff is a multi-faceted position. In many cases, especially in smaller states, the Chief of Staff will act as a political director and will manage the Governor's initiatives.

**Policy Director** serves on the Governor's senior management team, meeting regularly with other senior managers and the Governor to make decisions and establish priorities. The policy director supervises staff and serves as a line of communication to the Governor and Chief of Staff. In some states, advisors or analysts specialize or focus on a particular area of policy, such as natural resources or health and human services. Most advisors cover several broad areas.

## STATE AGENCIES

There are many opportunities for legal work in a state's specialized agencies. However, it is important to note that in some states, including Colorado, Georgia, Idaho, North Dakota, Oregon, Washington and Wyoming, the state AG's office provides consolidated, centralized legal services to most executive agencies. Still, in most states, including California, Massachusetts, Connecticut, New York, Illinois, Michigan and West Virginia, specific agencies are authorized by statute to employ independent in-house counsel. In Florida, Montana, and Wisconsin, almost every agency has its own in-house counsel.

Agency attorneys have several different roles depending on their specific position. Within the agency, attorneys will play a consultative role. In-house counsel also handles legal issues generic to running a state agency, such as civil service and contracts. Attorneys in state legal offices give legal advice and counsel to agency administrators and professional staff; draft agreements, legislation and regulations; represent the agency in administrative proceedings and sometimes in specialized areas of litigation; and have significant input into the development and implementation of government policy and programs. More so than on the federal level, attorneys practicing with a state agency have contact with individual citizens and see the direct impact of their work.

In addition to strictly legal positions, many lawyers and HLS alums in particular head state agencies throughout the country. For example, **Karen Timberlake '96** was appointed Deputy Secretary of Health Services for the State of Wisconsin. **Jonathan Miller '92** is currently Secretary of Finance and Administration for the State of Kentucky.

I'm the CFO for state government. That's the finance side of things. The administrative side of things is equally exciting because it means that every policy and program of state government comes through the cabinet. I am involved in all of the major policy issues. I have a great opportunity to work on issues that I hadn't before and that I care deeply about, like the environment and clean energy, education affordability, pension reform and health care.

-Jonathan Miller '92, Secretary of Finance and Administration for Kentucky

## STATE LEGISLATURE

When considering employment in the state legislative branch, it is important to look at the level of professionalization of the legislature, since it varies from state to state. In a professional legislature, legislators devote the majority of their time to their legislative position and receive good monetary compensation for their service. Their legislative staffs are thus larger and more developed than in states that lack professional legislatures. For example, the legislatures in states such as Massachusetts, Michigan, New Jersey, and New York meet regularly throughout the entire year. Conversely, in states such as Montana and North Dakota, the legislatures meet only once every other year. (Ferguson). A full listing of state legislatures can be found at the website of the National Conference of State Legislatures ([www.ncls.org](http://www.ncls.org)). The NCLS classifies legislatures as full-time, part-time (citizen), and hybrid.

## What Positions are Available for Lawyers in the State Legislative Branch?

In states with professionalized legislatures, the state legislatures employ attorneys in positions similar to those under the US Congressional structure. Over the past few decades, there has been a trend toward professionalized legislatures and therefore state legislatures have increased the number of legislative attorneys they employ. Attorneys may work as legal counsel to a House or Senate Committee. Generally, these attorneys provide legal analysis and advice regarding constitutional requirements, statutory requirements, and legislative proposals.

Attorneys may also work in legislative staff positions. These attorneys are provided with in-depth exposure to political processes, and an opportunity to have an impact on legislation. Attorneys may draft and research legislation, review and comment on proposed legislation, investigate matters pertinent to the legislator or committee, and advise individual members.

Lawyers are also employed in Legislative Legal Services offices. The Legislative Legal Services offices are where legislation is actually written. These lawyers draft bills and legislation for legislators and legislative committees.

### Elected Office

Law is probably the most common background for elected officials in the United States. Many young political candidates run for office and get elected to positions such as state representative or state senator. For example, **Brent Barton '06** was elected to the Oregon State Legislature at the age of 28. Attorneys who can develop some base of potential supporters in their community are well-positioned to run for elected offices. If elected, public office provides an excellent position from which to pursue public interest goals, by introducing legislation, voting, and using one's position to be a community advocate and organizer. "If you like the law and you like public policy, it is a dream job. One person, and a young person at that, can go in and have a much greater impact on policy in the state than one could ever have working in the federal government. There is a sense of fulfillment that I am gradually making the world a better place and am helping people, bit by bit, in my own way," Barton emphasizes.

"Especially if you are in a legislative position, you can basically create your own agenda and advance issues that you feel passionately about. In many ways, you are a lawyer or a lobbyist for the people. It is so rewarding to have the opportunity to assist constituents with bills. As a Democrat, I was always in the minority while I was in the legislature. However, I was able to pass a Daycare Protection Bill after a constituent of mine's daughter died in a home daycare. I felt like I had an impact and could do some good."

-Ed Jerse '83, Legislative Affairs Chief, Department of Development, State of Ohio and Former State Legislator

**Ed Jerse '83** echoes this about his time as a State Representative for Ohio. "That was one of my more satisfying and exciting experiences to serve in a state legislature because you are dealing with a broad range of issues. Every day is varied and interesting. And on top of that, not only is it interesting from a policy perspective, but you also have really fascinating interactions with people from all over a very diverse state. I come from the Cleveland area which is a more urban area, but it's great to deal with people from the farm areas, from the distant suburbs, democrats and republicans, liberals and conservatives."

# 3 CHAPTER JOBS IN LOCAL GOVERNMENT

“A colleague of mine once described a local government as a ‘nonprofit in the business of everything.’ San Francisco doesn’t just pave the roads and operate parks; on top of providing for public safety and running a mass transit system, it also operates two public hospitals and satellite clinics, a water system that supplies not just San Francisco but millions of other Californians, and an international airport and port. That is a client who needs a good lawyer.”

- Peter Keith '99, Deputy City Attorney, San Francisco, CA

Local government is a great place to work if you want to be exposed to a variety of legal issues. City lawyers tend to practice in areas such as tax assessment and collection, labor, eminent domain, historical preservation, real estate development and voting law. On a given day, a city lawyer may handle a diverse set of issues, such as contract claims, employment discrimination and other civil rights defense, tort defense, and even medical malpractice defense on behalf of city hospitals.

## CITY LAW DEPARTMENTS

City Law Departments are a popular choice for legal employment in local government. These departments employ large numbers of attorneys. For example, the San Diego City Attorney’s Department employs 120 attorneys and Chicago’s Law Department has more than 250 lawyers. Similar to the State AG’s office, the city law departments tend to be divided into issue-specific divisions and bureaus. These offices vary in size and structure depending on the size of the city and whether or not they use outside counsel. In some cities, the law department is led by an elected City Attorney. Many city law departments house both civil and criminal divisions, but some only do civil work.

Typically, entry-level positions are in the criminal divisions. The primary responsibility of a city law department is to provide legal counsel to city officials and to represent the city in litigation.

## New York City Law Department

The New York City Law Department employs 690 lawyers. There are 17 legal divisions and three support divisions. These legal divisions include: Administrative Law, Affirmative Litigation, Appeals, Commercial Real Estate Litigation, Economic Development, Environmental Law, Family Court, General Litigation, Labor and Employment Law, Legal Counsel, Municipal Finance, Pensions, Special Federal Litigation, Tax and Bankruptcy, Tort, and Workers’ Compensation. The department represents the City, the Mayor, other elected officials, and the city’s agencies in all affirmative and defensive litigation. The City has argued before the United States Supreme Court more than 60 times. **Amanda Goad '05** of the Environmental Division notes, “The plurality of our work involves environmental litigation (broadly defined) where the City has been named as a defendant.” The divisions also handle affirmative litigation. Counseling is another aspect of the work done in the Law Department. The Law Department provides legal counsel to city officials on a variety of issues, including immigration, education and environmental policy.

## Other Options in Local Government

**Bethany Rubin Henderson '02**, founder of City Hall Fellows, suggests considering looking outside of City Law Department's for local government work, emphasizing that there are so many opportunities for enthusiastic, recent law school graduates in the local government. "If you really want to have responsibility, it's a great place to go right now. You can begin working at 23 and rise up so quickly." Henderson points to HLS graduate **Julian Castro '00**. Castro began his local government career running for city council and was elected Mayor of San Antonio just this year. The Mayor's Office has both legal and policy positions. **Alvin Bragg '99** notes, "There are so many HLS students trying to work in the White House as legal counsel and many don't know that we have exactly those same positions in New York City. We do very similar work and one thing I would say, you can actually see the stuff you work on here." **Scott Bruner '83** made the move from working as a criminal prosecutor to the Mayor's office. He worked as a policy advisor to Chicago Mayor Daley on issues affecting crime and public safety. He notes that "this opened up a whole new aspect of crime prevention issues including community policing, police performance and accountability and violence prevention."

**E.B. Kelly '10**, one of the leaders of the HLS organization Forum on Local Government, worked in the NYC Mayor's Office before coming to Harvard Law. "Working at the local level, you get a ton of responsibility early on. Young, energetic people can get a lot of responsibility and the decisions you make have an immediate impact. During my time in the NYC Mayor's Office, a park that I worked on opened and I know it exists because I worked on it. This kind of tangible impact cannot be found anywhere else."

