

## Attorney (Staff Counsel)

### *Essential Task Rating Results*

1	Interpret and apply authority relating to the case, question, or issue presented.
2	Using both text and computer-based resources, locate and read primary legal sources (e.g., constitutions, statutes, rules and regulations, case law, etc.) and secondary legal sources (e.g., treatises, practice guides, law reviews, etc.) to analyze and determine how the authority pertains to a particular case or issue.
3	Using both text and computer-based resources, verify that the law to be cited in any written work is current, controlling law, and that the law has not been overturned by subsequent law (i.e., "Shepardize").
4	Determine what rules and/or laws have a bearing on the issues identified for a case and/or matter, based on an analysis and application of the facts, to ensure appropriate consideration in proceeding with the case and/or matter.
5	Identify and research issues raised in a particular case or matter, based on an analysis of the facts and applicable law, to resolve problems, render solutions and determine the best course of action for prosecuting or defending the case.
6	Develop legal strategies based on a review of the facts and the law to resolve the matter.
7	Manage and meet timelines for project/case completion taking into consideration internal and external deadlines.
8	Analyze documents (e.g., briefs, pleadings, letters, motions, petitions, claims, contracts) to understand and evaluate legal issues and formulate responses.
9	Prepare correspondence (letters and e-mails) to clients, opposing counsel, governmental personnel or other necessary parties, including status letters, settlement proposals, advice/recommendation letters, and letters to seek and/or provide information regarding a variety of subject matter.
10	Communicate orally to discuss procedural and substantive legal issues, strategy/tactics, court decisions, new legislation, office policies, and client relations.
11	Analyze opposing party's legal documents and records in order to understand and evaluate claims and formulate response strategies.
12	Analyze proposed courses of action to determine whether the action is legal, ethical, and consistent with broader policy goals of the State and the department, and decide how to proceed accordingly.
13	Prepare written work documents (e.g. letters, memos, legislative bills, regulations) using proper content, legal analysis, tone, organization, grammar, format and terminology.

14	Prioritize issues to be presented in writing or orally in order to determine the most effective, efficient, and persuasive way to argue the case and/or matter.
15	Provide written informal legal/procedural advice to internal stakeholders (e.g., clients, executive staff, agencies, employees) in response to requests for guidance.
16	Recommend whether a settlement proposal should be accepted, rejected, or countered, based on the needs of the client, and the department.
17	Use print and electronic resources to identify facts relevant to a legal issue.
18	Communicate with immediate supervisor or higher-level managers to provide case updates and/or seek guidance and feedback on legal and procedural issues and strategies.
19	Communicate orally with opposing counsel regarding substantive and procedural issues arising from the case or matter to advance and/or resolve the case or matter.
20	Communicate orally with support staff (e.g., legal secretaries, office assistants, etc.) taking into consideration their other pending projects when assigning appropriate types and levels of work, and following up to ensure its proper completion.
21	Identify and select evidence, based on issues raised in a particular case and/or matter, for use as exhibits in administrative or court proceedings to support or disprove a legal theory or claim.
22	Prepare documents to be filed in all state or federal courts and/or administrative agencies (e.g., complaints, petitions, writs, answers, motions, briefs).
23	Discuss legal issues, internal policies and individual cases in a one-on-one and/or team setting to develop, determine and communicate client positions, resolve questions and share information with internal stakeholders.
24	Prepare legal research memoranda for a colleague, supervisor, executive staff, or client to summarize the state of the law and, when requested, make recommendations for further action.
25	Utilize organizational methods and procedures to ensure that work is completed properly and in a timely manner.
26	Develop strategies based on a review of pleadings, evidence, and the law, and confer with clients and/or colleagues, to resolve the case and/or matter in a manner most favorable to the client.
27	Analyze documents received during discovery (e.g., responses to interrogatories, document demands, requests for admission) or from investigation (e.g., witness statements, investigative reports, evidence gathered, administrative record, trial transcripts, etc.) to determine their legal and factual significance and identify additional information needed.

