Contents

Also by the Author .......................................................... iii
Dedication ................................................................. v
Acknowledgments ......................................................... xxiii
Introduction ............................................................... xxv
Glossary ................................................................. xxix

Part I
Federal Legal Demographics ................................. 1

Chapter 1
The Numbers ............................................................ 3

Chapter 2
Diversity ................................................................. 6

Chapter 3
Ageism ................................................................. 9

Chapter 4
Disability ............................................................... 11

Part II
The Pros and Cons of a Federal Legal Career ....... 13

Chapter 5
The Pros ................................................................. 15
  Imminent Massive Retirements ............................... 15
  Student Loan Repayment ..................................... 17
  Job Security ....................................................... 17
  Work/Life Balance ................................................ 19
  Flexible Work Schedules ..................................... 19
  Telecommuting Possibilities ............................... 20
  The Work Itself ................................................... 22
The Policy Component ..................................... 23
Early Responsibility ..................................... 24
Incentive Awards and Bonuses .......................... 24
Intra-governmental Fungibility ........................... 25

Chapter 6
The Cons .................................................. 26
  Bureaucracy ............................................ 26
  Less Compensation .................................... 29
  “Shock and Awe” on Day One ........................ 32
  Drug Testing .......................................... 37
  Background Investigations ............................ 37
  Promotion Ceilings .................................... 38
  Less Perceived Prestige ............................... 39
  Production Quotas in Certain Offices ................. 40
  Marketability outside Government ..................... 41
  Buck Slipping ......................................... 42
  Occasional Hiring Constraints ......................... 43

Part III
Where the Federal Lawyers Are ....................... 45

Chapter 7
“Mainstream” Attorney and “Law-Related” Jobs ....... 47
  Mainstream Jobs ...................................... 47
  Law-Related Positions ................................ 50

Chapter 8
Federal Legal Geography ............................... 53
  Domestic Presence .................................... 53
  The Seat of Government ................................ 53
  Federal Regional Centers ............................. 54
  Other U.S. Locations .................................. 54
  Foreign Offices ....................................... 55

Chapter 9
Overview of the Federal Legal Structure ............... 57
  The “Government as Monolith” Myth .................. 58
  Agency Creation and Destruction ...................... 58
Chapter 10
Executive Branch—Overview and the Executive
Office of the President ........................................... 61
  Overview .................................................... 61
  Executive Office of the President ......................... 62
  Office of Counsel to the President ....................... 62
  Office of the General Counsel, Office of Administration ... 62
  Office of General Counsel, Office of Management and
    Budget .................................................... 63
  Office of Federal Procurement Policy, Office of
    Management and Budget .................................. 64
  Office of the Intellectual Property Enforcement
    Coordinator, Office of Management and Budget ...... 64
Legislative Reference Division, Office of Management
  and Budget .................................................. 64
  Office of Information and Regulatory Affairs, Office of
    Management and Budget .................................. 65
  Office of General Counsel, Council on Environmental
    Quality ........................................................ 67
  Office of Legal Counsel, Office of National Drug Control
    Policy ....................................................... 67
  Office of General Counsel, Office of the United States
    Trade Representative ...................................... 68
  Other Units of the Office of the United States Trade
    Representative ............................................. 69
  Czars ....................................................... 70

Chapter 11
Executive Branch—Cabinet Departments ................... 71

Chapter 12
Executive Branch—The Agencies .......................... 75

Chapter 13
Executive Branch—Article I Courts ........................ 78

Chapter 14
Legislative Branch—Overview, Politics v. Merit Hiring,
  and Members’ Offices ....................................... 80
  Overview .................................................... 80
  Politics v. Merit Hiring ..................................... 81
  Members’ Offices .......................................... 81
## Chapter 15
The Legislative Branch—Congressional Committees and Subcommittees ..................................... 83
- Senate Committees .................................. 85
- Standing Committees ............................ 85
- Special, Select, and Other Committees .............. 85
- Joint Senate-House Committees ....................... 85
- House Committees ................................. 85

