

**DESCRIPTION:** Under administrative direction, directs and manages the entire legal department and all legal functions within an agency/system. Supervises assigned staff engaged in providing professional legal and technical support services; performs related work as assigned.

**DISTINGUISHING CHARACTERISTICS:** (A position is assigned to this class based on the scope and level of work performed as outlined below.)

This is the fifth level in the five level Attorney series (Attorney I, Attorney II, Attorney III, Agency Assistant Legal Counsel, and Agency Legal Counsel). Positions in this series provide legal services to agencies/clients, based on admission to the Nebraska Bar, with the level determined by factors such as difficulty of work assigned, and degree of decision-making authority and discretion exercised.

Positions classified to the Agency Legal Counsel class have responsibility for an agency's entire legal department, functions, and staff and is responsible for legal representation of the agency as a whole.

**EXAMPLES OF WORK:** (A position may not be assigned all the duties listed, nor do the listed examples include all the duties that may be assigned.)

Confers with the agency head, other agency administrators, local government officials, assigned agency legal staff members, plaintiffs, defendants, and other interested parties to exchange and prepare information on the facts and status of a case or other legal/administrative actions or issues.

Supervises and directs the work activities of assigned legal staff to facilitate the attainment of unit work goals and ensure the consistent application of administrative policies, procedures, standards, and legal requirements.

Confers with and advises assigned legal staff members to exchange information and/or explain work policies, procedures, and standards and to identify the characteristics and impact of work problems and formulate possible solutions, to ensure adherence to legal standards.

Trains assigned legal staff members in the policies and procedures of the agency legal services function to maintain and/or improve the performance level of employees through exposure to job knowledge and abilities necessary to perform the work in accordance with established performance standards.

Directs legal research and case investigations to ensure information is collected for case preparation and to facilitate the administration and enforcement of agency statutory authority.

Confers with representatives of the judicial, legislative, and executive branches of State government to share information on legal/program issues or activities and to elicit necessary support for agency priorities and goals.

Advises agency management and other government officials on the stipulations of program legislation and the legal impact of agency plans and operations to participate in the attainment of agency goals and objectives with statutory requirements.

Recommends draft legislation, agency policies, and procedural statements to provide legal or administrative options to agency management in the enforcement of agency statutory authority.

G31115 – AGENCY LEGAL COUNSEL (continued)

Drafts correspondence, motions, pleadings, and findings of fact, conclusions of law, rules, orders, and other legal documents to provide legal guidance to other attorneys, agency management, or State officials.

Represents the agency in administrative hearings related to the enforcement of agency statutes; represents the agency in District/Supreme Court as permitted by the State Attorney General's office or specific statutory authority.

Prepares legal documents for use by the State Attorney General or County Attorney offices in prosecuting civil or criminal cases.

**KNOWLEDGE, SKILLS, AND ABILITIES REQUIRED:** (These are needed at entry level to perform the work assigned.)

Knowledge of: State and/or Federal statutory and case law and constitutional provisions pertinent to agency programs; the techniques of preparing or drafting legal document and forms; judicial procedures and rules of evidence; the principles and practices of legal research; the procedures of trial and administrative hearings; the principles and practices of criminal and civil law administration; functional relationships and legal processes of the courts and legislative/administrative bodies in Nebraska.

Skill in: preparing summaries, legal analyses, findings and conclusions, briefs and other legal documents, negotiating and communicating with others sufficient to persuade their acceptance of contentious goals or viewpoints; supervising a staff of attorneys; prioritizing work; analyzing and interpreting various factors, perspectives, and options and applying critical thinking to resolve issues.

Ability to: facilitate solutions between multiple parties; prepare and communicate the facts and arguments of a case and persuade others to accept the viewpoint presented; interact with legal associates, other governmental employees, the public, and representatives of parties involved in a case; formulate legal opinions and recommendations based on legal research and investigations; conduct legal research and investigations; identify critical elements of legal questions or issues and select appropriate courses of action; prepare and examine drafts of legal documents and forms; interpret and apply statutes, case law, decisions of judicial and administrative hearings, and administrative rules and policies; assign and evaluate work of assigned staff.

**MINIMUM QUALIFICATIONS:** (Applicants will be screened for possession of these qualifications. Applicants who need accommodation in the selection process should request this in advance.)

Five years of experience practicing law and providing legal services such as preparing and trying cases, advising clients, and/or interpreting laws and/or administrative policies, including one year of supervising other attorneys.

**LEGAL REQUIREMENTS:** (These qualifications are mandated by federal/state laws, statutes, and/or regulations.)

In accordance with Section 7-101, Nebraska Revised, Reissued Statutes of 1943, incumbents in this class must be admitted to the Nebraska Bar.

**SPECIAL NOTES:**

State agencies are responsible to evaluate each of their positions to determine their individual overtime eligibility status as required by the Fair Labor Standards Act (FLSA).