

**State of Michigan
Civil Service Commission**
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Position Code

1. ATTORNYEC18N

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 ATY GNRL CENTRAL OFFICE
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Environment and Government Operations
4. Civil Service Position Code Description Attorney Staff-E	10. Division State Operations Division
5. Working Title (What the agency calls the position) Staff Attorney	11. Section Litigation
6. Name and Position Code Description of Direct Supervisor ADAM DEBEAR; ATTORNEY ADMINISTRATOR	12. Unit
7. Name and Position Code Description of Second Level Supervisor MARY WADDELL; ATTORNEY ADMINISTRATOR	13. Work Location (City and Address)/Hours of Work 525 W. Ottawa Street, Lansing, MI 48913 / Monday - Friday 8:00 a.m. to 5:00 p.m.

14. General Summary of Function/Purpose of Position

The incumbent litigates matters within the division's practice areas, including the Freedom of Information Act, state constitutional law challenges, §1983 civil rights claims, claims under the Elliot Larsen Civil Rights Act, claims under the No Fault-Act including motor vehicle negligence, and wrongful death claims in federal and state court. The incumbent also represents client agencies in administrative proceedings, drafts formal and informal legal opinions, and provides day to day legal representation for various state agencies, boards, commissions, officers, and employees.

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 Litigation

General Summary:

Percentage: 90

Defend state agencies and employees in civil litigation and administrative proceedings.

Individual tasks related to the duty:

- Appear in state and federal courts and state administrative tribunals.
- Act as counsel handling a docket of individually assigned litigation on behalf of assigned client agencies and other special assignments.
- Perform a full range of litigation activities, including legal research, drafting pleadings, pre-trial discovery, witness identification and preparation, motion practice and court appearances throughout the completion of the litigation (including all trial functions) and appeals.
- Maintain client relations, strategy identification and risk assessment.

Duty 2 Legal Opinions

General Summary:

Percentage: 10

Provide legal advice and perform other legal duties as needed.

Individual tasks related to the duty:

Tasks will vary, but may include:

- Provide oral or written legal guidance to client agencies.
- Draft formal and informal opinions for the Attorney General.
- Provide oral or written legal guidance and division level legal advice to client agencies.
- Respond to citizen letters.

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

The incumbent makes the types of decisions encountered when assisting a government client in properly applying the law, providing preventative counselling and when handling litigation. In general, the degree of independence will vary with the complexity of the case.

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

Matters requiring review by the supervisor include final versions of appellate briefs; final drafts of formal written memoranda of advice to clients; final drafts of requests for settlement authority; and final drafts of proposed attorney general opinions. Final versions of motions, pleadings, trial court briefs, and settlement agreements may be required to be reviewed.

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.

Job duties are performed primarily in an office setting, which may require long periods of computer and office equipment usage, a hearing setting or courtroom setting. Physical effort may consist of transporting case files between the office and the court. The work may require extensive travel both in and out of state.

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):

- | | |
|---|--|
| ☐ Complete and sign service ratings. | ☐ Assign work. |
| ☐ Provide formal written counseling. | ☐ Approve work. |
| ☐ Approve leave requests. | ☐ Review work. |
| ☐ Approve time and attendance. | ☐ Provide guidance on work methods. |
| ☐ Orally reprimand. | ☐ 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?

yes

23. What are the essential functions of this position?

Representing client agencies in civil and administrative proceedings, providing legal guidance to client agencies, and handling legal assignment as assigned by management.

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

N/A

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

The State Operations Division has a diverse legal practice. Legal services are provided to a variety of state agencies, including DTMB, MSP, Department of State, DEQ (real estate matters), MSHDA, MLBFTA, Michigan Education Trust, Michigan Strategic Fund, Michigan State Public Safety Communications System, and the Office of Retirement Services, among others. In addition, the Division provides legal advice, training, and representation for all of state government on matters related to FOIA and OMA. The Division manages the eDiscovery contract with the state's vendor and provides legal advice and litigation support on eDiscovery to the Department and legal advice on eDiscovery issues to all state agencies. The Division also handles litigation and administrative hearings along with a significant appellate practice, which is specific to this position.

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

EDUCATION:

Possession of a Juris Doctorate degree from an accredited school of law.

EXPERIENCE:

Attorney-Staff P15

No specific type or amount is required.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of fundamental subjects of law, research procedures, court procedures, practices, and procedures of the Department. Ability to prepare briefs and argue cases before state and/or federal courts and agencies, to communicate effectively both verbally and in writing, to use judgment, tact, and discretion, to analyze facts and draw logical conclusions, and to maintain accurate records.

**CERTIFICATES, LICENSES,
REGISTRATIONS:**

Membership in good standing in the Michigan State Bar.

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.

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

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