In addition to the Mayor's Office, there are other opportunities for lawyers in local government that are often not well-known. For example, **Alvin Bragg '99** is the Chief of Litigation and Investigations in the Office of the General Counsel of the New York City Council. Bragg jokes, "Many New Yorkers don't even know we have a City Council. No one knows what I do here. Even here, I have to explain it." Bragg's work for the City Council is both litigation and policy-centered. His first role is the traditional in-house counsel position, as he represents the city council as a whole and the individual members. The other major part of his job consists of defending litigation. "When we pass a bill, it is very certain that someone will have an issue with it and we will get sued. I get to look at the issues that I was most interested in while in law school. For example, is this law granted by federal and state law? Is there a separation of powers issue, a first amendment issue, or a conference clause issue?"

### **Bethany Rubin Henderson '02 Founder, City Hall Fellows**

Bethany Rubin Henderson is an HLS graduate who is working to inspire young minds to consider employment in city government. Motivated by her experience as an Urban Fellow between college and law school, Henderson has set out to create a program that engages top college graduates in city government work. "As a twenty-one-year-old right out of college, I spent nine months working for the City of New York through a city-funded fellowship program. That experience changed my life. I saw first hand the power of local government to impact people's daily lives." City Hall Fellows serve as special assistants to senior city managers, while also engaging in curriculum that explores how city governments function, the pressing issues in local government, and the organizations that impact local policy making. Therefore, in this program, Henderson explains, "Students can learn how cities work and drive social change all in one service-learning program, as the program combines both hands-on work and academic programming."

# 4 CHAPTER GETTING A JOB IN STATE AND LOCAL GOVERNMENT

Research is important when it comes to applying for jobs in state and local government. Hiring is almost never centralized and applications will need to be made separately for each position. You must take the initiative and talk directly to each government office. Networking is vital in securing employment in state and local government. You should begin this process early on because of the great variety of positions and the differences between states and localities. It is also important to note that the majority of hiring in state and local government is subject to the budget process, which makes openings difficult to predict.

## POST-GRADUATE FELLOWSHIPS AND EMPLOYMENT OPPORTUNITIES

There are many opportunities for law school graduates in state and local government. Because these opportunities may not be advertised as widely as those in the federal government, it is important to visit the websites of specific states and cities to find job openings. Many states publish directories of their legislative, judicial, and executive branches. These publications list all state agencies and their addresses, phone numbers, and names of key personnel. There are also similar listings for big cities.

In many offices, new hires must have at least two years of experience. However, as in the federal government, there are honors programs for recent graduates. For example, one notable program is the Law Graduate Program of the **New York** AG's Office. There are similar programs in **Ohio, Massachusetts, Oregon, and Maryland**. The programs range from one to three years, after which fellows can apply for permanent positions in the AG's Office. These programs are important because many state AG's offices only hire attorneys with five or more years of experience. These honors programs give young lawyers the opportunity to begin their legal careers in state AG's offices, in positions of substantial responsibility. For more information on Government Honors Programs, visit the [Arizona Law Government Honors and Internship Handbook](#).

## STATE

### California – Capitol Fellows Programs

The Sacramento State's Center for California Studies Capitol Fellows Program includes four, paid, 11-month programs: the Jessie Marvin Unruh Assembly Fellowship Program, the Senate Fellows Program, and the Judicial Administration Fellowship Program. Each program requires a separate application. Law school graduates have put their legal training to use in each of the four programs, and fellows are matched to placements that best utilize their education and skills. However, a specifically legal-related work assignment is not guaranteed. Fellows receive \$1,972 per month, benefits, and 12 units of paid enrollment in the Center's graduate degree program. Applications for each program are generally due in late February. In late April and early May, finalists will be interviewed in-person only in Sacramento and Los Angeles. Hiring decisions will be made in May.



Senate Fellows are placed in individual Senators' Capitol offices and also with Senate Policy committees. Those working with Senate members assist in drafting bills, write speeches and press releases, meet with constituents, speak to groups and prepare committee briefs or research policy issues. Those working on Policy Committees specialize and develop expertise regarding the subject matter jurisdiction of their committees, complete research assignments and assist Committee Chairs as needed. Fellows also participate in weekly academic seminars at the Capitol.

Assembly Fellows are placed in the Sacramento capitol offices of Assembly Members. They perform a variety of tasks, which may include facilitating bills through the legislative process, drafting responses to constituent letters, writing speeches, meeting with constituents, speaking to groups and preparing committee briefs or researching policy issues.

Judicial Fellows work with court administrators at all levels of the state judicial system, on issues such as leadership, human resource management, budget and finance, stakeholder and community relations, policy formulation and implementation, legislative advocacy, and strategic planning. They work under the guidance of individually assigned mentors.

### **Maryland – Attorney Honors Program at the Attorney General's Office**

The Maryland Attorney General's Office hires 1-3 honors attorneys each year. This is a two-year program. At the completion of the program, honors attorneys have the option of applying for a permanent position and they are certainly encouraged to stay. A major goal of this program is to develop a talented workforce for the Maryland Attorney General's Office and to expose new attorneys to the workings of a state AG's office. To be eligible, you must be no more than two years out of law school or one year out of a judicial clerkship. This program is very competitive. Last year, about 250 people applied and this year they expect the number of applications to reach 400. Applications are due in mid-September and decisions are made by the end of December.

The hiring committee stresses the importance of writing skills. Academics and grades are a very important factor. Journal experience is greatly valued. Additionally, a judicial clerkship is helpful, but not essential. Any kind of work experience through internships or clinicals is also valuable.

In this program, the honors attorneys will be placed in one division for the two-year period. Honors program participants will be placed in either the civil, executive, or criminal appeals division. Michelle Parrish of the Maryland AG's office emphasizes, "In the divisions that we put the honors program participants, we have some of the best attorneys in the state of Maryland and the United States in general. The former head of our Civil Division was a clerk to Sandra Day O'Connor. That is the kind of caliber of work they should expect." Parrish also notes that the honors attorneys work under a highly motivated and driven Attorney General. The honors attorneys have direct contact with the AG. In addition, honors attorneys get to attend training sessions offered by the office. The program also works to foster mentoring relationships between the honors attorneys and the division heads.

### **Massachusetts – Attorney General's Office Fellowship Program**

The Massachusetts Attorney General's Office offers a two-year Fellowship Program for 2-3 entry-level attorneys. Fellowship participants receive training and supervision in particular practice areas to enhance proficiency and develop skills while in the program. Selected fellows are assigned to work in

one of the five bureaus: Executive, Business and Labor, Criminal, Government, and Public Protection and Advocacy. Fellows will then complete three bureau rotations over the course of the fellowship. The fellowship application, due in early September, includes a resume, an official law school transcript, three references, and a personal statement. The salary is \$50,000 per year. At the end of the two year fellowship, there is the potential for long-term employment.

The Fellowship Program is very competitive. First Assistant Attorney General **David Friedman '96** notes, "We pick 2 or 3 people out of 200 applicants. It's harder to get a fellowship here than it is to get into Harvard Law School." Candidates are selected on the basis of several factors: academic achievement; legal, professional or personal experience related to the mission of the Office of the Attorney General; law journal participation; law school competitions and extra-curricular activities. Friedman adds, "We are looking for people who have a clear interest in and a passion to do public interest work."

### **New York – Law Graduate Program of the Attorney General's Office**

The New York Attorney General's Office Law Graduate Program offers recent graduates the opportunity to practice in more than one area of the law and in more than one type of court. Throughout their three-year commitment, participants will rotate to different bureaus within the AG's Office. The attorneys will be supervised by senior legal staff. Participants will also receive training designed for newly-practicing attorneys and will be encouraged to attend programs offered to experienced attorneys by the Department of Law's CLE-accredited Legal Education Bureau. The Law Graduate Program is open to a small number of young attorneys who have demonstrated outstanding academic achievement, evidenced by law school class rank, completion of a federal court clerkship, or other academic or professional achievement.

### **Ohio – Attorney General's Office Simon Karas Fellowship**

The Ohio Attorney General hires one 3L, JLC or recent graduate for the 1-year Simon Karas Fellowship. Approximately 30 applications are received each year. Salary is \$65,000 and includes the same benefits given to other State of Ohio employees. The Karas Fellow works with the State Solicitor, Appeals Section, and other top lawyers on the State's major appellate cases. These cases often stand at the crossroads of law and public policy, involving constitutional questions or hotly debated public policy concerns. Applications for the Karas Fellowship are usually due in early October, but they are reviewed on a rolling basis, so it is important to apply early. In-person interviews are conducted in October and November; phone interviews are not permitted. The hiring decision is made in December.

In addition to the one Karas Fellow, the Ohio AG's office hires recent law school graduates. Typically, the office hires about 10 new attorneys right out of law school. Typically, there is a preference for people from Ohio or someone with a connection to Ohio.

The Ohio AG's office makes on-campus visits and collects resumes at Ohio law schools in late August and early September. Anyone who is outside of Ohio should send resumes in by mid-October. The office will do initial interviewing over the phone. If the office decides to move forward with a particular application, the candidate will be invited to an in-house interview. Offers are typically made by December 1<sup>st</sup>. Harvard Law students interested in working in this office should make a sincere case in their cover letter regarding their connection to Ohio or why they would like

to live in Ohio. The Ohio AG's office looks first and foremost for a well-rounded individual. Barbara Steele of the AG's HR department emphasizes, "We try to look at the whole person. We are especially seeking candidates who have a demonstrated interest and commitment to public service." Additionally, the office looks for candidates with strong writing skills, moot court competitions, and research abilities.

