

GOVERNMENT AT A GLANCE

(for more detailed information on government careers, see <http://www.law.harvard.edu/current/careers/opia/public-interest-law/practice-settings/index.html>)

• **Why work in government?**

- Public good (work has meaning/shared sense of purpose and priorities with colleagues)
- Huge variety of substantive areas and types of work
- Early challenge and experience (responsibility off the bat as a young lawyer)
- Ability to move around
 - Can be “detailed” to other offices for related work
 - Opportunities to move from one job to another/one agency to another/one level of government to another
- Quality of life/work-life balance
 - Good flex-work schedules
 - Good benefits
 - Often decent pay

• **Levels of government**

○ ***Federal***

- Three branches:
 - Executive
 - White House
 - Department of Justice (DOJ)
 - Other administrative agencies
 - E.g., Environmental Protection Agency, Department of Labor, Department of Housing and Urban Development, Federal Trade Commission, Department of the Treasury, etc.
 - Legislative
 - Congress (House + Senate = Capitol Hill)
 - Judicial
 - U.S. Supreme Court
 - U.S. Circuit Courts of Appeal
 - U.S. District Courts
- Primarily in D.C., but many jobs throughout the U.S. and even a few internationally
 - United States Attorneys Offices (DOJ) in every federal circuit
 - Regional offices of administrative agencies (in most major cities)
 - U.S. Trustees Offices (bankruptcy)
 - Embassies (abroad)
- Focused on national issues/issues of national jurisdiction (e.g., military, treaties, etc.)

○ ***State***

- Three branches:
 - Executive
 - Governor’s Office
 - Attorney General’s Office
 - State administrative agencies
 - E.g., Massachusetts Department of Public Health, New York Department of Environmental Protection, etc.
 - Local prosecutor’s offices (e.g., District Attorney, States Attorney, etc.)
 - Legislative
 - State legislature (House + Senate; varies in quality and intensity by state)
 - Judicial
 - Generally, Supreme Court, Courts of Appeal, and District and Superior Courts
 - Different names depending on state (e.g., Massachusetts Supreme Judicial Court)
- Based in largest city or cities and/or capitol city of state; local prosecutors throughout state
- Focused on issues of state importance/state jurisdiction

○ ***Local***

- City, county, or other municipal government

- Three branches:
 - Executive
 - Mayor's Office
 - City agencies
 - E.g., New York City Law Department, San Francisco Department of Public Health, etc.
 - Legislative
 - Varies a lot depending on the city (e.g., Alderman, City Councilors, Town Meeting, etc.)
 - Judicial
 - City or municipal courts (e.g., Boston Municipal Court, etc.)
- Based in particular cities
- Focused on issues of local importance (e.g., zoning, local economic development, city planning, public schools, historic preservation, etc.)
- **International**
 - Foreign governments
 - International courts (see OPIA's *Public International Law at a Glance* Handout)
 - Military
 - JAG Corps (all branches)
 - Some federal administrative agencies have foreign offices
 - State Department (embassies)
 - FDA
- **Issue Areas**
 - Nearly limitless
 - Most government agencies work on issues that range far beyond their names or stated issues
 - Ex: can work on international issues at the Department of Transportation; civil rights issues at the Department of Housing and Urban Development; intellectual property issues at the Department of Commerce
- **Types of work**
 - Generally, a lot of variety; both traditional and non-traditional
 - ***Litigation (traditional)***
 - Filing and trying of lawsuits before administrative agencies, foreign tribunals, and federal, state, and local courts
 - Civil litigation
 - Affirmative = cases where the government is the plaintiff
 - Defensive = cases where the government is the defendant/sued by outside interests
 - Criminal litigation
 - Prosecutors = bring charges against individuals or entities accused of breaking the law
 - Defenders = represent those accused
 - Opportunities to litigate can be found in the following:
 - Federal government
 - Department of Justice
 - Central agency for enforcement of federal laws/main litigating branch of the U.S. Government
 - Both civil and criminal litigation
 - Appellate practice
 - Administrative agencies with independent litigating authority
 - Agencies handle most of their own litigation; typically enforcement work
 - Ex: Department of Labor, Securities and Exchange Commission, Equal Employment Opportunity Commission
 - Administrative agencies with coordinate jurisdiction
 - DOJ initiates all lawsuits and handles depositions/oral arguments, while agency attorneys draft legal papers and provide subject-matter expertise
 - Ex: Department of Housing and Urban Development, Department of Health and Human Services

