

Nebraska Department of Education
Classification Specification
Established: 1/03 Revised: ~~6/07~~ 6/14

Job Code: EDB020/EDR020/EDO020
Paygrade: 50

General Counsel

Purpose of Class: Manages the legal unit of the Agency; provides and oversees the provision of legal assistance, opinions, and services pertaining to the administration of the law in and by the Agency; engages in providing legal assistance and technical support services to the Agency; serves as chief legal counsel to the Commissioner of Education, State Board of Education, and Agency management.

Distinguishing Characteristics

Level: Fourth in a series of four

Work Direction Received: Works under administrative supervision

Direction of Others: Supervises; directs the activities of subordinates with an emphasis on short-term, operational results

Scope/Nature of Discretion: Delegated discretion; performs duties with the authority to initiate and execute actions deemed necessary/advisable

Examples of Duties

Confers with the Commissioner, Agency management, state and local government officials, Agency legal staff, plaintiffs, defendants, and other interested parties, to provide assistance; prepares information on the facts and status of cases or other legal/administrative actions or issues.

Provides legal assistance in preparation for Board meetings, including the preparation of legal opinions and other materials; provides advice to the Commissioner and Board during public meetings; provides assistance to the Board's Policy Committee.

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

Confers with and advises the legal staff, Agency management and staff, contractors, and advisory groups to exchange information, to explain policies, regulations, procedures, and standards; identifies the characteristics and impact of problems; formulates possible solutions; responds to phone and letter inquiries from outside the Department to provide information and present the Agency's position.

Directs legal research and case investigations to ensure that information is gathered for case preparation and to facilitate the administration and enforcement of Agency statutory authority; prepares legal opinions and memoranda for the Commissioner and Agency management; maintains regular communication with the Attorney General's Office and provides oral opinions to Agency staff.

Examples of Duties (continued)

Reviews and makes recommendations on draft legislation, Agency policies and regulations, and procedural statements in order to provide legal/administrative options to Agency management in the enforcement of Agency statutory requirements.

Prepares legal opinions, memoranda, contracts, correspondence, motions, pleadings, findings of fact, conclusions of law, rules, orders, and other legal documents to provide assistance to other legal staff or to Agency management.

Represents the Agency in administrative hearings related to the enforcement of Agency laws.

Maintains knowledge of new developments by reviewing assorted new materials, including case reports, legal newsletters, legislation, law/education publications, and distributes to staff as necessary.

Minimum Qualifications

Juris Doctor from an accredited school of law, admission to the Nebraska State Bar Association, and six years experience in the practice of law directly related to Agency programs, including, but not limited to, providing legal advice to clients and preparing for and trying cases of general jurisprudence.

NOTE: No substitutions for the Juris Doctorate since that level of education is required in order to practice law in Nebraska and be admitted to the Nebraska State Bar.

Knowledge and Abilities

Knowledge

- Principles and practices of civil law administration, judicial procedures, and rules of evidence
- Principles and practices of legal research and procedures of trial and administrative hearings
- Techniques of preparing/drafting legal documents and forms
- State and federal statutes, regulations, case law, and constitutional law pertinent to Agency programs
- Understanding of operations of state agencies, federal agencies, and political subdivisions

Abilities

- Prepare and draft legal documents and forms
- Interpret and apply statutes, rules and regulations, case law, administrative policies, and decisions of administrative hearings
- Conduct legal research and investigations
- Interact with management, staff, and other governmental employees, the public, and representatives of parties
- Communicate in writing to summarize and exchange legal findings and conclusions
- Prepare and communicate orally the facts, legal opinions, and arguments of a case
- Present Agency policies and positions concerning complex issues
- Develop rules and regulations

- Supervise and instruct legal unit staff at all levels