STATE OF MONTANA
JOB DESCRIPTION

Montana state government is an equal opportunity employer. The State shall, upon request, provide reasonable accommodations to otherwise qualified individuals with disabilities.

Job Title: Attorney Position Number: 70004, 70007, 70009, 70010, 70011, 80029

Location: Helena Department: Transportation

Division and Bureau: Director's Office / Legal Services

Section and Unit: n/a

Job Overview:

These positions represent MDT in areas of transportation law. Represents MDT at trials and hearings in state and federal district and appellate courts and before administrative forums, and provides general counsel advice and guidance to the Director, administrators and program managers. These positions report to MDT's Deputy Chief Legal Counsel. Placement and advancement are covered by MDT's Attorney Advancement Policy and Procedure.

Essential Functions (Major Duties or Responsibilities):

Agency Representation and Litigation – 45%

<u>Level 1</u>

- Evaluates case files in agency related actions including construction claims, condemnations, environmental matters, fuel tax disputes, civil rights and human resource issues, to determine relevant legal issues.
- Coordinates with chief counsel, administrators and program managers and staff to formulate and implement case strategy and agency response and resolve or mitigate operational impacts of legal issues.
- Represents MDT at trials and hearings in state and federal district and appellate courts and before administrative forums.

- Represents MDT in litigation primarily as co-counsel including: prepare and respond to pleadings, propound and respond to discovery, conduct internal investigations and prepare witnesses for depositions, hearings or trials, conduct legal research, prepare and respond to pretrial motions and briefs, prepare and attend depostions, oral arguments, hearings and trials, and prepare post-trial documents and appeals.
- Advises and represents MDT administrators and program managers regarding negotiation strategies and settlement offers.

Level 2

- Evaluates case files to identify legal issues in MDT litigation including tort claims, condemnations, inverse condemnations, environmental, fuel tax, civil rights, human resources, outdoor advertising, accounts receivable, contract claims, and damage claims.
- Coordinates with Deputy Chief Legal Counsel, chief counsel, administrators and program managers to formulate and implement case strategy, acquisition strategy, and appropriate MDT response to resolve or mitigate operational impacts of legal issues ensuring compliance with legal strategies.
- Represents MDT in trial or appellate courts, and before administrative forums primarily as lead counsel. Prepares and presents MDT cases for trial or hearing and manage all aspects of the legal proceedings, including prepare and respond to pleadings, propound and respond to discovery, conduct internal investigations and prepare witnesses for depositions, hearings or trials, conduct legal research, prepare and respond to pretrial motions and briefs, prepare and attend depostions, oral arguments, hearings and trials, and prepare post-trial documents and appeals.
- Works with chief counsel and Deputy Chief Legal Counsel to develop and implement litigation strategy, negotiation strategy and settlement offers. Works with appropriate program managers to prepare or respond to settlements, offers, and attend settlement conferences.

Agency Representation and General Counsel– 45%

Level 1

- Provides legal advice and guidance to chief counsel, MDT's Director, administrators and program managers on MDT transactions and related issues.
- Conducts legal research and analysis of state and federal statutes, rules, regulations and case law.
- Drafts and reviews agreements, agency policies, and administrative rules as requested by chief counsel.
- Reviews regulations and policies adopted by federal, other state, local and tribal agencies for operational impacts and provides legal interpretations and recommendations for program managers.

- Drafts legislation on behalf of the agency at request of chief counsel or Deputy Chief Legal Counsel; reviews legislation drafted by others, provides legal analysis and prepares amendments, appears before legislative committees if required.
- Negotiates right-of-way and other agreements with property owners and their attorneys.

Level 2

- Provide independent legal advice and guidance to a variety of MDT program managers on questions of day-to-day operations.
- Conducts independent legal research and analysis of state and federal statutes, rules, regulations, and case law.
- Drafts legal opinions, contracts, MOUs and other transactional documents.
- Negotiates and reviews agreements with tribal and local governments, state and federal agencies, property owners, and private parties.
- Researches, drafts, and reviews MDT policies, administrative rules, and legislation in coordination with MDT management.
- Reviews and researches operational impacts of statutes, regulations, rules, ordinances, policies, and processes adopted by federal, state, local, and tribal governments to provide legal interpretations for MDT management.
- Reviews MDT manuals and updates, guidelines, forms, and other publications.
- Provides requests for information responses and reviews.
- Staffs administratively attached Commission and Board meetings to advise on relevant statutes, rules, policies, and procedures as requested by Chief Counsel.

Other Duties – 10%

Performs a variety of other duties as assigned by the Deputy Chief Legal and Chief Legal Counsel in support of MDT's mission and Division objectives.

- Presents specialized legal training seminars in areas of legal specialization to agency staff and legal and administrative professionals.
- Attends continuing legal training in areas of transportation law.
- Maintains standards of Montana State Bar and court admission requirements.

Supervision

The number of employees supervised is: n/a

The position number for each supervised employee is: n/a

Physical and Environmental Demands:

Works in a typical office environment.

Knowledge, Skills and Abilities (Behaviors):

- Knowledge of Montana and Federal Rules of Civil Procedure, Rules of Evidence and Rules of Appellate Procedure; The Montana Administrative Procedures Act; and the Montana Rules of Professional Responsibility.
- Knowledge of concepts, theories and principles related to transportation law including eminent domain, contract claims, employment law, environmental law, and administrative law.
- Skills in legal research, writing, citation and documentation.
- Establish and maintain effective working relationships.
- Effective, professional communication with internal and external stakeholders.
- Ability to negotiate and mediate conflicts.
- Ability to compare, compile and analyze complex information.

Minimum Qualifications (Education and Experience):

The required knowledge and skills are typically acquired through a combination of education and experience equivalent to Bachelor's Degree and a Juris Doctorate degree from an accredited law school.

This position requires a minimum of 2 years of experience in practicing law (legal internships and clerkships may be considered). Civil litigation experience preferred.

Certifications, licensure, or other credentials include: License to practice law in the State of Montana; admission to practice in Montana Courts and U.S. District Court.

Alternative qualifications include: none

Special Requirements:

List any other special required information for this position

☐ Fingerprint check

☒ Background check

None Union Code

☐ Valid driver's license

☐ Other; Describe

Safety Responsibilities

The specific statements shown in each section of this description are not intended to be all inclusive. They represent typical elements and criteria considered necessary to perform the job successfully.

Signatures

My signature below indicates the statements in the job description are accurate and complete.

Immediate Supervisor	**Title**	**Date**

Administrative Review	**Title**	**Date**

My signature below indicates that I have read this job description.

Employee	**Title**	**Date**

Human Resources Review

Career Ladder Level 1	**Job Code Title: Lawyer 1**	**Job Code Number: G11011**
Career Ladder Level 2	**Job Code Title: Lawyer 2**	**Job Code Number: G11012**

My signature below indicates that Human Resources has reviewed this job description for completeness and has made the following determinations:

☒ FLSA Exempt	☐ FLSA Non-Exempt
☒ Telework Available	☐ Telework Not Available
☒ Classification Complete	☐ Organizational Chart attached

Human Resources:

Signature	**Title**	**Date**