- Military
 - Judge Advocate General Corps (for all branches)
 - State government
 - State Attorney General Offices (comparable to DOJ at federal level)
 - Both civil and criminal litigation
 - Appellate practice
 - Administrative agencies with independent litigating authority
 - Local prosecutor's offices for criminal work
 - Local government
 - City attorney, solicitor, or corporation counsel's offices
 - Usually found in large urban centers
 - Represent the city in civil litigation
 - Smaller cities may contract out litigation work to attorneys in private practice
- **Legal advising (traditional)**
 - Providing advice and counsel to policymakers and agency staff to help comply with the law
 - Lawyers work closely with agency administrators, offering meaningful input into the development and implementation of agency's programs and policies
 - Work can include reviewing and investigating complaints and assisting with congressional and other inquiries
 - Opportunities for legal advising can be found in the following:
 - Federal government
 - White House Counsel's office
 - General Counsel's office of administrative agencies
 - Ex: EPA, State Department, Department of Housing and Urban Development
 - Policy offices of administrative agencies that employ lawyers
 - Ex: civil rights offices (responsible for investigation and mediation of civil rights complaints within and against agencies)
 - Ex: Inspector General's offices (responsible for investigating allegations of waste, corruption, fraud, abuse, and misconduct in the agency)
 - Military
 - Judge Advocate General Corps (all branches)
 - State government
 - Governor's Legal Counsel's office
 - General Counsel's office of administrative agencies
 - In smaller states, Attorney General's office may be primarily responsible for providing legal advice to state officials and agencies (ex: District of Columbia)
 - Local government
 - City attorney's offices (ex: New York City Law Department)
 - Administrative agencies in large cities may have in-house counsel
 - Ex: New York City Department of Education
- **Regulatory work (traditional)**
 - Generally involves drafting and enforcing regulations.
 - Can include:
 - Writing new regulations
 - Analyzing comments on proposed regulations
 - Providing legal advice to agency staff and substantive experts on the implementation and enforcement of regulations
 - Opportunities for regulatory work can be found in nearly every federal, state, or local administrative agency
 - Focus on agencies with the most significant regulatory scope (e.g., Food and Drug Administration, Environmental Protection Agency, Occupational Safety and Health Administration, etc.)

