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MEMORANDUM

TO: Prospective Legal Division Employees

FROM: Mike Marshall  
Legal Division Director

DATE: February 6, 2024

SUBJECT: Information on Legal Division Employment

This information is intended to acquaint prospective employees of the legal division of the Texas Legislative Council with the council and to provide an idea of the council employees' duties, schedules, and working environment.

**Texas Legislative Council**

The Texas Legislative Council is a nonpartisan legislative branch state agency that was established by the Texas Legislature in 1949. The council is composed of 14 members: the lieutenant governor, the speaker of the house of representatives, six senators, and six representatives. Its activities are governed by Chapter 323, Government Code. The council has a staff of employees organized in five divisions: administration, legal, research, information systems, and document production.

**Composition of Legal Division**

The legal division has positions for 80 staff members. Of those positions, 59 are for attorneys and 21 are for support personnel, consisting of legal assistants, legal editors, administrative assistants, and receptionists. The legal division management consists of the legal division director and three deputy directors, each of whom is a senior attorney. Other senior attorneys perform supervisory functions within the division.

Attorneys in the legal division are hired for long-term employment. Many have long careers at and eventually retire from the council. Of the attorneys currently on the legal division's staff:

- 64 percent have been employed by the division for five or more years;
- 44 percent for 10 or more years;
- 26 percent for 15 or more years; and
- 18 percent for 20 or more years.

### **Duties of Attorneys**

The staff of the legislative council serves all members of the Texas Legislature and the lieutenant governor. The legislature is composed of 150 members of the house of representatives and 31 senators. The legislature meets in 140-day regular sessions beginning in January of each odd-numbered year. The legislature also meets in special sessions, the beginning dates and subjects of which are determined by the governor. The duration of a special session may not exceed 30 days.

During and for the two- to three-month period before a legislative session, the primary duty of the legal division is to work directly with the lieutenant governor and members of the legislature and their staffs to draft legislative documents and to provide other legal advice and research. Attorneys specialize in one or more of approximately 50 areas of law. In addition to drafting bills and resolutions, an attorney in the legal division is required to analyze bills and amendments throughout a legislative session and may be required to do legislative research, draft legal memoranda, and answer questions involving parliamentary rules or other procedures. While attorneys generally work independently in drafting legislation, each piece of legislation is reviewed by at least one other attorney before being completed. Drafting attorneys are encouraged to seek information from and share information with other members of the staff. It is also common for a team approach to be used to complete large, complex, or special projects.

When the legislature is not in session, the legal division is responsible for drafting nonsubstantive revisions of the state statutes that clarify, consolidate, and reorganize the statutes into codes on a topical basis. The nonsubstantive revision projects are under the direction of the council or special advisory committees. A few examples of completed codes drafted by the council staff are the Estates Code, Health and Safety Code, Local Government Code, and Occupations Code. Also, the staff provides the drafting necessary for substantive revision projects, such as the state bar's Family Code and Penal Code revisions.

In addition, the legal staff is called on for legal research and special assistance for unusual legislative activities. In the past those activities have included a constitutional convention, impeachment and address proceedings, legislative election contests, and legislative redistricting.

## **Facilities**

Council offices are located in the Capitol complex at the Robert E. Johnson Building. The building is connected to the Capitol through underground tunnels and is adjacent to the properties that are part of the Texas Mall project, which is currently under construction. Council employees have access to a free parking facility that is next to the building and also houses a secured bicycle enclosure for employees.

Council attorneys occupy parts of the second and third floors of the Robert E. Johnson Building. Each attorney has a private office.

## **Technology; Research Resources**

Council attorneys have access to hardware and software applications necessary to perform council functions. Each attorney is issued a laptop computer that is capable of connecting to the Capitol network from the Robert E. Johnson Building as well as from the attorney's home or another remote location. The council's information systems division provides technological support in the use of hardware and software.

Council attorneys have access to a variety of research resources, including electronic research databases, on-site basic library materials, and other online legislative drafting and tracking applications. Many of the electronic research databases and other applications have been designed by the information systems division specifically for use in the unique legislative environment. For more extensive research needs, the Legislative Reference Library is located in the Capitol, and the State Law Library and the state archives are in buildings adjacent to the Capitol.

## **Work Schedule and Overtime**

Because of the heavy workload in the months before and during a legislative session, an attorney must expect to work on holidays during that period, to work more than 40 hours a week, and to have his or her social life disrupted. The legal division allows remote work regularly during this period but a substantial portion of working hours are spent at the office. Remote work hours are allowed more frequently in the period leading up to a legislative session and less frequently in the midst of the session.

Legal division attorneys should expect to work a significant amount of overtime hours, including nights, weekends, and holidays, preceding and during regular and special legislative sessions. For example, during the period beginning six weeks before the first day of a regular legislative session and ending on the 60th day of the session (the deadline by which most bills must be filed), attorneys can expect to work an average of 60 to 65 hours a week. In addition, vacation or compensatory leave generally may not be taken during regular or special legislative sessions.

During non-session periods, members of the legal staff generally work eight-hour days Monday through Friday. The workload during these periods is less demanding and deadlines are more manageable. A substantial amount of remote work is allowed in these periods. When an employee works more than 40 hours a week, the employee accrues an equivalent amount of compensatory time for the amount of overtime worked. While an employee is not guaranteed that the employee will be allowed to use all of the employee's compensatory leave, the council's practice permits liberal use of leave time during non-session periods subject to prior administrative approval.

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