

Nebraska Department of Education  
Classification Specification  
Established: 10/01 Revised: ~~6/07~~ 6/5/14

Job Code: EDB022/EDR022/EDO022  
Paygrade: 48

## Legal Counsel II

**Purpose of Class:** Provides legal assistance, opinions, and services pertaining to the administration of the law in and by the Agency; prepares and reviews legal documents; conducts legal research and makes determinations of a professional legal nature; interprets and applies court decisions, regulations, and other legal documents; provides technical assistance to other state agencies, the Legislature, and advisory groups; represents Agency in investigations, negotiations, and hearings.

### Distinguishing Characteristics

**Level:** Second in a series of four

**Work Direction Received:** Works under general supervision.

**Direction of Others:** None

**Scope/Nature of Discretion:** General discretion; performs duties with moderate opportunity to exercise independence within broadly-defined policies and procedures

### Examples of Duties

Provides legal assistance and opinions for NDE program areas including working with NDE staff and outside consumers; researches, interprets, and applies court decisions, administrative regulations and other sources of legal information for the preparation of legal opinions, papers and legislation.

Reviews documents, including contracts and leases, and responds to staff on these documents with suggestions; drafts and analyzes various legal documents.

Assists management with personnel matters and interprets, develops, revises, and trains Agency employees on personnel/administrative policies.

May serve as chief negotiator for NDE labor contract and serve as liaison between union and Commissioner's office.

Conducts legal research and writing for other staff attorneys, develops state regulations for NDE programs, represents the Agency in contested cases and assists the Attorney General in connections with litigation.

Communicates with and serves as a liaison to educators, patrons, attorneys, and other interested parties concerned with legal, educational, and departmental matters; prepares correspondence involving educational and legal questions.

Serves as hearing officer for the Agency.

## **Minimum Qualifications**

Juris Doctor from an accredited law school, admission to the Nebraska State Bar Association, and two years of experience in the practice of law.

**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 other state and federal agencies
- Collective bargaining practices

### Abilities

- Prepare and draft legal documents, including contracts
- 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
- Negotiate and bargain a labor contract