## Chapter 16
The Legislative Branch—Congressional Support Offices and Member Organizations ......................... 87
- Congressional Support Offices ...................... 87
- Congressional Member Organizations (“Caucuses”) ..... 91

## Chapter 17
The Legislative Branch—Legislative Branch Agencies ..... 93
- Library of Congress .................................. 93
- Office of Counsel to the Inspector General .......... 93
- U.S. Copyright Office ................................ 94
- Office of the General Counsel ..................... 94
- Office of the Register of Copyrights ................ 94
- Congressional Research Service .................... 94
- American Law Division ................................ 95
- Other CRS Divisions .................................. 96
- Office of Congressional Affairs and Counselor to the Director ...................................... 96
- Law Library of Congress ................................ 96
- Dispute Resolution Center ............................ 97
- Government Accountability Office ................. 97
- Legal Services ......................................... 98
- Personnel Appeals Board ............................ 99
- Government Printing Office .......................... 99
- Office of the General Counsel ..................... 100
- Office of Administration and Counsel—Office of Inspector General ..........................100
- Architect of the Capitol ............................. 100
- Office of the General Counsel ..................... 101
- Office of the Employment Counsel for the United States Capitol Police Board ............. 101
- Congressional Budget Office ....................... 102
Chapter 18

The Judicial Branch—Overview and Career Paths ........ 103

  Overview .................................................. 103
  Justices and Judges ..................................... 103
  Bankruptcy Judges ..................................... 104
  U.S. Magistrate Judges ................................. 104
  Judicial Clerkships ..................................... 105
  Career Law Clerks ....................................... 107
  Temporary Law Clerk Appointments ..................... 107
  Death Penalty Law Clerks ............................... 107
  “Elbow” Law Clerks ....................................... 107
  Staff Attorneys ........................................... 108
  Clerks of Court .......................................... 108
  Federal Defender Organization Positions ............... 109
  Federal Public Defender Organizations .................. 109
  Community Defender Organizations ..................... 109
  Federal Defender Job Descriptions ....................... 110

Chapter 19

Judicial Branch—Judicial Branch Agencies .............. 112

  Administrative Office of the U.S. Courts ............... 112
  Federal Judicial Center .................................. 113
  Judicial Panel on Multidistrict Litigation ............... 113
  U.S. Sentencing Commission ................................ 114

Chapter 20

The Quasi-Federal Sector ................................. 117

  Government-Sponsored Enterprises ..................... 117
  Fannie, Freddie, and Sallie ............................ 118
  Farmer Mac ............................................... 119
  Federal Home Loan Banks ............................... 119
  Self-Regulatory Organizations ........................... 120
    Financial Industry Regulatory Authority (FINRA) ... 121
    NYSE Regulation—New York Stock Exchange (NYSE) ... 123
  Other Quasi-Governmental Organizations ................. 125

Chapter 21

Federal Practice Areas .................................. 128

  Practice Area Diversity .................................. 128
  The Monolith Myth, Redux ................................ 131
  Take Nothing for Granted ............................... 134
Part IV
How the U.S. Government Hires Lawyers ............... 135

Chapter 22
Hiring Process Overview .................................... 137
The Most Confusing Information in This Book .......... 137
National Performance Review ............................ 137
The Internet ............................................. 140

Chapter 23
Hiring for Attorney Jobs .................................... 143
The “Excepted” Service ..................................... 143
Unadvertised Jobs ......................................... 146
Candidate Evaluation ...................................... 147
   Step One .............................................. 147
   Step Two ............................................. 148
   Step Three ........................................... 148
More about the Excepted Service (Sorry) ............... 149

Chapter 24
Mainstream Attorney Hiring—New Grads ............... 150
   Honors Programs ..................................... 150
   Direct Hiring of Entry-Level Attorneys ................. 152