New attorneys in the Ohio AG's office receive a great deal of training and mentoring. According to Steele, "When the new attorneys come on board, we have a 6-8 week orientation where the new attorneys don't go to their section right away. They are kept together as a group and they get some intense orientation on client relations, sexual harassment, all the HR type things, also on things like legal writing. This orientation allows them to get to know one another and they can network and have a tight-knit group of attorneys. They are assigned to a few projects during this orientation period that are not necessarily specific to their section, just so they can get to know the office. Once they receive their bar results, they will move to their assigned section.

### **Ohio – Legislative Internship Program**

The Ohio Legislative Service Commission hires 22 graduate students, including 3Ls and recent graduates to work as paid legislative interns for the Ohio General Assembly. In 2009, 22 interns were hired out of approximately 150 applications. The program runs for one year. Salary is \$25,400 per year, with a possible \$2,000 retention bonus. Most interns assist legislative staff by writing press releases and speeches; however, each year there are 1-2 positions available with the Ohio Legislative Service Commission, and those interns assist staff members with researching and writing legislation. The Ohio Legislative Service Commission looks to hire candidates with strong verbal and written communications, and an interest in government and/or politics required; GPA of 3.0 or above is preferred.

The Ohio Legislative Service Commission researches and produces bills for the Ohio General Assembly. Occasionally former interns have been hired for full-time employment after completion of the program. Applications are generally due in early April. Interviews are conducted on-site only (at applicant's expense) and offers are extended by the end of May.

### **Oregon – Attorney General's Office Honors Program**

Each year, the Oregon Attorney General's Office hires approximately 4-5 3Ls or recent graduates who have just finished a judicial clerkship as honors attorneys for two year positions. David Leith, the Associate Attorney General in charge of running the Honors Program, notes, "While it is a two-year program, it almost always blossoms into a career choice. We've been pleased that almost everyone has been interested in staying on. We recently created a directory of former honors attorneys and the list includes our current Deputy AG, one of our sitting court of appeals justices, and myself to name a few."

Each year, there are over 100 applicants for the 4-5 spots and about 15-20 candidates make it to the interview stage. The deadline to apply is in the first part of October. Leith emphasizes, "We are looking for the best of the best. While we do draw from the Oregon law schools, we'd like to look more broadly. We've been very pleased that we have been able to attract a really great crew of AAGs, including candidates from HLS and Berkeley Law." First and foremost, the hiring committee is looking for academic excellence, including excellence in written product and oral presentation. In

addition, Leith notes that they are looking for people that have that “intangible fit” and who have a sincere, demonstrated commitment to public service. While there is no formal or informal required “Oregon connection,” it is important to point to anything that makes a case for your sincere interest in working in Oregon. “The pool is so deep and we are trying to make difficult decisions about who would be worth our time to interview,” Leith explains.

The two-year program includes two rotations. This structure allows the honors attorneys to experience two different legal divisions. When applying for this program, you will put in requests as to where you would like to be placed. Typically, there are honors attorneys in the criminal division, trial division, appellate division, civil enforcement, child advocacy, and general counsel division. Beginning next year, there will be a position in the front office for an attorney who is more policy-focused.

## **LOCAL**

### **New York City Law Department**

The New York City Law Department hires about 55 new attorneys each year. About 7,000 new attorneys apply for these 55 spots. Half of the new hires come from the summer honors program. The other half are hired through fall on-campus interviews and write-in applications. There are four levels of interviews for applicants for entry-level positions: an on-campus or screening interview; call back in-house interviews with a panel of senior attorneys and with a junior attorney; an interview with the Director of Recruitment; and then a final interview with the First Assistant Corporation Counsel. When applying, applicants must provide a cover letter indicating their division preferences, a resume, and a law school transcript. Additional materials, such as writing samples and references, may be requested later in the interview process.

The Law Department seeks applicants who have demonstrated through coursework and work experience a commitment to the public sector and a strong interest in litigation. For some divisions, writing skills are very important. For other divisions, court room experience, such as moot court, clinics and trial advocacy are preferred. Experience in other government legal offices is also preferred.

The work performed by the newest attorneys varies based upon division, and differs from the work performed by experienced attorneys, mostly in terms of the complexity of the matter. In civil litigation divisions, attorneys may conduct depositions, attend court conferences, assist experienced attorneys on complex matters, prepare and argue procedural and substantive motions, interview witnesses and attend client meetings. In the Family Court division, attorneys handle the prosecution of juvenile delinquents from arraignment to disposition. For some of the divisions, like the Environmental Law Division or the Family Court Division, candidates should specialize in the field. For most others, a general interest in litigation or urban development is sufficient.

### **District of Columbia – Capital City Fellows Program**

The Capital City Fellows Program hires 10-25 3Ls and recent graduates for a 2-year Program. Permanent employment is possible, but not guaranteed. In 2008, 17 Fellows were hired out of 170 applications; 5 were law students. Beginning salary is \$50,000, with a 4% increase in the second year. Designed for those with an interest in administration, local government, and policy

development, the Fellowship offers four 6-month rotations in a variety of agencies, including the Office of City Administrator; Department of Consumer and Regulatory Affairs; Office of Citizen Complaint Review; Department of Health; Department of Human Services; Metropolitan Police Department; Office of Personnel; Office of Deputy Mayor for Planning and Economic Development; Office of Chief Financial Officer; Department of Motor Vehicles; and District Department of Transportation. Placements are based on need, as well as skills and preferences. In addition to on-the-job training, Fellows meet with high-level city officials, and participate in educational and professional development seminars.

Applicants must have a demonstrated interest in public service, minimum 3.5 GPA, capacity for leadership and future professional growth. A connection or commitment to the District is also viewed favorably. Within 180 days of beginning work, Fellows must become residents of the District. U.S. citizenship is not required, but non-citizens must provide documentation of identity and employment eligibility (the program cannot sponsor visas).

Applications are generally accepted between January and April. Selected candidates will be contacted by mid-May for all-day, in-person interviews (consisting of individual and group interviews, and writing assessment) conducted in June. All candidates will be notified of decisions in late June.

## **SUMMER EXPERIENCE**

A summer spent interning in state or local government can help demonstrate your commitment, give you a sense of what it is like to work in these offices and whether this is a career you would like to pursue, and be an interesting and rewarding experience no matter what direction your career takes. Additionally, many offices in state and local government have established intern programs from which they recruit. If you are considering applying to work in a particular state AG's office, an internship could be a great way to demonstrate your interest in the office. David Leith says on the

### **Summer Honors Program at The NYC Law Department**

The Law Department hires 60 interns for its salaried, nine-week Honors Program. Each summer, HLS students participate in this program. The NYC Law Department comes to campus in February, but some students still send in their resumes on December 1<sup>st</sup>. This well-established program includes events and a strong mentoring component. Every intern gets assigned a mentor. Your mentor acts as a person to whom you can direct work related questions and also as a person who you can go to for academic and career advice. The work performed by interns varies based upon division. Interns in various civil litigation divisions conduct depositions, assist attorneys with trial preparation, prepare procedural and substantive motions, interview witnesses, and draft appellate briefs. Interns in the Family Court division assist in the criminal prosecution of juvenile delinquents, including making court appearances. Interns in the Legal Counsel division help draft legislation and advise the Mayor's Office on significant policy initiatives.

**Sameer Biring '11** interned in the Litigation Division. Biring highly recommends this program to other HLS students, especially those interested in working in city government. He explains, "The program is great. It's very well-established. They have great events for us. We get to meet different city commissioners and get great tours of interesting places. It has been great in a networking sense. I have been able to meet a lot of people in city government and have been able to get an idea of what working in city government is like."

subject, “We do hire summer clerks and it’s a great way for a law student to make sure that we have a face to put to a name and develop a good reputation within the department.”

The Summer Honors Program at the NYC Law Department is a perfect example of the importance of internships to the hiring process in state and local government. For example, 27 of the 30 second-year law student summer interns in the 2008 Program received offers of permanent employment at the end of the summer. Likewise, one-half of the 2008 Entry Class participated in the Summer Honors Program. The Summer Honors Program is organized with this in mind. Different divisions hire different kinds of interns. Labor, unemployment, special federal litigation, torts, and family court hire lawyers straight from law school. Therefore, the 2L interns are placed in these divisions, where they realistically have a chance of getting hired at the end of the summer.

## ACADEMIC EXPERIENCE

HLS faculty have worked to develop “Programs of Study” to help students navigate the extensive course offerings and to build relationships amongst faculty with similar interests. The “Law and Government Program” (<http://www.law.harvard.edu/academics/degrees/jd/pos/law-and-gov/index.html>) includes recommended courses for students interested in pursuing work in government generally.

**Peter Keith '99** of the San Francisco City Attorney’s Office reviewed these recommendations and noted that “this is something we did not have at HLS when I was there and I consider the recommendations very good for attorneys who are planning to do work in legislation, advising, and transactions.” Keith suggests that state or local litigators should consider the following additional courses to be ‘mandatory’: **Evidence**, **Federal Courts**, and **Basic Accounting**. “Knowledge of evidence is required for effective litigation. As for Federal Courts, local and state government litigators spend a great deal of time in federal court and face unique and complex jurisdictional issues. Furthermore, government litigators need a basic understanding of accounting principles in order to deal with businesses that are subject to regulation and enforcement efforts. I would also recommend a course in conducting investigations as much of a government litigator’s work is investigation. State and local government litigators, even those who plan to practice on the civil side, also need a good understanding of criminal law, since civil enforcement efforts can involve conduct that is potentially criminal. Thus, a course in advanced criminal procedure, white collar crime, or federal criminal law is helpful. Beyond this, I would encourage students to pursue their interest. Government attorneys deal with such a wide array of issues, no one could hope to take a law school course in every area. Luckily, attorneys who are educated in the basics have a whole career to master the particulars.”

