

# 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: 14010, 70004, 70007, 70009, 70010, 70011, 80029**

**Location: Helena      Department: Transportation**

**Division and Bureau: Professional Services Division, 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 lgeneral counsel advice and guidance to Director, administrators and program managers. These positions report to the MDT's Chief Counsel. Placement and advancement are covered by the MDT's Attorney Advancement Policy and Procedure.

### **Essential Functions (Major Duties or Responsibilities):**

#### **Agency Representation and Litigation – 45%**

- Evaluates case files in agency related actions including claims, condemnations, environmental, fuel tax, civil rights, human resource to determine legal issues.
- Coordinates with chief counsel, administrators and program 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.
- Prepares and presents agency litigation at trial or hearing; engages in discovery, , preparation of witnesses and evidence, research, prepare and responding to pleadings, pretrial and post-trial motions, and oral argument . Manages all aspects of legal proceedings including, post-trial matters, and appeals.

- Advises and represents MDT program managers and administrators regarding negotiation strategy and settlement offers.

### **Agency Representation and General Counsel- 45%**

- Provides legal advice and guidance to Director and agency 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 Director or agency managers .
- Reviews policies adopted by agency and other federal, state, local and tribal agencies for legality and to provide interpretations for agency managers.
- Drafts legislation on behalf of the agency at request of Director or agency managers; reviews legislation drafted by others and 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.

### **Other Duties - 10%**

- 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:**

- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Operating a personal computer

### **Knowledge, Skills and Abilities (Behaviors):**

This position must demonstrate the following qualifications:

Knowledge and application of :

- Montana and Federal Rules of Civil Procedure, Rules of Evidence and Rules of Appellate procedure
- The Montana Administrative Procedures Act
- 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:

- Legal research, writing, citation and documentation
- Establish and maintain effective working relationships

Abilities:

- Effective, professional communication
- Negotiating and mediating conflicts
- Ability to prioritize
- Demonstrate accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Comparing, compiling and analyzing information
- Coordinating work assignments to support staff with other attorneys

**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 3 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*

- |                                     |                   |                                     |                        |
|-------------------------------------|-------------------|-------------------------------------|------------------------|
| <input type="checkbox"/>            | Fingerprint check | None                                | Union Code             |
| <input checked="" type="checkbox"/> | Background check  | <input checked="" type="checkbox"/> | Valid driver's license |

Revision Date: 02/2019

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.

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<b>Immediate Supervisor</b>	<b>Title</b>	<b>Date</b>
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<b>Administrative Review</b>	<b>Title</b>	<b>Date</b>
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My signature below indicates that I have read this job description.

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<b>Employee</b>	<b>Title</b>	<b>Date</b>
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**Human Resources Review**

**Job Code Title: Lawyer 1**

**Job Code Number: G11011**

**Level: 1**

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:**

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Signature	Title	Date
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