Chapter 25
Mainstream Attorney Hiring—Experienced Lawyers ....... 153

Chapter 26
Mainstream Attorney Hiring—Senior Executive Service .. 156

Chapter 27
Mainstream Attorney Hiring—Administrative Law
   Judges ..................................................... 159
   Background ............................................. 159
   Ideal v. Reality ....................................... 160
   The ALJ Examination Scoring System ................. 161
   Other Problematic Issues ............................. 162
   Basic ALJ Qualifications .............................. 163
   The ALJ Examination ................................ 164
   The Selection Interview .............................. 165
   Anticipating and Preparing for the Exam ............... 165
   ALJ Compensation .................................... 168
   The Opportunity ....................................... 168
Chapter 28
Mainstream Attorney Hiring—Immigration Judges ........ 169

Chapter 29
Mainstream Attorney Hiring—The Military Judge
Advocate Generals Corps ................................... 171

Chapter 30
Mainstream Attorney Hiring—Foreign Affairs .......... 173
The Foreign Service ........................................ 173
The U.S. and Foreign Commercial Service (Commercial
Service) ................................................. 174

Chapter 31
Mainstream Attorney Hiring—FBI Special Agents .... 176

Chapter 32
Mainstream Attorney Hiring—Fellowship Programs .... 178

Chapter 33
Hiring for Federal “Law-Related” Jobs ................. 181

Chapter 34
Political Appointments ..................................... 183
Top-Level Appointments .................................. 183
Lower-Level (Schedule C) Political Appointments .... 184

Chapter 35
Disability Hiring—The Selective Placement Program .... 186
The Reality .................................................. 189
The SPP Today ............................................. 191

Chapter 36
Veterans’ Employment Programs ........................ 195
Veterans’ Preference ..................................... 195
Veterans’ Preference in Practice ......................... 196
Appeal Rights .............................................. 197
Veterans Recruitment Appointment (VRA) Authority .... 197
Eligibility .................................................. 198
Veterans Who Are 30 Percent Disabled or More ........ 198
Veterans Employment Opportunities Act of 1998
(VEOA) .................................................. 199
Executive Order 13,518, “Employment of Veterans in the
Federal Government” ................................... 199
Chapter 37
Indian Preference Hiring ........................................ 202

Part V
Frequently Asked Questions about Landing a Federal Legal Job ........................................ 205

Chapter 38
Key Questions Overview ........................................ 207
  Preliminary Questions ........................................ 207
  Application Process Questions .............................. 208
  Job Offer and Acceptance Questions ...................... 208

Chapter 39
Preliminary Questions ........................................ 209
  How Do I Match My Background with Opportunities? .209
  Which Headhunters Place Attorneys in the Government? .................. 211
  What Is the Work Like? ...................................... 212
  What Do Government Employers Want? .......................... 213
  How Do I Move to a New Practice Area? ....................... 214
  What Will a Government Job Look Like on a Resume? ............... 215
  How Am I Supposed to Survive on a Government Salary? .............. 216

Chapter 40
Application Process Questions .............................. 218
  How Do I Decipher Federal Job Vacancy Announcements? .............. 218
  How Can I Identify Vacancy Announcements That Match My Background or Interests? ............... 219
  What if I Attended a Non-ABA-Accredited Law School? .................. 220
    Federal Employers That Have Hired Non-ABA Law School Attorneys .................. 220
  What if I Am Not Admitted to the Bar? .......................... 221
  What if I Am Not Admitted in the State Where I Am Applying? .............. 222
  What if I Don’t Have the Required Experience? ...................... 222
  How Should I Respond to a Question about My Salary History? .............. 222
I Don’t Understand How to Respond to KSAs. ............. 224
Why Does It Take So Long for the Government to Hire
Someone? ........................................... 226

Chapter 41
Job Offer and Acceptance Questions ......................... 227
What Is Negotiable? .................................. 227
Can I Be Transferred Against My Will? ....................... 228
Will I Have My Own Private Office? ....................... 229