Young attorneys working in state and local government also stress the importance of Clinicals. **Sarah Weston '08**, an Assistant Attorney General for the state of Oregon, explains, “I did a disability clinic at Wilmer-Hale and I actually had hearings and was able to look at regulations and get practice reading those. The Clinicals not only prepared me to be thrown right into the court room (I started in September, my first hearing was in October, and my first trial was in December), but it also helped me with skills like client interviews.”

For those interested in state and local government, and specifically urban work, **Professor Frug** offers the courses **Local Government Law** and the clinical course, **Green New York**. Local Government Law is the basic introduction to decentralization of power in the United States. This

course looks at the power of cities in comparison to state and federal power and the relationship of cities to other cities. The course focuses on the issues of voting rights and economic development policy in cities. The Clinical Course, Green New York, gives students a first-hand look at a City Law Department, as it is taught in conjunction with lawyers from the NYC Law Department. This year-long course consists of two distinct parts, notes **Professor Frug**. “Lawyers from the NYC Law Department come up and, together, we introduce students to the ways that city governments try to deal with environmental issues. In the spring, students will do clinical work for the Law Department on these environmental issues.”

**Professor Frug** stresses that in addition to taking courses in the law school, there are many other interdisciplinary approaches to studying state and local government. There is a joint degree program with the School of Design in Urban Planning. “Even if you don’t do the joint program, taking some classes at the urban planning school is one of the ways you can enrich your studies. There is an urban course in every department at Harvard. There are so many ways to learn about cities, with courses like Urban Sociology, Urban Economics, City and Literature.” Professor Frug is also open to speaking with students who are interested in pursuing urban work.

## **ON-CAMPUS EXTRA-CURRICULAR EXPERIENCE**

Involvement in activities that demonstrate interest in public service and state and local government is helpful when applying for these positions. Additionally, extracurricular activities provide important networking and learning opportunities. **The Forum on Local Government** is an HLS student group for those interested in local government issues and careers in local government. **EB Kelly '10** notes that many of the people involved are those who worked in local government before law school. There are currently 20 active members and about 100 students on the email list. The primary activities of the group include bringing speakers to campus, organizing events, and running a blog on local government issues ([www.blogs.law.harvard.edu/forum](http://www.blogs.law.harvard.edu/forum)). Recently, the Forum began the Summer Program on Local Government. This program connects HLS students with jobs in local government. Kelly notes, “Students don’t end up in local government because these employers tend not to have the resources to come to campus and recruit. However, local government employers would love to have law student interns for the summer. Using the connections from those in the forum, we have reached out to Mayor’s offices throughout the country, and have asked if they would be interested in having an HLS student as a summer intern.” The Forum is a great place for a student interested in local government because the group is still shaping its identity. Therefore, what the members are interested in drives the activities. One of the members is interested in getting involved in local elections. Other members and Professor Frug are interested in education and labor law, urban planning, and transportation policy.

# 5 CHAPTER

# PERSONAL NARRATIVES

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## David Friedman, HLS '96 – First Assistant Attorney General for Massachusetts

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Since January 2007, I have had the honor and privilege of serving as First Assistant in the Massachusetts Attorney General's office. Like other state Attorneys General offices, our office has broad jurisdiction over an extraordinary range of issues. The work is very interesting, and we are able to use a variety of tools – not only investigation and litigation – to make a real difference in people's lives and to promote the public interest.

My career path from law school did not lead directly to state government. Like many HLS students, I was probably somewhat guilty of harboring a bias in favor of federal government service. After graduating from law school, I completed two federal clerkships, with Judge Michael Boudin on the First Circuit and then with Justice John Paul Stevens. In 1998, I returned to Boston and joined the litigation department of Hill & Barlow, a medium-sized firm with a rich tradition of *pro bono* work. At the firm, I worked on a wide variety of litigation and other matters, including a *pro bono* class action on behalf of more than 3,000 persons with mental retardation on a waiting list for state services. We won a landmark ruling in that case, and ultimately obtained a settlement guaranteeing our clients services worth more than \$100 million a year.

After four years in private practice (interrupted briefly by volunteer work on the Gore-Lieberman Florida recount team, and also by an unsuccessful run for a state legislative seat), I moved into state government as Counsel and Chief Policy Advisor to the Massachusetts Senate President. In this job, I had a fantastic opportunity to work on a wide range of policy and legal issues, including the Massachusetts landmark universal health care law, legislation promoting stem cell and other life sciences research, and legislative debate over same-sex marriage. Working as a staff member in the state Legislature, I developed a deep affection for state government. At their best, states can find creative, innovative solutions to address major issues and problems in a way that is tailored to the particular needs of its residents. The federal government has more resources, but state governments have the potential to be quicker, more responsive, and more progressive.

In my current job at the Attorney General's office, I supervise a total of 490 attorneys, investigators, paralegals and other staff members. Our work ranges from criminal prosecution (focusing particularly on white collar crime, public corruption, cybercrime, and environmental crime), to a range of civil law enforcement areas, including environmental protection, civil rights, consumer protection, health care law, energy rate regulation, wage and hour law enforcement, and regulation of non-profit organizations. Our office also defends the state and its public officials when they are sued.

My own position focuses primarily on reviewing and authorizing civil and criminal matters (investigations, civil suit filings, prosecutions, settlements, amicus briefs), supervising other lawyers, and providing legal and policy advice to the Attorney General. At the same time, I personally handle and participate in many different types of matters, including high-level settlement negotiations and



various criminal investigations and cases. I find both the management and hands-on-lawyering parts of my job interesting and challenging in different ways.

One of the most exciting aspects of a state attorney general's office is the very broad range of tools available to address problems. Our consumer protection statute and various other statutes provide us with very broad jurisdiction. As a general matter, with very few exceptions, our office has wide latitude to focus on problems that we think are the most serious and where we can make a real difference. For instance, we have addressed the subprime mortgage and foreclosure crisis by suing or obtaining settlements from national mortgage lending companies, investment banks, individual brokers and attorneys, and others who have engaged in fraudulent conduct. At the same time, we have enacted regulations to prohibit deceptive lending and have successfully promoted state and federal legislation to address the problem. We have taken similar broad approaches to problems ranging from global climate change to identity theft and cyber-security to health care quality and costs.

As for my own career path, I doubt that I would have ended up at First Assistant Attorney General if I had not worked in another state government job first. I feel very fortunate to have had these exciting and fun opportunities. There were two critical elements that helped me move successfully from private practice to these public service positions. First, by finding a firm that allowed me to engage in extensive *pro bono* work, I was able to develop skills, credentials, and relationships that in turn made it possible to find very interesting state government work. Second, and equally important, I was fortunate to have several mentors who offered guidance and connected me with others.

### **Kate Cook, HLS '01 – Deputy Legal Counsel to the Governor of Massachusetts**

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I love my job. I realize that generally attorneys are not expected to make this statement. In fact, there seems to be some unwritten rule that we are supposed to be unfulfilled, frustrated and dreaming of owning a candy store or something. However, I'm not exaggerating when I say that I love working as deputy legal counsel to the Governor.

How did I get here? Like many law school graduates, I have always been interested in politics and public policy. I wanted a J.D. so that I could credibly work on social change. I have always been one to study and work on what interests me: in college I majored in women's studies and in law school I opted for local government law and a year long seminar on race, gender and class and the law over tax and corporations. I did the criminal justice institute defense clinical and was on CRCL. I firmly believe that when people work on things they passionately care about they naturally excel and go the extra mile.

After graduating from law school I had an offer from a large law firm where I had worked as a summer associate. I postponed that decision, however, for a two-year clerkship in the federal district court in Boston. Clerking was amazing, and my judge was an incredible mentor and friend. My writing skills improved by light years, and I enjoyed watching the chess game of civil litigation from the skilled oral arguments to the drama of trials to the behind the scenes judicial review. By the end of my clerkship I had learned many things, but perhaps the two most important items were: (1) I wanted to be in the courtroom trying cases. Immediately. Not in 5 years, and not just to carry a

partner's briefcase. (2) I really, really enjoyed working on the local government law matters that had come before us. I found the municipal cases had the perfect blend of public policy and intellectual interest.

Accordingly, after finishing my clerkship, I began working as assistant corporation counsel to the city of Boston in the litigation department. For 3 ½ years I represented Boston in state and federal court, administrative agencies and the Court of Appeals for the First Circuit. Like other government jobs, the corporation counsel provides new attorneys with immediate courtroom experience, a ton of independence and a lot of work! In addition to litigation cases, I sought out additional work in government services, which advises city commissioners and departments. Working on everything from pothole negligence suits to voting rights law, I was constantly challenged and learning about new areas of the law. I found as much as I enjoyed trying cases and arguing a motion, I also enjoyed putting out fires through behind the scenes legal advising (before court action is necessary). The rewards of working for a city are incredible: working on great state and federal legal issues, shaping important public policies about schools, zoning and voting, honing my trial skills fresh out of law school.

There's another part to this story. Immediately after law school graduation, I looked for an outlet for my feminism and new law degree. I joined the state's women's bar association, where I met many mentors and quickly joined the political arm of the organization, the legislative policy committee ("LPC"). The LPC fights for women's equal rights and for poor women and children. Through testifying at hearings and small meetings with legislators sponsoring (or opposing) relevant legislation, the LPC is an active voice for equality in the Massachusetts legislature. Eventually, I became co-chair of the LPC. Working on the committee was the perfect supplement to my "day job", and while feeding my feminist legal interests I simultaneously began to learn the ins and outs of the Massachusetts political process.

