

### ATTORNEY III

Employees in this class perform advanced legal support work for agencies and commissions of the State. Employees independently provide counsel and conduct litigation in an area of legal specialization.

Work involves preparing and conducting cases and providing counsel and rendering legal opinion in the area of specialization which is characterized by complex statutes and regulations, absence of defined precedent, and constitutional issues. Work may involve leadership of lower level attorneys for larger, broader cases. Employees function independently with minimal technical supervision from section supervisors. Employees may represent the State in criminal appeals and perform related duties as required.

#### I. DIFFICULTY OF WORK:

Variety and Scope - Employees resolve legal issues of importance and complexity on a continuous basis. Employees advise administrative officials on the legal aspects of policy questions and operating problems; research and respond to written opinion requests to assure proper interpretation and application of the law, statute, or rule involved; and respond to telephone inquiries from officials, the public, and the press regarding the area of expertise. At this level, cases typically require support from lower level attorneys. Therefore, employees provide leadership to other attorneys for some cases. Employees determine the merits of litigation, develop case strategies and tactics, draft pleadings and other documents to be filed, and lead the litigation in the courtroom.

Intricacy - Assignments require the employees to determine the merits of a case, develop the strategy for the case, and research points of law in the case to prepare for its litigation. Legal research activities involve the review of the case, determination of its merits and points of law, analysis of pertinent statutory and case law, and development of the legal argument. Legal issues in these cases may involve issues of first impression and are characterized by the lack of precedent-setting case law and untried statutory or regulatory law on which to base the strategy or argument.

Subject Matter Complexity - Work requires an understanding of legal jurisprudence and theory, judicial proceedings, and differing court structure requirements in the development of case strategy and tactics. Additional understanding of statutory and case law pertaining to a particular field is developed through the research and study of the philosophy and intent of those actions and decisions.

Guidelines - Rules governing court proceedings and requirements for legal documents are followed in trial and appellate court systems. Specifics of proceedings will vary with the state and federal court structures.

#### II. RESPONSIBILITY:

Nature of Instructions - Employees independently handle all matters that arise in their area of expertise, including inquiries from State and local officials or the public. Employees independently handle the negotiation and litigation of cases that occur in their field of specialization.

Nature of Review - Most work is not typically reviewed. Consultation with other attorneys occurs when a decision requires coordination with other areas of specialization. Senior level attorneys are kept informed of major developments in litigation, personnel difficulties, or significant or unusual situations and problems requiring discussion.

Scope of Decisions - Cases handled at this level have impact on the clients, the agency, and services provided to the public. The interpretation and opinions of law will impact on the establishment of rules, regulations, and policies that govern the services and activities of an agency.

Consequence of Decisions - The opinions, advice, and case decisions may affect the services of an agency, those regulated by the agency or those affected by its actions. Research or interpretation of case or statutory law will affect the strategy or tactics in a case. Case outcome may create precedent, inadequate protection of the public, or liability of substantial amounts of money.

### III. INTERPERSONAL COMMUNICATIONS:

Scope of Contacts - Work requires contact with a variety of officials and technical experts in the judicial system, state and federal agencies, technical fields of work, and other legal firms.

Nature and Purpose - Contact is to gather information and facts pertaining to a case, to research statutory and case law, to negotiate agreements with outside parties, and to determine compliance on documentation and proceedings in various judicial settings. Professional contacts are made to discuss legal implications and points of law in prior cases and to determine applicability to the case at hand.

### IV. OTHER WORK DEMANDS:

Work Conditions - Work is conducted in a typical office or courtroom setting.

Hazards - Employees are not typically exposed to workplace hazards.

### V. RECRUITMENT REQUIREMENTS:

Knowledges, Skills, and Abilities - Thorough knowledge of case, statutory, regulatory, and common law. Thorough knowledge of judicial and quasi-judicial procedures. Ability to conduct complex civil or criminal litigation in trial and appellate courts. Ability to interpret and apply laws, constitutional provisions, statutes, administrative regulations, and court decisions. Ability to analyze facts, evidence, and legal instruments. Ability to express conclusions and arguments clearly and logically in oral and written form. Ability to analyze legal problems and render formal opinions. Ability to establish and maintain effective working relationships.

Minimum Training and Experience Requirements - Graduation from a recognized school of law and three years of progressively responsible professional legal experience; or an equivalent combination of training and experience.

Necessary Special Qualification - License to practice law in the State of North Carolina.

Special Note - This is a generalized representation of positions in this class and is not intended to identify essential functions per ADA. Examples of work are primarily essential functions of the majority of positions in this class, but may not be applicable to all positions.

Degrees must be received from appropriately accredited institutions.