

Nebraska Department of Education  
Classification Specification

Job Code: EDB023/EDR023/EDO023  
Paygrade: 49

Established: 10/01 Revised: ~~6/07-65/14~~

## Legal Counsel III

**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; assists the Attorney General's office with litigation; represents the Agency in investigations, negotiations, and hearings; serves as hearing officer for the Agency and as liaison to educators, citizens, attorneys, and others; assists General Counsel and may assume those duties when the General Counsel is absent.

### Distinguishing Characteristics

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

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

**Direction of Others:** Guides/Oversees; may lead in providing work direction

**Scope/Nature of Discretion:** General/Delegated discretion; performs duties with moderate opportunity to exercise independence within broadly-defined policies and procedures, has authority to take required actions

### 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.

## **Examples of Duties (continued)**

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; answers questions from personnel of educational entities and the general public on laws and regulations pertaining to the Agency.

Serves as hearing official for the Agency.

May oversee the work of Legal Counsel I and II in assigned areas of responsibility and may assume the duties of General Counsel in his/her absence.

## **Minimum Qualifications**

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

**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
- Supervisory practices and techniques

### Abilities

- Prepare and draft legal documents
- 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
- Supervise and instruct legal unit staff in the absence of General Counsel