

DESCRIPTION: Under administrative direction, provides professional legal services for an agency involving a difficult body of law in the research, administration, and enforcement of the agency's statutory authority and obligations; 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 third 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 Attorney III class independently serve as a subject matter expert in a complex body of law, represent the agency at administrative hearings, and, as appropriate, work with County Attorney and/or State Attorney General offices to prepare or try cases going to court. Some positions classified to the Attorney III level negotiate settlements, contracts, and/or other long-term commitments, on behalf of the agency, and/or supervise two or more assigned attorneys.

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, associated or 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.

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 assist 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.

Prepares drafts of correspondence, motions, pleadings, findings of fact, conclusions of law, agency rules and regulations, orders, and other legal documents to provide legal guidance to legal counsels or agency management.

Directs the work activities of assigned legal staff members, as needed, to facilitate the attainment of unit work goals and ensure the consistent application of administrative policies, procedures, standards, and legal requirements.

Represents the agency in administrative hearings related to the enforcement of agency statutes; represents the agency in County or District/Supreme Courts as permitted by the County Attorney or State Attorney General Offices or specific statutory authority.

Prepares legal documents for use by the State Attorney General and/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.

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; analyzing and interpreting various factors, perspectives, and options and applying critical thinking to resolve issues.

Ability to: prepare and communicate in person and by telephone, emails, summaries, and correspondence, the facts and arguments of a case to 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 course of action; prepare drafts of legal documents and forms; interpret and apply statutes, case law, decisions of judicial and administrative hearings, and administrative rules and policies.

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

Three years of experience as an attorney practicing law and providing legal services such as preparing and trying cases, advising clients, and/or interpreting laws or administrative policies.

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:

Candidates who have obtained a Juris Doctor degree but are not licensed to practice law in Nebraska may be considered for provisional employment for up to six months. Any such provisional employment must occur within or coincide with a probationary period in accordance with Title 273, Nebraska Administrative Code, Chapter 6. Licensure to practice law in the state of Nebraska must be obtained within the probationary period for continued employment. Such candidates may not perform those job duties that require a license to practice law until such proper licensure is obtained.

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).