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: Paralegal    Position Number: 12002    Location: Helena

Department: Transportation    Division and Bureau: Professional Services / Legal Services
Unit: n/a

Job Overview:

The Paralegal performs legal work for the agency, under the supervision of MDT attorneys. This position provides prelitigation and litigation assistance for claims in state and federal district court, state and federal appellate courts and administrative proceedings which include eminent domain, property claims, contract and construction claims, civil rights and employment claims, debarment, environmental, bankruptcy, accounts receivable, and tort claims.

This position conducts legal research and analysis, prepares administrative rules, and assists with legislative bill drafting. Responsible for independent information management and project management for ongoing litigation. This position completes initial and ongoing legal research, analysis, and legal writing related to general counsel questions and specific litigation matters. It assists attorneys in all aspects of pretrial preparation, including investigation, mediation, discovery, collection and maintenance of evidence, and trial presentation. The position reports to the Chief Counsel and does not directly supervise other employees.

Essential Functions (Major Duties or Responsibilities):

LITIGATION AND TRIAL SUPPORT - 60%

- Works with Department attorneys to implement legal strategies concerning specific facts, investigation methods, and procedures. Analyzes each case and works with attorneys to address legal concerns, possible approaches to responding to discovery, and methods of presenting evidence in support of settlements, motions, and litigation. Initiates legal holds for agency records and assists program areas collect and secure appropriate records. Researches and locates evidence, documents, and witnesses. Summarizes the evidence gathered to assist attorneys with case evaluation, pretrial preparation, and trial.
• Oversees scheduling order coordination. Reviews filings and court orders to determine appropriate responses and deadlines. Participates in ongoing trial management, strategy, and planning discussions.
• Review, analyzes and evaluates legal pleadings, evidence, and correspondence in complex cases to ensure all applicable statutory and court requirements and deadlines are met.
• Summarizes research results including sources, findings, cross-references, citations, and other relevant components and compiles and composes appropriate legal documents. Provides legal memoranda to attorneys regarding facts, legal issues, applicable rules, analyses, and recommendations as requested.
• Drafts legal pleadings including complaints, motions, briefs, proposed orders, discovery requests, responses, and other documents for hearings. Proofreads and edits attorney work product and gives feedback. Verifies cited authorities and case law for accuracy using electronic legal databases. Ensures documents comply with formatting and style requirements. Ensures filing deadlines are met.
• Responds to discovery requests by identifying and gathering responsive documents and reviewing them for confidential or privileged information. Prepares the documents for production. Privileged attorney-client communication and attorney work product must be distinguished from discoverable information, redacted from the production set, and the redactions must be appropriately disclosed on a privilege log. Drafts correspondence to respond to discovery requests. Reviews, analyzes, and organizes information gathered from depositions and discovery responses. Notes discovery response deficiencies, drafts correspondence to cure deficiencies and motions to compel.
• Schedules internal witnesses to appear for depositions, hearings, and trials. Ensures chain of custody for exhibits. Maintains witness contact information. Arranges for advancement of witness fees, manages the issuance and service of subpoenas; keeps track of success of same and files service returns in the jurisdiction, otherwise stated, compels at trial the witnesses whose appearance is necessary for proving each element of the case.
• Participates in on-site document review/inspections. Establishes the structure of a complex database that must be categorized for rapid and accurate retrieval. Manages information required to present the department’s cases using document and information management software and computer equipment and software that allows for recording testimony and presenting evidence during depositions, hearings, and trials. Captures live testimony during administrative hearings.
• Advises the legal team of the potential impact on the department’s legal strategies by reviewing pleadings and court orders to determine the appropriate response or action; conducting research to formulate the department’s responses; and summarizing and digesting depositions, discovery responses, and other testimony.
• Organizes and manages paper and electronic documents for retrieval by team members at various stages of cases such as during depositions, mediation, hearing, and trial. Organization and management of the documents involves scanning, categorizing, coding, and
maintaining the documents in both hard form and electronically. Develops extensive knowledge of the document collection contents and document database for each case.

- Assists attorneys in case evaluation, pretrial preparation, and evidence presentation at hearings, including maintenance of exhibits and evidence. Prepares for and attends court proceedings to assist attorneys in the presentation of the department’s position when needed.
- Develops examination questions from complaints, answers, witness statements, correspondence, and other case documents required to implement case strategies.
- Coordinates post-trial transcripts and the impacted trial exhibits with the court reporter based upon the court’s determination and agreements that vary from case to case, formats and prepares post-hearing documents including appellate briefs, and supporting appendices.

