

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.

2. Employee's Name (Last, First, M.I.)	8. Department/Agency TRANSPORTATION CENTRAL OFFICE
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Office of the Attorney General
4. Civil Service Position Code Description PARALEGAL-A	10. Division Attorney General Transportation Division
5. Working Title (What the agency calls the position) Litigation Coordinator	11. Section
6. Name and Position Code Description of Direct Supervisor GLEESON, KATHLEEN A; ATTORNEY ADMINISTRATOR-3	12. Unit
7. Name and Position Code Description of Second Level Supervisor MANNING, SEAN P; SENIOR EXECUTIVE ATTORNEY	13. Work Location (City and Address)/Hours of Work 425 W OTTAWA ST; LANSING, MI 8 a.m. to 5 p.m. / Hours may vary at the discretion of management.

14. General Summary of Function/Purpose of Position

As the recognized resource, functions as litigation coordinator for the division's litigation and for damage claims over \$10,000. The position also serves as a paralegal to the division's litigation attorneys. The position requires one to, *inter alia*, research and develop responses to discovery requests in the course of litigation; draft documents for completion by the attorneys, including authorizations, releases, FOIA requests, subpoenas, and motions; identify and retain expert witnesses; organize and perform document management services related to large and high profile cases; and assist in the preparation of hearings, administrative proceedings, mediation, case evaluation, trials, and appeals. This position also monitors, advises, investigates, and recommends legally appropriate dispositions of reported damage claims to State highway structures. The position will also advise MDOT regions how claims submitted to MDOT for less than \$1,000 should be handled by MDOT and will advise the Division Chief whether to accept or reject MDOT's recommendations when such claims are appealed to the State Administrative Board. The position regularly handles complex and difficult assignments.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1**General Summary:****Percentage: 70**

Litigation Coordinator and paralegal to the division's litigation attorneys – Researches and develops responses to discovery requests during litigation and in damage claims over \$10,000 and in liability claims less than \$1,000 against MDOT.

Individual tasks related to the duty:

- Researches and develops interrogatories, requests to admit, and document requests in damage claims over \$10,000 and in the division's litigation cases.
- Investigates factual allegations to assist in the formulation of discovery responses.
- Provides first draft of discovery responses and objections.
- Assists in answering interrogatories of property damage claims and of litigation cases.
- Negotiates settlements to property damage claims, facilitates mediation and other alternative dispute methods, completing preliminary review of settlements documents terminating lawsuits through stipulation and settlement.
- Works independently and in conjunction with record subpoena and copy vendors to obtain records. Takes direction from the attorneys on which records to obtain.
- Reviews, analyzes, and summarizes documents received by MDOT during litigation. Takes direction from the attorneys regarding the subject of the review.
- Prepares summaries of the documents and is conversant with the attorneys as to the contents.
- Advises MDOT how to respond to claims less than \$1,000. This will require an understanding of the Governmental Tort Liability Act and its application to MDOT operations; this typically arises in the context of highway-defect claims. Also analyzes and advises regarding claims of gross negligence by MDOT employees, claims of defects in MDOT buildings, and claims of negligent operation of motor vehicles.
- Conducts factual investigations of claims and interviews claimants and other potential witnesses; ensures that MDOT has gathered all supporting documentation for claim resolution.
- Coordinates claims processing between MDOT offices, the Office of Attorney General, and the State Administrative Board.
- Prepares a proposed recommendation for approval by the Division Chief to be sent to the State Administrative Board.
- Analyzes ongoing investigation activities and recommends modifications of policies and procedures.

Duty 2**General Summary:****Percentage: 10**

Schedules, notices, and summarizes depositions obtained in discovery.

Individual tasks related to the duty:

- Investigates factual allegations to identify important witnesses.
- Coordinates with lay and expert witnesses to arrange for deposition testimony.
- Drafts subpoenas and notices of deposition.
- Summarizes deposition testimony of lay and expert witnesses.

Duty 3**General Summary:****Percentage: 10**

Drafts documents for completion by the attorney, including authorizations, releases, FOIA requests, subpoenas, and standard motions.

Individual tasks related to the duty:

- Prepares documents for an attorney's signature.
- Drafts motions, such as motions to compel, adjourn, show cause.
- Prepares in-house subpoenas for records, depositions, or entry upon land.
- Develops standard FOIA requests and responses, authorizations, and releases for use in litigation.
- Reviews proposed releases and settlements.

Duty 4**General Summary:****Percentage: 10**

Other related duties.