After 16 years of Republican governors, I was thrilled that Deval Patrick won the governor's race in 2006. He is smart, progressive and unafraid of taking on challenges for the greater good—not to mention a HLS alum. To join his team and help realize his mission seemed too good to be true. Even though I was incredibly happy at Boston, I immediately sent my application to his chief legal counsel. I have no doubt that in addition to my breadth of experiences at the city of Boston my extracurricular work for the Women's Bar Association and familiarity with the state legislative process helped land me the job.

From the day Governor Patrick was inaugurated, I have proudly served as one of his five attorneys. Though my constant assignments include legislative review and handling matters related to the Executive Office of Administration and Finance, given the size of the office and the variety of legal issues presented to the Governor, my work is extremely diverse from week to week. I am often overwhelmed by just how rewarding it is to work in the Governor's Office. My dream of using my law degree to help people is realized (even if in a small way) every time the Governor signs a bill or issues Executive Order or gives a speech. In addition to the fulfillment of working to make people's lives better, there is no intellectual plateau in this job—no shortage of fascinating legal questions to tackle. So you can see why I love my job.

There is one other reward I have found in working in legal offices in both state and local government worth mentioning. Government law jobs foster a cooperative, collaborative environment. There is no contest for who can bill the most hours or who the best rainmaker is. We

are all on the same team, and we all serve the same client. I have found that this type of lawyering and teamwork creates an excellent work product and work environment.

One final note about the pay. Obviously the only downside to public interest law is that you will not receive the level of salary as your classmates at private firms. However, most folks can survive on the government salary, *and* they will have an incredibly interesting and meaningful life as a state or local government lawyer. LIPP is incredibly generous and I have benefited from the program since I graduated 8 years ago.

### **Jim Milkey, HLS '83 – Former Chief of the Environmental Division in the Massachusetts Attorney General's Office**

(Based on an interview with Jim Milkey on July 8, 2009.)

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Jim Milkey '83 never expected to argue a landmark case before the Supreme Court. Milkey graduated from both Harvard College and Harvard Law School. While at Harvard Law, he pursued a joint degree in city planning from MIT. Milkey explains, "I always expected to be a planner with a law background. While I was in law school, litigation was not my thing. I was more interested in the policy side of law."

So how did Milkey end up as a litigator, arguing in front of the highest court in the land? "In my last year of law school, I realized I had not applied for a clerkship and that that had been a mistake. I wrote to the placement office at Christmas time that year looking for openings. I explained to them that I did not apply earlier because I had specialized interests, but then realized that it was a mistake. Luckily, Harvard Professor Benjamin Kaplan, who had been on the State Supreme Judicial Court but had to retire, was appointed recall on the Massachusetts Appeals Court and he needed a clerk," says Milkey. While there is a bias at Harvard Law towards federal clerkships, Milkey highly recommends that students consider applying for state court clerkships, noting, "I think I actually had a bias against the federal government. Being interested in land use and planning issues, I was particularly drawn to the state side." Milkey's clerkship year had a great influence on his career development, as he explains, "I cannot recommend a clerkship enough. The clerkship was a fabulous year because it provides the perfect transitional year. Plus, you are out of the pressure cooker of trying to have your permanent job lined up while you're still in school. After a year of clerking, you come out as a lawyer with great litigation experience. Before I clerked, I had never considered a career in litigation since I had always been more interested in policy. That said, having gotten the 'litigation bug' during the clerkship year and understanding that it's easier to move from a litigation position to policy position, I ended up applying for a position in Environmental Protection Division in the Massachusetts Attorney General's Office."

Milkey spent almost 25 years in the Environmental Protection Division, moving his way up to become the Chief of the Division. "I quickly fell in love with the job having never been interested in becoming a litigator. I suddenly loved the 'chess-playing' aspects of litigation, especially being able to do it in the public interest. As a new Assistant Attorney General, you are thrown right into your work. While your classmates are proofreading briefs, you are arguing cases in court. It was a fabulous way to 'grow up,'" he says about the job. Milkey argued his first appeal in the State Supreme Court less than two years after he joined the Massachusetts Attorney General's Office.

The story behind the 2006 *Massachusetts v. EPA* Supreme Court case really begins in 2000. Milkey's wife, a Professor of Political Science at Boston University, was doing a sabbatical year in Denmark: "For that academic year, we lived in Denmark. That year gave me a lot of time to think about what to do next. At the time, climate change was not at the top of the environmental agenda for Americans, especially on the state side. For obvious reasons, global climate change was not seen as a state issue. State Attorney Generals were not doing anything on the issue of climate change at the time. Yet, in Denmark, it was 'number one' on the environmental agenda and there was no 'number two.' In the middle of all this, we had a Presidential election in the United States. Both candidates endorsed the idea of mandatory climate emissions, but President Bush repudiated this promise. It was very clear that the Federal Government wasn't going to do anything and had taken itself out of the game. That redoubled my efforts to see if there is a role for state AGs on climate change."

Once Milkey returned to work in the fall of 2001, he started looking for causes of action. There were a few different theories that were under discussion. One was a common law theory, a nuisance case, a path which a group of State AG's pursued. Massachusetts, on the other hand, championed the statutory path, fashioning a case against the federal government for not doing its job under its statute. "We decided to focus on regulation under the Clean Air Act because it covered the issue well and we were able to make the case that the EPA had a mandatory obligation under that act," Milkey explains. Section 202 of the Clean Air Act gives the federal government the power to regulate any air pollutant that may reasonably be anticipated to endanger public health or welfare. The Massachusetts Attorney General's Office worked very closely with other state AG's offices to refine the theory and filed the initial case in October 2003.

Milkey's office was able to get eleven other states on board, along with three cities, American Samoa and some environmental and health organizations. There were 30 petitioners in all. "We probably had about 50 lawyers on our side, so we weren't short on help. I argued the case in the DC Circuit in 2005 and they ruled against us." The D.C. Circuit Court of Appeals declined to rehear the case en banc. In the spring of 2006, the United States Supreme Court granted cert.

In getting ready for the big case, they conducted six formal moot courts, including three large outside moot courts and three smaller, more private affairs. Milkey says that he spent about 300 hours preparing his oral argument, trying to anticipate every argument the Justices could throw at him: "I counted and I received 48 questions in a half hour. I will always be known as the person who tried to correct Justice Scalia twice." Ultimately, Milkey was successful and the Supreme Court sided with the States in a 5 to 4 ruling. In this landmark environmental decision, the Court held that carbon dioxide is an air pollutant subject to regulation under the Clean Air Act.

Still, the work continues. In 2008, Massachusetts led a coalition of 19 states in filing a *mandamus* petition in the D.C. Circuit seeking to compel EPA to take specific action on the remand. The Massachusetts Attorney General also joined other states in challenging the EPA's denial of approval for the California state program for regulating greenhouse gas emissions from motor vehicles. Milkey is now a Judge on the Massachusetts Appeal Court (the court at which he clerked).

### **Amanda Goad, HLS '05 – Environmental Law Division, New York City Law Department**

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After graduating from HLS and taking the bar in the summer of 2005, I started work that fall as an Assistant Corporation Counsel in the Environmental Law Division of the New York City Law

Department. The Law Department has been a great fit for me, because I'm most interested in the type of "environmental work" that focuses not on protecting charismatic megafauna or pristine wilderness lands, but on making day-to-day urban life more sustainable.

The plurality of our work in the Environmental Law Division involves environmental litigation (broadly defined) where the City has been named as a defendant. Within the realm of defensive litigation, circumstances vary greatly. Sometimes citizens opposed to a City action or approval, such as a rezoning or the siting of a composting facility, sue the City for reasons that boil down to "not in my backyard" or "not if I have to pay for it." Other times, the City has been sued by a nonprofit group or by state and/or federal regulators for contributing to pollution, as in the case of the combined sewer overflows that carry diluted but untreated wastewater into the City's rivers during every major rainstorm. While defensive work can sometimes involve trying to explain away client actions or policies that don't sound very sustainable, and/or stinking piles of trash and sewage, I'm confident that reducing my clients' liability for an environmental mishap will result not in lining an executive's pockets, but rather in freeing up money to build schools and operate homeless shelters.

My office also handles affirmative litigation, through which we try to recover environmental cleanup costs the City has incurred, to advance the City's environmental policy agenda (for example, we challenged several regulatory actions / inactions by the Bush-era EPA that left our low-lying harbor city at increased risk from climate change), and to prevent or abate environmental contamination in the City and the City's upstate watershed. These cases range from the massive to the tiny; in four years I've worked on everything from a \$250 million federal litigation against major oil and chemical refiners over MTBE contamination of City groundwater to an \$8000 prosecution in a municipal administrative tribunal of a homeowner who improperly disposed of asbestos in his curbside trash.

Finally, much of our work does not entail litigation at all. Our counseling work (which is more often the province of wiser senior attorneys but also sometimes crosses my desk) often involves helping non-environmental attorneys within the Law Department or policymakers at other agencies understand the environmental law implications of a proposed statute, regulation, or transaction. Recently, we have been consulting on the implementation of PlaNYC 2030, Mayor Bloomberg's roadmap for sustainable City operation and growth in the coming decades, trying to ensure that Plan-related statutes and regulations cannot be successfully challenged by regulated entities on grounds like state or federal preemption, the dormant Commerce Clause, or international trade agreements. PlaNYC 2030 also forms the backbone of Green Cities: New York, the seminar/clinical course co-taught by Jerry Frug of HLS and attorneys from our division.

