

ATTORNEY II

Employees in this class perform a full range of legal services in support of the commissions and agencies of the State. At this level positions provide legal support in areas characterized by tested statutes and available case law or support higher level attorneys in the highly complex areas of specialization.

Employees independently prepare for and conduct courtroom and administrative litigation, negotiate settlements of cases, prepare legal opinions on rules and operations of an agency, and resolve complaints or answer inquiries on legal issues from the public. Technical guidance is typically available from section or division heads. Employees may represent the State in criminal appeal cases as assigned. Employees may argue cases before the appellate courts, assist agency officials in drafting proposed legislation or internal rules, and perform related duties as required.

I. DIFFICULTY OF WORK:

Variety and Scope - Employees serve as counsel to state agencies and specialize in areas of law related to the assigned agency's function. Within the areas of specialization, employees advise the agency on all questions of law within the area of specialization, represent the agency on all cases to include those requiring civil and administrative litigation, and provide counsel and advice in matters of impact to the agency. For more complex areas of law, employees participate with other attorneys to provide support in the investigation of case facts, research statute and case law and prepare pleadings, motions, discover, and other legal documents pertaining to cases. Employees research legislative history and draft legislation as required by the agency.

Intricacy - Assignments require the employees to determine the merits of a case, develop a case strategy, perform research to prepare for litigation, and conduct civil and administrative litigation. Legal research activities involve the review of the case, determination of its merits and points of law, analysis of pertinent statutory and case law, analysis of administrative and procedural rules, and development of legal arguments.

Subject Matter Complexity - Work requires an understanding of legal jurisprudence and theory and basic statutory and case law surrounding the field of assignment. At this level work is characterized by the specialization in a field of governmental law requiring the knowledge of pertinent legislative action, administrative rules and cases to provide counsel for most questions and concerns that arise under the agency's services and authority.

Guidelines - Rules governing court proceedings and evident are followed in litigation. Cases, statutes, administrative rules and internal policies are the basis for the issuance of legal opinions.

II. RESPONSIBILITY:

Nature of Instructions - Employees independently handle all matters that come up in their area of law including questions and inquiries pertaining to law from agency staff or the public. Under technical guidance from the section or division head, employees handle the negotiation and litigation of cases that occur in their field of specialization. In support of the more complex areas of law, employees work under the supervision of other attorneys who make assignments based on the needs of the investigation of the case at hand.

Nature of Review - Most work is not typically reviewed unless it is performed in conjunction with another attorney or a higher level attorney with ultimate responsibility for a case. Supervision is technical and administrative in nature with communication to the supervisor regarding unusual situations and problems requiring discussion.

Scope of Decisions - Cases handled at this level have impact on the clients, the agency, and services provided to the public. The interpretation and opinions of law will impact on the establishment of rules, regulations, and procedures that govern the services and policies of an agency.

Consequence of Decisions - The opinions, advice, and case decisions outcome may impact on the services of an agency, agency clients or those regulated by the agency, or upon those segments of the public affected by agency decisions. Research or interpretation of case or statutory law may affect litigation strategy or tactics.

III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with agency and court officials, agency employees and clients, and attorneys from other state agencies or commissions or private firms representing the clients.

Nature and Purpose - Contact is to gather information pertaining to a case, to research statutory and case law, to discuss agency regulations and case interpretation, to determine appropriate litigation procedures, to respond to inquiries concerning statutes and regulations, and to provide guidance with regard to legal problems.

IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a typical office or courtroom setting.

Hazards - Employees are not typically exposed to workplace hazards.

V. RECRUITMENT REQUIREMENTS:

Knowledge, Skills, and Abilities - Considerable knowledge of case, statutory, regulatory, and common law. Considerable knowledge of judicial and quasi-judicial procedures and the rules of evidence. Ability to conduct civil or criminal litigation. Ability to interpret and apply constitutional provisions, statutes, administrative regulations, court decisions, and other precedents. Ability to analyze facts, evidence, and legal instruments. Ability to express conclusions and arguments clearly and logically in oral and written form. Ability to maintain effective working relationships.

Minimum Training and Experience Requirements - Graduation from a recognized school of law and one year of professional legal experience; or an equivalent combination of training and experience.

Necessary Special Qualification - License to practice law in the State of North Carolina.

Special Note - This is a generalized representation of positions in this class and is not intended to identify essential functions per ADA. Examples of work are primarily essential functions of the majority of positions in this class, but may not be applicable to all positions.

Degrees must be received from appropriately accredited institutions.