

# Guidance on Schedule A Authority for Attorney Hiring





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## 1. Purpose

This guidance provides an overview of the regulatory framework governing attorney appointments under Schedule A of the excepted service and offers general, merit-aligned recruitment and hiring considerations for agencies. It is intended for use by Human Resources professionals and should be applied in conjunction with applicable statutes, regulations, merit system principles, and agency-specific policies.

## 2. Merit Hiring Plan Guidance and Attorney Hiring

This guidance supports implementation of Executive Order 14170, “*Reforming the Federal Hiring Process and Restoring Merit to Government Service*” and the [Merit Hiring Plan](#) (MHP) by promoting skills-based, merit-driven recruitment within the Schedule A hiring authority. While attorney positions are filled in the excepted service and are not subject to competitive examining procedures, agencies remain responsible for ensuring fair and open competition, structured job-related assessments, timely hiring decisions, and adherence to merit system principles and lawful personnel practices.

The MHP guidance applies to attorney hiring to the extent it reinforces merit system principles (5 U.S.C. § 2301), lawful personnel practices (5 U.S.C. § 2302), and merit-based selection requirements.

## 3. Hiring Authority

Attorney positions are filled using Schedule A of the excepted service under 5 CFR § 213.3102(d). These positions are excepted from the competitive service because it is not practicable to conduct competitive examinations for these occupations.

Agencies must follow their own internal policies, procedures, and the merit system principles when filling attorney positions under Schedule A. Given critical needs across agencies, OPM encourages agencies to implement efficient hiring processes that reduce time-to-hire while maintaining fair and open competition.

## 4. Veterans’ Preference

Attorney positions are not subject to the appointment procedures of 5 CFR part 302. When filling attorney positions, agencies must follow the principle of veterans’ preference as far as administratively feasible (5 CFR 302.101(c)(8)).

## 5. Recruitment

Establishing and cultivating strong relationships with universities is essential to building a robust pipeline of talented future federal attorneys. Law schools serve as primary sources of emerging legal talent and innovation. By engaging early with students, faculty, and career services professionals, federal agencies can increase awareness of public service opportunities, identify high-quality candidates, and ensure that students are informed and prepared to compete for federal job opportunities. At the same time, strategic outreach and recruiting efforts should extend beyond active applicants to include passive candidates — including practicing attorneys who may not be actively seeking federal employment but are open to mission-driven work. Strategic engagement through networking events, professional associations, alumni networks, and targeted communications broadens the talent pool and strengthens the government's ability to attract experienced attorneys committed to public service.

Agencies are encouraged to recruit in a manner that:

- Attracts a sufficient pool of qualified candidates
- Avoids overly narrow sourcing methods
- Promotes awareness of opportunities beyond informal networks
- Supports fair and open competition consistent with merit system principles

Agencies may consider the following approaches to expand early-career attorney hiring opportunities consistent with the MHP:

- **Entry-Level Structure:** For entry-level attorney positions typically classified at the GS-11 level (or equivalent), agencies may determine that prior legal experience is not required.
- **Law Clerk (GS-0904) Developmental Pathway:** Law school graduates who have not yet been admitted to the bar and who have not served in a judicial clerkship may be temporarily employed as a Law Clerk, 0904. Law Clerks can be appointed under Schedule A, 5 CFR §213.3102(e). Appointments under 5 CFR §213.3102(e) must be made in accordance with 5 CFR 302 procedures which require agencies to apply the principle of veterans' preference as far as administratively feasible.

**Review of Higher-Graded Positions:** Agencies may evaluate whether certain higher-graded attorney positions (e.g., GS-13 or GS-14) can be structured or filled at lower grade levels to help meet the Merit Hiring Plan goal of expanding early-career talent pipelines.

## 6. Qualifications

OPM does not establish governmentwide qualification standards for the GS-0905 series. Agencies are responsible for determining appropriate qualifications for attorney positions. Consistent with the MHP, agencies are encouraged to periodically review qualification

requirements to ensure they do not create unnecessary barriers to entry and remain aligned with merit system principles.

### Recommended Practice: Bar Membership Verification

Primary verification should be conducted through the official website of the applicable state, territorial, or District of Columbia bar licensing authority. Where circumstances warrant (e.g., incomplete online records, discrepancies in reported status, multi-jurisdictional issues, or other risk indicators), agencies may conduct secondary verification, such as direct confirmation with the licensing authority or requesting supplemental documentation from the candidate.

Agencies should document and retain verification results in accordance with internal policies and procedures.