In my first years at the Law Department, I really appreciated the balance between the significant responsibility I was assigned, and the significant support I was provided in carrying out those early assignments. I felt very comfortable asking questions of my supervisors, mentors, and peers while making my way up the steep learning curves of litigation practice and of navigating City, state, and federal bureaucracies.

The upcoming big trial, increased responsibility over time, and our budget-crunch-era staff shortage have collectively left me much busier than I used to be, but for the first three years of working here I had evenings free to volunteer at a community center and on a political campaign, act as legal coordinator for a small *pro bono* project, take Spanish classes, and intensively research the wine bars of Manhattan and Brooklyn. City salaries plus LIPP make it possible to carry on a comfortable lifestyle in the NYC area, and we also get great benefits.

The work is fast-paced and ever-changing. In less than four years here, I have drafted part of a SCOTUS amicus brief, drafted briefs and affidavits in dozens of state court cases, traveled to Houston to depose Texaco, Inc., and taken or defended about ten other depositions. I'm writing this narrative from the focus group suite where my colleagues are conducting a mock-up of the MTBE trial that's scheduled to commence in the Southern District next month; after watching the "jurors" deliberate through the one-way mirror, I'll be hopping a train north to speak to the Village Planning Board of Mt. Kisco (population 10,000) about a watershed land use issue. To be fair, there are also occasionally long days of document review. I spend a lot of time speaking with the agency staffers and consultants who make hands-on engineering and technical decisions for the City...ranging from Ph.D. hydrogeologists intimately familiar with issues affecting the City's drinking water supply, to the traffic engineers trying to craft a better solution for the Van Wyck Expressway, to the Parks Department employee tasked with turning on the Washington Square Park fountain every warm, sunny day. Every time I sip tap water, visit a City park, or take out my recycling, I get to enjoy my clients' "products."

### **Scott Bruner, HLS '92 – Director, Department of Administrative Hearings, City of Chicago**

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When I came to HLS in the fall of 1989, I knew I wanted to be a criminal prosecutor. I had always been interested in criminal law and criminal prosecution and had an intense desire to help people who were victims of crime. An internship with the US Attorney's Office in Washington, D.C. when I was a junior in college solidified my decision to pursue this career path. After graduating HLS in 1992, I began to work for the Cook County State's Attorney's Office in Chicago, IL. I spent 11 years with office, working my way up from the Appeals and Traffic/DUI Division to the Felony Trial Division and the Gang Unit. I tried about 25 felony jury trials and hundreds of bench trials. In the Gang Unit, I worked on several gang investigations and tried many gang homicides. I really enjoyed my career and gained invaluable experience. I was promoted to Deputy Supervisor and then Supervisor of the Traffic/DUI Division where I helped teach trial advocacy skills to entry-level attorneys. In 2003, I was given the opportunity to work for Mayor Richard M. Daley at the request of his Deputy Chief of Staff for Public Safety. As an assistant to the Mayor, I worked as a policy advisor on issues affecting crime and public safety. This opened up a whole new aspect of crime prevention issues including community policing, police performance and accountability and violence prevention.

In 2004, the Director of the Mayor's License Commission retired after 15 years and Mayor Daley appointed me to run the department. Shortly thereafter, the Mayor created the new Department of Business Affairs & Licensing in 2005 which incorporated the Mayor's License Commission. The Mayor then appointed me to head up this new Department in the spring of 2005. The Department of Business Affairs & Licensing was created to be the main business regulatory department for the city. The department was tasked with the regulation and issuance of all business licenses in the city. This included liquor licenses and I acted as the city's liquor commissioner. The department was also responsible for streamlining the license applications process and providing various educational services for business owners. Through technology and combining the functions of 3 separate departments into one, we were able to dramatically improve city services to the business community.

In the fall of 2007, the Director of the Department of Administrative Hearings left after 10 years to become the general counsel for the City Colleges. Hence, in January 2008, Mayor Daley appointed me to head up the largest municipal administrative adjudications system in the country. In this position I serve as the Chief Administrative Law Judge for the city and I oversee a staff of about 46 full-time employees along with an additional 86 lawyers who serve as Administrative Law Judges. The department is the chief municipal adjudications system and hears over 500,000 cases annually, ranging from parking tickets to building and health code violations. We serve the citizens of Chicago across three different locations around the city. My primary areas of focus are management and administration, fiscal responsibility and training. I am also constantly trying to figure out ways to leverage existing technological resources in order to provide a more efficient hearings process.

Currently, as a city department head, my main focus is management and administration. However, since our department provides hearings on municipal code violations, I am involved in reviewing legislation that will have an effect on department operations. I am also very involved reviewing and revising department policies in order to maximize department efficiency. We want to make sure that the public receives the best return for every dollar spent. I also spent a great time on performance management in order to make sure that staff are being held accountable. I do not do any litigating in this current position and sometimes I miss being in the courtroom. But I enjoy making decisions and working with my staff to provide the highest level of customer service. My current challenges are trying to figure out how to do more with less and how to leverage existing resources to maintain a high level of service that the citizens have come to expect. With the city facing a \$130 million budget shortfall, our department has experienced layoffs, furlough days and service cuts. Trying to keep morale high during these difficult times is also very challenging. The very worst part of the job is looking someone in the face and telling them they no longer have a job. It is very painful but not nearly so painful as hearing that you no longer have a job.

As you can see, my career has had many twists and turns and there was no way I could have imagined where a career in public interest would lead. I have been very fortunate and have faced challenges that allowed me to develop skills in many different areas. I have had a very rewarding career and have been given the opportunity to help many different types of people.

Finally, my advice for HLS students thinking of pursuing a career in State or Local Government, I would say - go for it. Follow your dreams. Working at the local level has been extremely rewarding. At the local level you see where the rubber meets the road. You see how policies directly affect people collectively and individually. Working in local government was not a very popular career choice among HLS students when I was a student and I'm sure that hasn't changed much. Nevertheless, if you have the passion to help people in your community, a career in local government can give you many opportunities to make a difference. As a prosecutor, the best feeling I got was when a relative of a murder victim would thank me for listening to them and helping them find some sense of justice. No amount of money could compensate for that feeling. I certainly believe that two critical things contributed to my success in local government. The first was the time I spent as a prosecutor not just learning trial skills and legal arguments, but learning how to deal with ordinary people. Learning how to relate to people on different levels is a necessary skill for any kind of success and it is not taught at Harvard. Working in a local government office will give you that skill and you will carry that skill into any future career. The second thing that contributed to my success was the generosity of the Law School's Low Income Protection Plan or LIPP. Without the financial assistance afforded me through this program, I would not have been able to devote my

career to public service. I would strongly encourage any HLS student looking to start a career in local government to explore the LIPP. It is the largest and most generous loan forgiveness programs of any law school in the country. I am grateful to the Law School and the alumni for supporting and growing LIPP. It has made a huge difference in my career.

You won't get financially rich pursuing a career in local government, but the riches you will gain will make you a better lawyer, and, most importantly, a better human being.

### **Marjorie E. Henning, HLS '83, General Counsel, Office of Management and Budget, NYC**

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By far the most gratifying experiences I had at law school involved my work at the Harvard Legal Aid Bureau. I had always been interested in a career in the public sector, where most of my law school friends started their careers upon graduation. But I took a different path initially, going to work as an associate in the municipal finance department of Willkie Farr & Gallagher in New York City. For several years, I worked exclusively on municipal finance, representing public sector and underwriter clients in tax-exempt bond issuances to finance affordable housing, public power, economic development, infrastructure projects, public transportation, hospitals and universities. As the firm shifted resources from municipal to corporate finance, I began working on a variety of corporate transactions, including acquisitions, leveraged buy-outs and institutional private placements. I enjoyed the work I was doing at Willkie but continued to be interested in working in the public sector.

In 1992, I was asked by a former investment banking client who had taken a position at the New York City Office of Management and Budget in 1990 to consider a position as Counsel in the NYC OMB. OMB, in addition to preparing and administering the City's expense and capital budgets, acts as the Mayor's representative on all aspects of City financings, and OMB's Counsel's office reviews every City capital project for compliance with State law. The City anticipates capital spending of over \$6 billion in the current fiscal year, for thousands of projects. OMB's Counsel's office also participates, with OMB's Finance Unit, in all City and City-related financings.

I was offered the position, and decided to take it. It was not an easy decision, because I did enjoy the work I was doing at Willkie. It was intellectually satisfying and I liked the people I was working with. Another consideration, of course, was the salary differential between a major corporate law firm and the City, which I had to weigh against the many benefits of working for the City, including the ability to have a life outside of work. Although I did not have children then, I wanted more control over my work hours that comes with being the client rather than serving a client. So, after much discussion with friends and family, I joined the OMB in November 1992 and in 2002 I became General Counsel.

Almost 17 years later, I can say unequivocally that it was the right decision. One of my concerns about working on City finance at OMB was that it might constitute a narrowing of my practice area from the fairly broad array of finance transactions on which I had worked at Willkie Farr. Nothing could have been further from the truth. In fact, my experience at the City, from the very beginning, offered a wide variety of legal challenges, together with an opportunity to participate on the business side in many different transactions. For example, early in my career at OMB, I proposed a strategy for negotiating with the New York State Governor's office to reverse the impact on City-owned hospitals of a State-wide delay of Medicaid payments. I was one of the City's chief negotiators with



the Governor's office to implement the strategy, which resulted in millions of dollars in savings for the City's public hospitals. Drawing on my experience at Willkie Farr, I worked on the City's acquisition of the assets of a private water utility in Queens and, several years later, on the acquisition of the assets of private bus companies operating in the City. I've worked on several securitizations of City-owned mortgages, and am happy to report that none of the securities sold in those transactions has become "toxic." The different transactions on which I've had an opportunity to work while at OMB have, if anything, been more varied than they likely would have been had I remained in private practice.

