



U.S. Department of Justice

Office of Attorney Recruitment and Management

Washington, D.C. 20530

OARM Memorandum 2013-2
February 26, 2013

MEMORANDUM

TO: Heads of Offices, Boards, Bureaus, and Divisions
Executive Officers, and Attorney Recruitment Coordinators of Offices, Boards,
Bureaus and Divisions
United States Attorneys
Director of the Executive Office of United States Attorneys
Bureau General Counsel

FROM: Louis DeFalaise *LW*
Director
Office of Attorney Recruitment and Management (OARM)

SUBJECT: Accepting Compensation, Stipends, Benefits or Sponsorship from a Non-Federal Source

This clarifies OARM Memorandum 2010-8, *Accepting Compensation, Stipends, Benefits or Sponsorship from a Non-Federal Source*, dated May 17, 2010.

1. Paragraph B.1. Law Student Volunteers, is revised to read:

As a matter of policy, the Department will not accept volunteer legal interns who receive compensation from law firms or other private employers for the work they perform for the Department. Some private law firms permit their paid summer associates to perform unpaid work for public interest organizations, including government agencies, while still a salaried employee of the firm. The Department will not accept such placements.

Components employing volunteer interns who have (or who are seeking) an employment relationship with private firms should exercise caution to ensure confidentiality and conduct a thorough screening for conflicts of interest. For example, it is permissible to accept part-time volunteer services from a student who is a part-time intern (paid or unpaid) at a private firm when the DOJ placement is associated with participation in a school-sponsored externship or when a student is splitting the summer between the Department and another employer provided appropriate ethics clearance is obtained.

Generally speaking, volunteer student interns appointed to GS-0999 positions under the authority of 5 U.S.C. § 3111, as implemented by 5 C.F.R. §§ 308.101- 308.103 may lawfully accept payment from a non-Federal source; they are not covered by the ban on supplementation of federal salary (18 U.S. Code § 209). This situation, however, raises policy questions for the Department relating to who may pay them and what relationship DOJ may have with the non-Federal entity, and increases the burden of proper oversight/screening. Additional issues include potential conflicts of interest (see Tab B, OARM Memorandum 2010-8). Generally speaking, stipends offered to law students by institutions of higher education for general public interest service are permissible. In any other situation, the Professional Responsibility Officer and/or the appropriate ethics office should be consulted.

Some components and U.S. Attorneys' Offices have established more stringent policies that preclude interns from working for or being paid by a law firm, fellowship, or similar entity while working with the component, or from participating in any law school or other legal clinic involving litigation with or proceedings before the United States or any federal entity during the time the intern works with the component. See OARM Memorandum 2010-6, Accepting Volunteer Legal Services from Law Students & Outside Compensation, May 17, 2010, for more detailed information and specific guidance.

2. The limitations on compensation for attorneys pursuant to 18 U.S.C. § 209 addressed in Section B, paragraph 4, of the 2010 memorandum should be read in the context of circumstances in which the attorney is offered salary, or contribution to, or supplementation of salary as compensation for his or her services as an officer or employee of the executive branch of the United States Government. It is not intended to address situations where an attorney is offered compensation for outside employment (other than the outside practice of law). Questions relating to outside employment should be referred to an ethics advisor.