28	Represent the State and/or staff in administrative or judicial proceedings (e.g. appear in court, at depositions, in Board hearings, etc.) as an advocate.
29	Orally advocate the agency's position in all state or federal courts and/or administrative agencies to summarize the evidence and persuade the trier of fact to decide the case or issue in your client's favor.
30	Develop alternative solutions and strategies for approaching selected issues, including identifying the full range of solutions, the extent to which they are feasible, the possible means for achieving each solution, their probability of success, and how to present them to the client.
31	Orally communicate with clients and/or witnesses to prepare them for legal proceedings (e.g., depositions, trials, alternative dispute resolution) by discussing procedures, possible areas of questioning, approaches to answering, and related issues.
32	Locate and research the agency's legal opinions, published annotations, decisions and recommendations to ensure consistency and accuracy.
33	Develop a plan in order to uncover facts relevant to a particular case or matter after preliminary review and analysis of the case or matter.
34	Provide drafts of written work products, including court filings and correspondence memoranda that address substantive legal and/or policy issues, to supervisors for their review per division/section policy to ensure a better product that is consistent with office and/or section objectives.
35	Communicate orally during pre-trial proceedings (e.g., case management conferences, pre-trial hearings, etc.) with judge or hearing officer to represent the client's interest or position.
36	Prepare written correspondence to external stakeholders (e.g clients, the public, etc.) to initiate action, request information, respond to requests for information, or provide legal opinions/advice, generate comments and make offers/counter offers.
37	Communicate with supervisor to discuss and receive direction on individual administrative issues .
38	Analyze and evaluate reports from expert witnesses or consultants retained for a particular case and/or matter to gather information and identify potential strengths and/or weaknesses of the case and/or matter.
39	Prepare final written correspondence (e.g. letters, memos) for a colleague, supervisor or executive staff using proper content, tone, organization, grammar, format and terminology for the purpose of presenting recommendations and/or advice.
40	Develop timelines for project/case completion to assure the timetable for the project or case presents the best tactical advantage to further the client's purpose.

41	In person or via telephone, interview witnesses to gather case-related information and/or determine their potential usefulness to the case or matter.
42	Based on an analysis of case information, identify witnesses who should be interviewed to develop the facts of the case and/or matter.
43	Prepare opening statements, closing arguments and/or presentations for court and/or administrative proceedings to ensure complete, accurate, persuasive, and effective presentations to the trier of fact.
44	Prepare written notes, summaries and/or analyses of depositions, witness examinations, trials, administrative proceedings, etc., to summarize issues, arguments and/or decisions from various meetings and legal proceedings.
45	Participate in ongoing legal training courses offered through the department or outside professional organizations (e.g., CEB) in order to acquire and/or maintain legal skills and knowledge.
46	Conduct direct- and cross-examination of expert witnesses to prove the elements of your case, disprove the opposing legal theories or claims, and/or educate the trier of fact. (e.g., qualifying or challenging the witness as an expert, eliciting or challenging opinions, and authenticating and explaining documentary evidence).
47	Review written work product independently prepared (e.g., tables of contents and authorities, correspondence, etc.) or modified (e.g., attorney-drafted documents) by legal support staff to ensure accuracy and completeness.
48	Determine the need for experts, investigators, paralegals, and/or other litigation assistants to ensure issues raised by cases/projects are adequately explored and addressed and that the client's interests are properly represented.
49	Prepare written outlines to ensure complete, accurate, and effective presentations for client meetings, depositions, arbitrations, appellate arguments, hearings, negotiations, and trials.
50	Review written communications prepared by internal stakeholders prior to release/dissemination to ensure statements are appropriately clear and legally sound.
51	Analyze proposed legislative changes to ensure accuracy of the statement of the existing provision of law, the accuracy of the reasons for the change and/or the potential impact of the change on other existing provisions of law.