My primary focus has been working on City finance. I have worked on a range of City financings, including the sale of City "Samurai Bonds" in Japan and the first securitization of revenues from the nation-wide settlement agreement with tobacco companies. I have been deeply involved in the creation of new financing authorities, from drafting the original authorizing legislation to participating in the structuring of the credit and the subsequent bond issues. The past 18 months have offered some unprecedented challenges in the financial markets and the entire municipal market (as well as financial markets everywhere) has changed in ways that could not have been imagined two years ago.

One of the most interesting, albeit oftentimes frustrating, aspects of my job has been helping to develop the City's legislative agenda in the finance area and working on State and federal legislation. On September 12, 2001, I received a phone call at home from the Budget Director, who told me that the State legislature was prepared to pass a bill to help the City recover from the terrorist attacks of September 11. He asked me to draft the legislation, and the next day the State legislature passed the bill authorizing the borrowing of up to \$2.5 billion to provide for some of the City's costs relating to the attacks.

More recently, we secured enactment of a bill that expands the debt issuing capacity of one of our most highly rated issuers, which will enable the City to save substantially on its debt service costs.

I hardly know where to start in describing the rewards of my job, and of working for the City of New York in general. The first and most obvious is the ability to do interesting work that makes a difference in the lives of millions of New Yorkers, while maintaining a sensible work/life balance. I have two children, age 12 and 9, and am able to get home regularly to have dinner with them at a reasonable hour. It's also very rewarding to be a part of New York City government—I have always loved the energy and diversity of the City, and to be a part of City government and see how it works from the inside is fascinating.

I am happy to see that there appears to be more support at HLS for students interested in public sector careers than there was when I graduated. I would encourage students to consider jobs with local governments, where decisions are made and services provided that directly affect residents and the quality of their lives.

### **Peter Keith, HLS '99 – Deputy City Attorney, City and County of San Francisco**

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A colleague of mine once described a local government as a "nonprofit in the business of everything." San Francisco doesn't just pave the roads and operate parks; on top of providing for

public safety and running a mass transit system, it also operates two public hospitals and satellite clinics, a water system that supplies not just San Francisco but millions of other Californians, and an international airport and port. In addition to this, San Francisco has executive and legislative officials who pride themselves on forward-thinking policy initiatives, and who are not afraid to take on powerful and well-funded opponents. That is a client who needs a good lawyer: San Francisco's elected City Attorney and a staff of 180 Deputy City Attorneys (DCAs).

When I started law school, I had no idea what a city attorney or county counsel was. I found out when I visited an OPIA panel on careers in government, and one of the panelists was the Chief Deputy City Attorney for San Francisco. Luckily, the attorney was also a Wasserstein Fellow, and an informational interview turned into a 1L summer internship. That summer, I supported DCAs advising on homeless shelter policies, and helped defend against a suit brought by a street minister who thought City noise ordinances should not apply to him, as well as other civil cases. One case, though, "hooked" me on the City Attorney's Office. I worked with a group of dedicated and talented attorneys to defend San Francisco's then-landmark Equal Benefits Ordinance – a law that required contractors with San Francisco to offer the same benefits to employees with domestic partners as they offered to married employees. Not only was the cause righteous; working on that case, and the others, I also learned how good attorneys think through every step of litigation, and consider every legal problem from every angle. That was the kind of job I wanted, and those were the people I wanted to learn from.

After I finished a clerkship with Judge Jon O. Newman of the Second Circuit Court of Appeals, I started as a new DCA on the office's Trial Team. It was formally known as the "Litigation Team," but no one called it that, because we did not "litigate"; we *tried* cases. I had my first bench trial after less than three months, and my first jury trial in nine months. And a couple of months after that, I was the lead DCA in a fraud investigation that ended with a multi-million dollar recovery for San Francisco. Soon after I started, I soon lost count of how many depositions I took and dispositive motions I argued. I recently argued a case before the California Supreme Court. Only in a government law office can a young (or old, for that matter) attorney get so much civil litigation experience so quickly. Particularly in a local government law office, the same attorney litigates a civil case through discovery, motion practice, and trial, and then goes on to argue the appeal. That model stems not only from limited resources; it also reflects a culture that values each attorney's ability and capacity for professional growth.

While my own experience has been in litigation, that is only one aspect of a local government law office's work. Local governments need attorneys to advise them in every aspect of governance, from legislation (there is no such thing as simple legislation) to transactions (consider the task of purchasing a fleet of environmentally sound buses, or building a ballpark with private funding) to labor, land use, public works, and administrative proceedings. Local government attorneys have a range of backgrounds, whether with private law firms, state and federal government, even criminal law practice.

An attorney representing a local government can look forward to variety. Over my nine years as a Deputy City Attorney, I've represented San Francisco in matters involving civil rights, personal injury, contract disputes, local taxes, land use, bankruptcy, and other areas. Right now, my case load focuses on consumer protection, public corruption and contractor fraud investigations, and tax fraud. These types of cases require lengthy investigations and strategic thinking – and trial and negotiation skills that will lead to good results.

Students hoping to find a job in a local government law office should recognize that local government is local; a city attorney will take seriously an applicant who already works in, or has ties to, the city that the office represents; already being a member of the State Bar is a must. And local governments – particularly in California – are subject to budget constraints that can translate into long droughts in the hiring process; attorneys need to be ready to take a job when it becomes available. It is typical for new DCAs to have at least a few years of experience elsewhere, but some offices occasionally hire new attorneys immediately after a clerkship. Local government law offices look for the same things other potential employers look for: achievement and credentials, demonstrated interest, and the ability to work independently and exercise good judgment.

From a personal standpoint, the opportunities for professional growth and intellectual stimulation are two very good reasons to work in a local government law office. But there are two other aspects of working as a Deputy City Attorney that are profoundly satisfying; one of them is generally true about serving in a government law office, and the other is particular to the San Francisco City Attorney's Office.

First, government attorneys are trustees of the public good. When they advise lawmakers, or represent any government – state, local, or federal – in court, they cannot view their client's interests narrowly. Rather, their interest is in justice being done. Judges and opposing attorneys rightly expect that government attorneys will meet higher ethical and professional standards in exercising governmental authority. Living up to that responsibility is a constant challenge – but doing so is its own reward.

Second, San Francisco's elected City Attorneys – Louise Renne from 1986 to 2001, and Dennis Herrera since 2002 – have been national leaders in expanding the role of a local government law office, to serve not just the traditional defensive and advising role, but also to use its powers to file litigation on behalf of constituents' interests and the general public interest. Under their leadership, San Francisco was the first local government to sue cigarette companies to recover the public health costs of tobacco use, to sue for women's reproductive freedom, and to sue to invalidate discriminatory marriage laws. And along with that impact litigation, the City Attorney has exercised the office's consumer protection and code enforcement powers to fight – for example – predatory lenders, businesses marketing alcohol to minors, elder abusers, slumlords, and violent gangs.

The San Francisco City Attorney's Office continues to innovate. In 2006, City Attorney Dennis Herrera appointed an Affirmative Litigation Task Force to develop high-impact lawsuits for the benefit of San Francisco and the public at large. The task force involves DCAs with a broad range of legal expertise and skills. These attorneys work directly with Berkeley and Yale Law School students, who get a seminar-style introduction to relevant California local government law and work closely with Deputy City Attorneys on case development and litigation. It has been one of my career highlights to work on the task force with other skilled attorneys and these motivated law students.

Other local government law offices have followed San Francisco's lead. San Francisco has actively promoted its model, both through the American Constitution Society (Dennis Herrera is on the Board of Directors) and through contacts with other offices. The Santa Clara County Counsel's office has a similar partnership with Stanford and Santa Clara Law Schools, and New York City Law Department with Harvard Law School. Many other local government law offices are doing

innovative work, including Seattle, Cincinnati, Chicago, Washington DC, Los Angeles, Oakland, Baltimore, Newark (NJ), and others. Many Harvard Law School graduates are helping to lead the way. Join us.

## **Adam Cederbaum, HLS '04 – Assistant Corporation Counsel, City of Boston Law Department**

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I have worked for the City of Boston Law Department for almost three years. I sought this job because of a strong interest in local government, spurred on by my Local Government Law class at HLS, and because I was looking for a job that would give me a variety of hands-on legal practice opportunities.

I work in a group called “government services,” which represents City departments on the whole range of legal work they need (excluding certain common categories of lawsuits against the City, such as unintentional torts, employment complaints, and civil rights complaints). My work is unspecialized, so I frequently address questions, and situations that I have never seen before. My work can roughly be grouped into four categories:

(1) Questions and advice. In a typical week, I get a number of small questions from City departments (my clients), such as whether a proposed contract conforms to our living wage ordinance or what to do about a subpoena, that take minutes or only a few hours to answer. I also do slightly longer research projects (a day or two) on a variety of questions, such as which police force has jurisdiction over certain public property, or whether a proposed law must originate as a Home Rule Petition?

(2) Contracts. I spend at least some time every week working on contracts. This includes mundane work like ensuring that all of the necessary documents have been completed. I also help departments put together solicitations for services to ensure compliance with public bidding laws, and negotiate terms with companies the City is contracting with.