### Recommended Practice: Language for Job Postings at the Entry-Level

Job postings may include conditional eligibility language such as:

- “Applicants must possess a Juris Doctor (JD) degree from an accredited law school by [date]. Candidates who have not yet graduated may apply but must provide proof of degree conferral prior to entry on duty.”
- “Applicants must be an active member of the bar in good standing by [date]. Candidates awaiting bar results may be appointed conditionally and must provide proof of bar admission by the established deadline.”

Agencies are encouraged to specify:

- Preferred degree conferral date
- Bar admission deadline
- Consequences if bar admission is not obtained
- Whether entry on duty is delayed pending bar admission

## 7. Assessments

Agencies are encouraged to use a combination of structured, job-related assessments and structured interviews to evaluate competencies relevant to successful performance in the position. Using multiple assessment methods can provide a more balanced evaluation of candidates’ technical skills, judgment, and communication abilities. Nothing in 5 CFR § 213.3102(d) prohibits agencies from using assessment tools as part of their selection process. However, because attorney positions are designated as Schedule A excepted service positions, such hiring processes remains outside the competitive examining requirements of 5 U.S.C. chapter 33 and OPM’s competitive rating and ranking procedures.

An effective assessment process takes into consideration job analysis data, test security considerations, vacancy and applicant volumes, and associated costs. OPM recommends an assessment approach which entails a whole-person measurement assessing both general competencies and technical skills such as litigation and analysis.

For attorneys, some high-quality assessment options could include:

- USA Hire Standard assessments to assess competencies required in the position such as Reasoning, Attention to Detail, Decision Making, and Interpersonal Skills.
- Work Samples, such as a writing assessment, to assess competencies required in the position such as Analysis, Decision Making, Written Communication, or Legal Knowledge.
- Structured interviews to assess competencies required in the position such as oral communication or legal knowledge, or litigation skills.
- Accomplishment records (i.e., written structured interviews) to assess competencies required in the position that are similar to those measured in a Structured Interview but in a written format to alleviate challenges of applicant volume.

Agencies are encouraged to use structured, job-related interviews as part of their assessment strategy to evaluate competencies relevant to successful performance in attorney positions. Structured interviews promote consistency, fairness, and defensibility in selection decisions. However, they generally should not be the sole assessment method used but incorporated into an effective assessment strategy that may include a couple of the assessment options shown above (or other high quality assessment options that may be used to measure competencies required in the position). This balanced approach leverages the benefits of structured interviewing while maintaining a comprehensive and efficient hiring process.

When using structured, job-related interviews, agencies are encouraged to consider some of the following best practices to promote merit-based decisions:

- Pair the structured interview with another high-quality assessment option. For example, numerous rounds of interviews are unnecessary and inefficient. Other options such as USA Hire Standard assessments, a Work Sample, or an Accomplishment Record can provide measurements of a range of job-related required competencies in a very efficient and effective manner allowing agencies to limit the number of interview rounds necessary to make a sound selection decision. As a best practice, agencies may consider conducting no more than three interview rounds, including any final leadership or culture/mission alignment interview.
- Use standardized, job-related questions aligned to required competencies for the position.
- Apply consistent evaluation criteria across all candidates.

- Ensure interview panels are appropriately composed and trained on merit system principles and lawful personnel practices.
- Document interview notes and evaluation outcomes in accordance with agency policy and professional practice.

Agencies may engage with OPM’s Human Resources Solutions (HRS) for assistance in developing and/or administering high quality [assessments](#) for attorneys.

## 8. Leadership Involvement

Leadership participation in the hiring process should be consistent with agency policy and merit system principles. Leadership interviews should:

- Be job-related and based on established evaluation criteria.
- Avoid considerations unrelated to merit or qualifications.
- Be conducted in a manner consistent with [OPM guidance on leadership involvement in merit-based hiring](#).
- Be commensurate with the level of the position being filled.

Limiting interviews to a structured, time-bound process helps reduce time-to-hire while maintaining fairness, transparency, and compliance with applicable merit requirements.

## 9. References

- [Guidance on Agency Leadership Involvement in Implementing the Merit Hiring Plan](#)
- [Guidance on the Use of Self-Reported Assessments](#)
- 5 U.S.C. § 2301
- 5 U.S.C. § 2302
- 5 CFR § 302.101(c)(8)

## 10. Questions

Component-level human resources offices must contact their agency headquarters for assistance. Please contact [Employ@opm.gov](mailto:Employ@opm.gov) for questions concerning hiring policy. For general information about MHP guidance and HRS contact information, please contact [HX@opm.gov](mailto:HX@opm.gov).



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