Part VI
Getting Hired ........................................ 231

Chapter 42
Overcoming the Application Barrage ......................... 233
Advance Notice of Federal Legal Hiring Plans ............. 234
Appropriations Committee Testimony ....................... 234
Advance Notice from Other Sources ....................... 240
If Advance Notice Is Unavailable ........................ 241

Chapter 43
What to Submit ........................................ 243
Follow the Instructions ................................ 243
Resumés and Cover Letters/Transmittal E-mails ........... 245
Paper Applications .................................... 247

Chapter 44
How to Submit ........................................ 247
Online Application Forms ................................ 248
Disappearing in the Ether ................................ 249
... And Reemerging .................................... 250

Chapter 45
Differentiating Yourself from the Competition .............. 252
On Your Resumé ...................................... 252
At the Interview ...................................... 255
General Suggestions .................................. 255
Telephone Interviews .................................. 257
Panel Interviews ..................................... 259
“Seriatim” Interviews ................................ 259
Scripted Interviews ................................... 260
IRAQ: A Special Warning to “BigLaw” Candidates ....... 261
Part VII
Long-Term Trends ............................................. 263

Chapter 46
Defending the Nation ............................................. 265

Chapter 47
The Rise of Regulation ............................................. 267

Chapter 48
Technology Run Riot ............................................. 270

Chapter 49
Globalization ....................................................... 272

Chapter 50
Energy Independence .............................................. 274

Chapter 51
Enforcement of Intellectual Property Rights Abroad .... 277

Chapter 52
Bubbles ........................................................... 280
Some “Bubble” Background ....................................... 280
Some Potential Bubble Bursts ................................... 281

Chapter 53
Resource Shortages ................................................. 283

Chapter 54
Alternative Work Scheduling and Workplace
Modification ....................................................... 285
Statutory and Regulatory Basis .................................. 285
Flexible Work Schedules ......................................... 286
Compressed Work Schedules .................................... 287
Part-Time Employment ............................................. 287
Job Sharing ........................................................ 290
Telecommuting ..................................................... 290
Workplace Accommodations and Assistive
Technologies ....................................................... 292
Part VIII
Where to Work .................................. 293

Chapter 55
There Are the Best, and Then There Are the BEST ........ 297
The “Best” ....................................... 297
The “BEST” ..................................... 298

Chapter 56
Functional Areas with a Great Future .................... 300
A Note about Purposeful Omissions ...................... 300
Administrative Litigation .......................... 301
Employment and Labor Law ......................... 302
Aging ........................................... 304
Information Disclosure .......................... 306
Fraud Investigation and Prosecution .................. 308
National and Homeland Security .................. 309
Real Estate and Land Use ........................ 310
Taxation ....................................... 311
Technology Transfer .......................... 312
“Soft” Intellectual Property ....................... 315
Patents .......................................... 317

Chapter 57
Functional Areas with a Promising Future ............. 319
Financial Regulation .......................... 319
Consumer Protection .......................... 321

Chapter 58
“Hidden” Federal Attorney Positions—Legs and Regs .... 323
Legislation and Government Reorganizations .......... 323
Regulatory Development, Compliance, and Enforcement .......... 328

Chapter 59
IG Offices with an Office of Counsel ................. 331
Fraud Task Forces ............................ 332

Chapter 60
“Hidden” Federal Attorney Positions—Resolving Disputes .......... 335
Chapter 61
“Hidden” Federal Attorney Positions—Government

Contracting ........................................... 338
Federal Attorney and Law-Related Contracts Practice ... 338
Government Contracts for Outside Legal Services ... 340

Chapter 62
“Hidden” Law-Related Positions—Overview and
Regulatory Compliance Positions ..................... 343
Overview ............................................. 343
Regulatory Compliance Positions ...................... 344