Individual tasks related to the duty:

- Drafts pleadings and documents such as witness lists and other documents, which can be complex in nature.
- Performs legal research, which can be quite extensive.
- Provides assistance for hearings, administrative proceedings, mediation, trials, and appeals.
- Identifies and maintains a database of expert witnesses.
- Responds to phone calls from citizens.
- Gathers documents or data when requested by MDOT.
- Files and serves legal documents.
- Monitors proposed legislation and prepares summaries for Division Chief.
- Performs other related functions as needed or requested.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Makes decisions on claims against MDOT under \$1,000. Determines the focus, method, and avenue of action to be taken regarding each claim, such as whom to contact, who the appropriate parties are, and other information and documentation. These decisions determine the facts upon which the division chief decides whether to settle, pay claims against MDOT, or to compromise MDOT damage claims, or to initiate or decline to pursue litigation on any damage claim.

17. Describe the types of decisions that require the supervisor's review.

Litigation pleadings and discovery will be reviewed by the attorneys. Recommendations to the Ad Board will be reviewed by the Division Chief. Responses to FOIA requests will be reviewed by an attorney.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Requires full range of physical abilities. May occasionally visit MDOT offices or construction sites. The environmental conditions would be those normally associated in an office setting. May require sitting at a desk and using a computer for extended periods of time. This position will require occasional travel and may require occasional overnight stays.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

- | | |
|---|--|
| <input type="checkbox"/> Complete and sign service ratings. | <input type="checkbox"/> Assign work. |
| <input type="checkbox"/> Provide formal written counseling. | <input type="checkbox"/> Approve work. |
| <input type="checkbox"/> Approve leave requests. | <input type="checkbox"/> Review work. |
| <input type="checkbox"/> Approve time and attendance. | <input type="checkbox"/> Provide guidance on work methods. |
| <input type="checkbox"/> Orally reprimand. | <input type="checkbox"/> Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Revised by management.

23. What are the essential functions of this position?

Functions as litigation coordinator for the division's litigation and for damage claims over \$10,000. The position also serves as a paralegal to the division's litigation attorneys. The position requires one to, *inter alia*, research and develop responses to discovery requests in the course of litigation; draft documents for completion by the attorneys, including authorizations, releases, FOIA requests, subpoenas, and motions; identify and retain expert witnesses; organize and perform document management services related to large and high profile cases; and assist in the preparation of hearings, administrative proceedings, mediation, case evaluation, trials, and appeals. This position also monitors, advises, investigates, and recommends legally appropriate dispositions of reported damage claims to State highway structures. The person also will advise MDOT regions how claims submitted to MDOT for less than \$1,000 should be handled by MDOT and will advise the Division Chief whether to accept or reject MDOT's recommendations when such claims are appealed to the State Administrative Board. The position regularly handles complex and difficult assignments.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

Position was inactivated back in 2018. Revised to reflect current duties and responsibilities with primary focus on assisting attorneys. Duties 2-4 updated and previous Duty 4, FOIA coordinator responsibility, was removed and is now performed by another position within the department. In addition to being the recognized litigation coordinator for the division, the position will serve as a paralegal to the division's litigation attorneys, assisting with all their litigation cases, which most are complex and difficult.

25. What is the function of the work area and how does this position fit into that function?

The attorneys in this work area are employees of the Department of Attorney General. They defend lawsuits brought against MDOT. They also sue on behalf of MDOT, including suits to acquire property by eminent domain and to be reimbursed for damage to MDOT infrastructure. The paralegal in this position will be an employee of the Michigan Department of Transportation and will assist the attorneys within the Attorney General Transportation Division. This position will assist the attorneys in the above functions.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of an associate's degree in a paralegal or legal assistant program.

EXPERIENCE:

Paralegal 11

Three years of experience equivalent to a Paralegal, including one year equivalent to a Paralegal E10.

Alternate Education and Experience

Paralegal 8 - 11

Graduation from any paralegal or legal assistant program approved by the American Bar Association may be substituted for the education requirement.

KNOWLEDGE, SKILLS, AND ABILITIES:

Familiarity with the discovery process during litigation; knowledge of, or the ability to learn, the Governmental Tort Liability Act; good oral and written communication skills, especially the ability to persuade and negotiate, including on the telephone; knowledge of various sources of legal principles and the ability to assimilate facts and research applicable legal principles; knowledge of, or the ability to learn, FOIA law.

CERTIFICATES, LICENSES, REGISTRATIONS:

Valid driver's license

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

None

I certify that the entries on these pages are accurate and complete.

KELLEY SCHMITT

7/7/2021

Appointing Authority

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date