- **Legislative work (traditional)**
 - Can include:
 - Drafting and researching legislation
 - Reviewing and commenting on proposed legislative amendments
 - Preparing legislators for hearings
 - Interacting with constituents and interest groups
 - Advising individual legislators
 - Opportunities can be found in the following:
 - Capitol Hill (Senate and House)
 - State legislatures (Senate and House)
 - Some General Counsel's offices of federal and state administrative agencies
 - Look for legislative divisions
 - **Policy (non-traditional)**
 - Can include:
 - Developing new government programs or initiatives
 - Proposing changes to existing policies
 - Implementing policy ideas as concrete actions
 - Nearly every federal and state administrative agency employs policy staff (majority may not hold JDs, but many JDs in these kinds of positions)
- **Summer internships**
 - If you are interested in government work, strongly consider spending at least one summer in a government office
 - Demonstrate commitment to government service
 - Chance to try out type of work/issue area/level of government
 - Build network of contacts
 - Vast majority of federal, state and local agencies that employ attorneys take summer interns (though usually on an unpaid basis)
 - Do your research
 - Search out past interns – what was the experience like? Structured or unstructured? Legal or non-legal skills? Supervision?
 - Attend OPIA's domestic job search session in November
 - Attend OPIA's session on volunteer opportunities with the DOJ in November
 - Meet with one of OPIA's government advisors (Catherine Pattanayak, Joan Ruttenberg, Ginny Greiman) after November 1
 - Use your clinics to gain additional government experience
 - Because government hiring is so competitive, one summer in government may not be sufficient to demonstrate your interest in and commitment to the setting
 - **Postgraduate hiring**
 - Government honors programs are chief hiring vehicle for entry level attorneys at federal and state level
 - Federal
 - Usually, between 16 and 20 entry-level programs offered
 - Largest honors program = DOJ
 - Most federal honors program positions in D.C., though a few agencies offer positions in other major cities
 - Arizona Government Honors and Internship Handbook provides comprehensive information on honors program applications
 - State
 - Fewer programs than at federal level; most agencies hire experienced attorneys
 - States with Attorney General honors programs include CA, OR, MA
 - Local
 - Mostly experienced hires
 - New York City Law Department offers post-graduate positions and a summer honors program that frequently leads to post-graduate offers
 - A number of government fellowships also serve as entry points
 - Federal

- Presidential Management Fellowship (2-year paid government fellowship that places graduates in public policy and management positions with federal executive agencies)
 - State
 - California State Fellowships (executive, legislative, and judicial)
 - Local
 - Capital City Fellows Program in D.C.
 - Hiring for legislative work (Capitol Hill and state legislatures) is entirely decentralized
 - Each office/committee conducts own hiring
 - Previous relevant experience (work or internship) on Capitol Hill or in state legislature required
 - Networking is key, though a few limited legislative fellowships exist at federal and state level
 - Ex: Congressional Black Caucus Foundation fellowship, Ohio legislative fellowships, etc.
- **Lateral hiring**
 - Can go either way (public to private, or private to public), BUT:
 - Good idea to establish public service credentials first (if start in private sector, will want to see that you have public service experience)
 - May be harder to start private and then take big salary cut
 - If start in the private sector, work hard to get relevant (often pro bono) experience
 - Recent common pattern:
 - Start in public service
 - Move to private practice after several years
 - Come back into public service as political appointee or at a higher level when a president from “your” party takes office
 - Can also combine government service with academia
 - Adjunct or clinical teaching while practicing
 - “Detail” from academic career to government (note 2-year tenure leash, however)
- **Financial considerations**
 - Federal wages for new grads will vary based on prior federal experience (clerkships or prior jobs) and locality (can view GS scale online)
 - Federal salaries tend to rise quickly in the first several years, then plateau (vs. private sector jobs in which expectation/hope is that big rewards come later, with partnership)
 - State wages a bit lower than federal, and vary
 - Benefits often very good (comprehensive health insurance, retirement plan, disability)
 - All government jobs are LIPP-eligible
- **Government employer “likes”**
 - Clinics/internships
 - Clerkships
 - Writing (journal work/research assistantships can help develop)
- **Security clearances**
 - Some federal agencies have them, both for summer and post-graduate positions
 - Ex: DOJ (including USAOs), CIA, Department of Defense
 - Summer clearances tend to be less extensive
 - Issues that have tripped up clearance process for students include:
 - Past drug use
 - Dual citizenship
 - Marriage to a non-citizen
 - Living abroad for more than 2 of the past 5 years
 - Turn security clearance paperwork around as soon as possible after receiving (e.g., within 48 hours) to avoid delays
 - See OPIA website for detailed information/seek out OPIA guidance if you have concerns (<http://www.law.harvard.edu/current/careers/opia/toolkit/security-clearances.html>)
- **Heyman program**
 - Summer and post-graduate fellowships for students pursuing federal government work
 - See <http://www.law.harvard.edu/current/careers/opia/fellowships/hls-fellowships/heyman-fellowship/fellowship-description.html> for more information