(3) Projects. In addition to discrete requests for legal advice that can be handled in minutes or days, I work on longer-term issues that can benefit from legal input. There is no typical issue, but here are a few examples: working with a City-State team to draft legislation concerning pension issues; working with a City department to figure out what to do about long-forgotten property it may own; working with a group redrafting the standard contract the City uses for dependent contractors.

(4) Litigation. I spend approximately half of my time on litigation. My cases include land use cases (defending zoning and historical district decisions), contract disputes (with components of traditional contract disputes plus issues concerning public contracting laws), some challenges to the statutory and constitutional validity of various property tax levies, and “other government” cases – for example, a challenge to a City law limiting the number of college students per apartment and a dispute with the MBTA over whose police will staff certain traffic details.

One of the best parts of this job is that I have lots of responsibility for my own cases and issues, and lots of opportunities to do things myself. For example, with respect to litigation, I’ve taken and defended depositions, argued motions, I’ve tried a case in federal district court with a colleague, I’ve tried a very small case in the Massachusetts Superior Court and will try a bigger one in a few months,

and I've briefed and argued cases in the Massachusetts Appeals Court, the Massachusetts Supreme Judicial Court, and the First Circuit. I also really like the opportunity to work in the public interest, and the variety of my work. Finally, working in government is fun because your clients are doing really interesting work and a lot of it is of general interest to you, your family, and your friends.

There are also challenges working for the City, beginning with the obvious one of not getting paid very much. Another real challenge is that I don't usually get to learn how to do something from more experienced lawyers. I learn from doing things myself and my own mistakes, but I am sure there is a lot I am not learning. Finally, working as a practicing lawyer representing City departments is not primarily a policy job. By and large, those decisions are not made by lawyers (at least at my level); in fact, a lawyer often comes to a situation after the policy work is done and the questions concern implementation or addressing problems.

### **Jimmy Richardson, HLS '09 – Intern, Environmental Protection Division, Massachusetts Attorney General's Office**

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In 2008, between my second and third years of law school, I worked as a legal intern in the Environmental Protection Division of the Massachusetts Attorney General's Office. I was eager to work both in government and in environmental law, but I was uncomfortable about seeking work at the federal level because of the then-current administration's environmental policies. Further, it was a time of tremendous action by the states. During the preceding year, Kansas had emerged as the first state to consider the effects of greenhouse gas emissions in deciding whether to grant permits to coal power plants; more famously, the U.S. Supreme Court had recently handed down its decision in *Massachusetts v. EPA*, in which the Commonwealth and a number of other states effectively challenged the EPA's position that it lacked the authority to regulate greenhouse gas emissions. It was beginning to seem like progress in environmental law progress was more often than not the result of state initiative, often against the federal government. So it was an easy choice for a lefty environmental type like me to work in Massachusetts AG's Office.

When I showed up for my first day, there were two case files waiting on my desk; I was instructed to do some research and pull together a memo a state constitutional issue and another on some litigation over a landfill closure. The first morning set the tone for the summer: there was always work to be done, and it was never busywork. But after completing these, I didn't write another memo for the rest of the summer.

The thing was, every summer the Division brought in two legal interns, but no one seemed to have a terribly precise idea of what to do with us. The attorneys were used to doing their own research, and, because the legal intern program was so small, there wasn't a whole lot of structured programming. But this lack of structure turned out to be a very good thing indeed for a legal intern who wanted as much responsibility and experience as he could get in ten weeks. I soon found that, as long as I could prove myself reliable and capable to the attorneys, they'd let me try my hand at just about any project I expressed an interest in. I drafted or helped to draft motions, complaints, and briefs, plotted trial strategy regarding the presentation of complex scientific issues to a jury, participated in settlement negotiations, identified and interviewed witnesses, and took part in policy meetings, interagency planning meetings, and all sorts of other events. The work I did touched on just about every aspect of environmental law, including air, water, and toxic waste, as well as constitutional law, administrative law, and procedure.

The best part of the summer, though, was the group of attorneys I had the privilege of working with. These were all career government attorneys, folks who loved their work, cared about protecting the environment, and wanted to serve the public. And they were all ridiculously talented lawyers. Perhaps surprisingly, the office was also extremely social. There were not formal social events structured into the internship program, but the attorneys and staff were genuinely friendly, and we'd often go out for drinks after work or for lunch.

For someone who really wants to get into the trenches of public-sector environmental law, this is a fantastic summer job. Environmental law is a field where there is so much action and innovation taking place at the state level, and working in a state like Massachusetts, which is really on the cutting edge and dead serious about environmental protection, can be truly inspiring. If one is interested in this kind of a job, it's definitely helpful to have as much relevant knowledge and experience as possible: any clinical work, as well as courses in environmental law, administrative law, constitutional law, evidence, and so forth, would be helpful. More important to finding the fullest experience in a small and informal setting like this, however, is a broad curiosity and desire actively to make the summer what you want it to be.

### **Alan Tabak, HLS '10 – Intern, Affirmative Litigation, NYC Law Department**

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The New York City Law Department is broken down into 17 distinct departments, and each intern is assigned to one department. (You get to express a preference when you are hired.) I can only directly speak to the department to which I was assigned, Affirmative Litigation (i.e., plaintiff-side litigation). I had substantive work assignments from my first day in the office. The vast majority of the work is legal research and writing. The attorneys were quite attuned to giving me opportunities to write formal memorandums so that I could come out of the summer with a good writing sample; as the summer went on, I sometimes wrote formally and sometimes sent emails summarizing my research according to the complexity of the problem. The lawyers were definitely happy for me to stop by their offices to ask questions. Unlike a firm, the structure at the Law Department is non-hierarchical, so I always worked directly with the attorney that gave me an assignment. The quality of feedback varied from lawyer to lawyer, but I got constructive feedback on my larger/longer-term assignments.

The most enjoyable aspect of interning in local government is that you work with lawyers that are committed to what they are doing. At least the people that I met and worked with at the Corporation Counsel were there because they wanted to be there and felt they were performing an important public service. I don't think there are significant challenges or frustrations inherent in working for local government for summer interns, but for full-time employees, the relatively low compensation can be a matter of real concern.

I was a government major and interned on the Hill in college, so working for the government was a pretty easy decision for me to make. More difficult was choosing between the civil and criminal sides for the summer. I wound up choosing civil for two reasons. First, I thought I would have more significant researching and writing opportunities on the civil side. Second, I already had some exposure to criminal work and wanted to experience civil work first-hand. I'm confident I made the right decision for myself. Someone that cared less about researching and writing and wanted much

more courtroom exposure would be better served going to a District Attorney's office.

I didn't fully appreciate the differences among the departments at the Corporation Counsel when I applied to the job. I chose Affirmative Litigation because I thought I would see a variety of different subject matters, and that was borne out in my summer. But whether at the Corporation Counsel or any other government job, I would urge applicants to speak to current lawyers or past interns to get a flavor of the different divisions, because the pace, style and nature of work can be very different even within the same building.

# CHAPTER 6 NOTABLE RESOURCES

\*Denotes resources available in the OPIA office

**Conference of Western Attorneys General**  
<http://www.cwagweb.org/>

**Council of State Governments**  
<http://www.csg.org/>

**The National Association of Attorneys General (NAAG)**  
[http://www.naag.org/attorneys\\_general.php/](http://www.naag.org/attorneys_general.php/)

**National Conference of State Legislatures**  
<http://www.ncsl.org/>

**National Association of State Personnel Executives**  
<http://www.naspe.net/>

**National Governor's Association**  
<http://www.nga.org/>  
[Also see Governor's Office Guide –Legal Counsel](#)

**National League of Cities**  
<http://www.nlc.org/>

**National State Attorneys General Program at Columbia Law School**  
[http://www.law.columbia.edu/center\\_program/ag/](http://www.law.columbia.edu/center_program/ag/)

**PSLawNet**  
<http://www.pslawnet.org/>

**[The University of Arizona College of Law's 2009/2010 Government Honors & Internship Handbook](#)**

**U.S. Conference of Mayors**  
<http://www.usmayors.org/>

**Links to each state AG's Office**  
<http://www.prosecutor.info/>

***\*The Book of the States***  
Published by the Council of State Governments

***Municipal Yearbook***

***Municipal Yellow Book***

***National Association of Attorneys General Handbook***  
Published by NAAG

***New York City Green Book***

***Spectrum: the Journal of State Governments***

***\*State Administrative Officials Classified by Function***

Published by the Council of State Governments

***\*State Attorneys General Powers and Responsibilities***

Ed. Emily Myers and Lynne Ross

***State Legislative Source Book***

Published by the Law Librarian's Society of Washington, D.C.

***\*State Yellow Book***



## ADDITIONAL RESOURCES

**2007 ACS National Convention Panel Discusses "Moving Forward in the States and Cities",**  
<http://www.acslaw.org/node/5209>

**Don't Shut the Door on Your Way Out: Stopping the Threat to City Operations Posed by the Aging Municipal Work Force**

By Bethany Rubin Henderson '02

<http://ncl.org/publications/ncr/97-3/Henderson.pdf>

**Why the Local Still Matters: Federalism, Localism, and Public Interest Advocacy**

(Forthcoming 2009)

Published by Yale Law's Arthur Liman Public Interest Program and Columbia Law's National State Attorneys General Program

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Myers, Emily and Lynne Ross. *State Attorneys General Powers and Responsibilities 2<sup>nd</sup> edition*. Washington, D.C.: National Association of Attorneys General, 2007.