Chapter 63
“Hidden” Law-Related Positions—Adjudication Positions . 353

Customs and Immigration Services Adjudication
  Positions ............................................ 353
  Asylum Officer .................................... 353
  Application Adjudicator ........................... 354
  Refugee Officer ................................... 354
  Adjudications Officer ......................... 355
  Employee Benefits Law Specialist .............. 355
  Investigator (Pension) ......................... 357
  Copyright Examiner ............................ 358
  Hearings/Appeals Officer ....................... 359
  Land Law Examiner ............................. 360
  Mediator ......................................... 363
  Tax Law Specialist ............................... 365
  Labor-Management Relations Examiner ........... 365
  Claims Examiner ............................... 369
  Patent Examiner .................................. 369
  Legal Instruments Examiner ..................... 372

Chapter 64
“Hidden” Law-Related Positions—Research and Policy

Positions ........................................... 374
  GAO Analyst ...................................... 374
  International Trade Specialist .................... 375
  Legislative Assistant .......................... 376
  Foreign Law Specialist ........................ 377
  Civil Rights Analyst ........................... 378
  Political Risk Insurance Analyst ............... 379
Technical Writer-Editor (Legal) .......................... 380
Analyst in Social Legislation (Social Science Research
Analyst) ......................................................... 381
Legislative Affairs Positions ................................. 382
Foreign Affairs Specialist ........................................ 383

Chapter 65
“Hidden” Law-Related Jobs—Transactional Positions .... 384
Government Contract and Procurement Positions .......... 384
Technology Transfer Professional ........................ 386
Competition Advocate ........................................ 387
Patent Adviser ................................................ 389

Chapter 66
“Hidden” Law-Related Positions—Other Positions ......... 392
Employee Relations Specialist ................................ 392
Labor Relations Specialist .................................. 393
Miscellaneous Administration and Program Positions .... 394

Chapter 67
Great Places to Work—Overview and Health
Regulation ......................................................... 396
Overview .......................................................... 396
Health Regulation ............................................... 397
Office of Research Integrity—Department of Health
and Human Services ........................................ 397
Food and Drug Administration ............................ 398
Office of Counsel to the Inspector General—
Department of Health and Human Services ............ 399
Office of General Counsel—Centers for Disease
Control and Prevention (CDC) ............................. 400
Office of Medicare Hearings and Appeals
(OMHA) ..................................................... 400

Chapter 68
Great Places to Work—Intellectual Property and
Transactions ...................................................... 402
Office of the Deputy Commissioner for Trademark
Operations ..................................................... 402
Legal Division—Air Force Real Property Agency ........ 403
Office of Technology Transfer—National Institutes
of Health ....................................................... 403
Department of Legal Affairs—Overseas Private
   Investment Corporation ..........................404
Smithsonian Institution ..........................405

Chapter 69
Great Places to Work—National Security ..........406
   Coast Guard Legal Program ..........................406
   Military Judge Advocate Generals’ Corps ........406
   Office of General Counsel—Department of Defense 407
   Office of General Counsel—Defense Advanced
      Research and Projects Agency ..................407
   Office of General Counsel—Department of Defense
      Education Activity ..............................408
Nuclear Regulatory Commission ..........................409

Chapter 70
Great Places to Work—Economic Regulation ........410
   Legal Division—Federal Deposit Insurance
      Corporation ...................................410
   Office of Chief Counsel—Financial Crimes
      Enforcement Network—Department of
      Treasury .........................................411
   Office of Advocacy—Small Business
      Administration ................................412
Federal Reserve System ..............................412

Chapter 71
Great Places to Work—International Affairs ........414
   Office of General Counsel—Office of the United
      States Trade Representative ................414
   Office of the Legal Adviser—Department of State 415
   Office of War Crimes Issues—Department of State 415
   Commercial Law Development Program—
      Department of Commerce .....................416

Chapter 72
Great Places to Work—Consumer Protection ..........417
   Bureau of Consumer Protection—Federal Trade
      Commission ....................................417
   Office of the Chief Counsel—Pension Benefit
      Guaranty Corporation ..........................419
   Enforcement Division—Securities and Exchange
      Commission .....................................420
## Chapter 73
**Great Places to Work—Litigation**