LEGAL RESEARCH AND INVESTIGATION - 15%

- Provides high-level, specialized legal research and investigation assistance in a wide range of legal issues as requested by the attorney.
- Conducts research independently based on facts identified during case review and through knowledge of the multiple areas of transportation law.
- Finalizes the legal research by drafting a legal analysis relevant to the identified legal issues. Prepare factual chronology to summarize the information.

PUBLIC INFORMATION REQUESTS - 10%

- Receives and reviews all public information requests directed to the department under the Montana Constitution and the Freedom of Information Act. This requires analyzing and determining whether the requests are subject to the right to know or right to privacy provisions.
- Coordinates with and updates director’s office staff on high profile or sensitive information requests.
- Oversees and participates in on-site document review/inspection requests and coordinates depositions related to the requests. Entails communicating with high-level department and government staff, private attorneys and the general public.
- Monitoring all on-site document review to ensure the integrity of the department’s records.
- Monitors changes to Montana’s public records laws and updates the department’s public information procedures as necessary. Drafts changes to the department’s public information policy, procedure, and addendums as necessary.
- Submits weekly reports of active requests to the Governor’s Office.

BILL DRAFTING AND ADMINISTRATIVE RULES - 10%

- Responsible for bill drafting and administrative rule preparation functions to ensure the Department is complying with federal and state law and agency policies and procedures.
• Assists in drafting agency legislation to reflect necessary changes in the Department’s statutory responsibilities.
• Provides assistance to attorneys in the writing, formatting and preparation of administrative rule material. Ensures administrative rule deadlines and requirements are timely and in compliance with the Montana Administrative Procedure Act.
• Serves as agency contact to the Secretary of State’s Office regarding submission and publication rules in the Montana Administrative Register and the Administrative Rules of Montana.
• Assists attorney rule reviewers with biennial rule reviews. Tracks and maintains updates for biennial rule review.
• Monitors laws related to the Montana Administrative Procedure Act and implements changes to the department’s rule making procedures and forms as necessary including legislative changes and small business impact and tribal impact forms.

LEGAL RESOURCE MANAGEMENT and OTHER DUTIES - 5%

• Serves as resource manager to the Legal Services Unit ensuring staff have access to accurate, timely, and effective information of legal issues facing the Department by maintaining and updating hard copy resources in a physical law library and by update and maintenance of several electronic repositories.
• Maintains and updates the Legal Unit Share Drive and a legal resource database, which includes a legal opinion database, brief bank, and reference section to provide a concise legal issue library.
• Maintains and updates standard legal form documents used by legal staff. Ensures forms are contextually accurate and that citations conform to the accepted standard.
• Maintains and updates the legal opinions database, which includes analyzing and deducing questions and opinions.
• This position performs other duties in support of ongoing Bureau operations as assigned by the supervisor.

Supervision

If this incumbent supervises others, please list each employee supervised and the position number:

The number of employees supervised is: 0

The position number for each supervised employee is: 0
Physical and Environmental Demands:

- The majority of the work is performed in a normal office environment;
- Infrequent travel;
- Ability to lift 20 pounds.

KNOWLEDGE, SKILLS AND ABILITIES:

- Extensive knowledge of the litigation process, legal concepts, theory and practice, legal terminology, and legal procedure.
- Advanced knowledge of the administrative rule processes including the guidelines set forth in the Model Rules and the Montana Administrative Procedure Act.
- Knowledge of legal research methodologies and practices, investigation strategies and techniques, principles of legal writing, and the ability to analyze and interpret complex data.
- Knowledge in case management practices and procedures.
- Effectively communicates legal information both verbally and in writing.
- Ability to prioritize and perform under strict timelines.

Minimum Qualifications (Education and Experience):

The required knowledge and skills are typically acquired through a combination of education and experience equivalent to an Associate’s Degree in Paralegal Studies, Political Science, or a related field.

This position requires a minimum of 3 years of related experience.

Certifications, licensure, or other credentials include: Must meet the definition of paralegal as defined under MCA 25-10-305. Must be bondable as a Notary Public.

Paralegal membership with the State Bar of Montana preferred.

Alternative qualifications include: Any combination of additional related work experience and education equivalent to the minimum qualifications.

Special Requirements:

List any other special required information for this position

☐ Fingerprint check
☐ Valid driver's license
☒ Background check
☐ Other; Describe

MFPE Union Code
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.

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

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Human Resources Review

Job Code Title: Paralegal            Job Code Number: G21012            Level: 2

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