<table>
<thead>
<tr>
<th>Office or Department</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Solicitor General—Department of Justice</td>
<td>423</td>
</tr>
<tr>
<td>Federal Programs Branch—Civil Division—Department of Justice</td>
<td>424</td>
</tr>
<tr>
<td>Special Litigation Section—Civil Rights Division—Department of Justice</td>
<td>425</td>
</tr>
<tr>
<td>Criminal Division—Department of Justice</td>
<td>426</td>
</tr>
<tr>
<td>Computer Crime and Intellectual Property Section</td>
<td>428</td>
</tr>
<tr>
<td>Fraud Section</td>
<td>428</td>
</tr>
<tr>
<td>Public Integrity Section</td>
<td>429</td>
</tr>
<tr>
<td>Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT)</td>
<td>429</td>
</tr>
<tr>
<td>Office of Special Counsel</td>
<td>431</td>
</tr>
<tr>
<td>Office of Senate Legal Counsel</td>
<td>431</td>
</tr>
</tbody>
</table>

## Chapter 74
**Great Places to Work—Employment and Civil Rights**

<table>
<thead>
<tr>
<th>Office or Program</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Mediation Program—Equal Employment Opportunity Commission</td>
<td>433</td>
</tr>
<tr>
<td>Dispute Resolution Center—Library of Congress</td>
<td>434</td>
</tr>
<tr>
<td>Office for Civil Rights (OCR)—Department of Education</td>
<td>434</td>
</tr>
</tbody>
</table>

## Chapter 75
**Great Places to Work—Legal Research, Advice, and Counsel**

<table>
<thead>
<tr>
<th>Office or Program</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Legal Counsel—Department of Justice</td>
<td>437</td>
</tr>
<tr>
<td>Office of General Counsel—National Science Foundation</td>
<td>438</td>
</tr>
<tr>
<td>Law Department—U.S. Postal Service</td>
<td>439</td>
</tr>
<tr>
<td>American Law Division—Congressional Research Service—Library of Congress</td>
<td>439</td>
</tr>
<tr>
<td>Legal Office—U.S. Supreme Court</td>
<td>440</td>
</tr>
</tbody>
</table>

## Chapter 76
**Great Places to Work? The Newest of the New**

<table>
<thead>
<tr>
<th>Office or Program</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Consumer Information and Insurance Oversight—Department of Health and Human Services</td>
<td>443</td>
</tr>
</tbody>
</table>
Bureau of Consumer Financial Protection—Federal Reserve Board ................................ 443
Federal Insurance Office—Department of the Treasury .............................................. 444
Office of the Investor Advocate—Securities and Exchange Commission ................. 446
Whistleblower Office—Enforcement Division—Securities and Exchange Commission .... 447
Office of Credit Ratings—Securities and Exchange Commission .......................... 447
Office of the Associate Director for Compliance and Training—National Security Agency 448

Epilogue .................................................................................................................. 449

Appendixes ............................................................................................................. 451
Appendix A: U.S. Government Job Listings ............................................................... 451
Executive Branch Jobs ......................................................................................... 451
Federal Attorney Jobs .......................................................................................... 451
Law Student Summer and Semester Jobs .............................................................. 451
Federal Inspector General Office Jobs ................................................................. 452
Congressional Jobs ............................................................................................... 452
Federal Courts ....................................................................................................... 452
Quasi-Governmental Organizations .................................................................. 452
Federal Reserve Bank Jobs .................................................................................. 453
Government-Sponsored Enterprise Jobs .............................................................. 453
Appendix B: U.S. Government Information Resources ........................................... 454
Appendix C: Useful Networking Organizations for Federal Legal and Law-Related Jobs ................................................................. 456
Appendix D: Credential Enhancers for Federal Legal and Law-Related Jobs .......... 459
Appendix E: An Application Ordeal ......................................................................... 467
Appendix F: Presidential Memorandum ................................................................. 480

Index ....................................................................................................................... 485

About the Author ................................................................................................. 519