

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: Chief Legal Counsel & Professional Services Administrator

Position Number: 12001 Location: Helena

Department: Transportation Division and Bureau: Professional Services Division

Job Overview:

The Chief Legal Counsel & Professional Services Division Administrator is responsible for leading and managing all aspects of MDT's Professional Services Division including Legal Services, Audit Services and the Office of Civil Rights.. The position ensures appropriate and timely legal support for the agency in compliance with professional standards; conducts advanced legal research and analysis to provide legal direction and advice to the Director and Executive Team for the effective administration of department programs; and managing the staff, budget and operations of the MDT Professional Services Division The position reports to the Deputy Director.

Essential Functions (Major Duties or Responsibilities):

Legal Counsel & Case Management - 80%

- Participate in the development and implementation of MDT legislative objectives and provide legal guidance and advice in the representation of the department with the legislature, congress, tribal governments, and other policymakers. Evaluate all proposed legislation affecting the department, formulating legislative proposals, establishing systems and processes to track legislative issues, drafting or reviewing legislation on behalf of the MDT, serving as the primary lobbyist for the MDT to represent the agency before committees and legislators, and providing advice and counsel to the Director and administrators on hearings and other legislative interactions. Anticipate issues at the state and federal levels to coordinate agency responses and to ensure state law conforms with federal regulations.

- Research, analyze, and prepare legal opinions on matters that affect the MDT or Transportation Commission. Provide legal advice and analysis to the Director, division administrators, district administrators, and other agency staff as appropriate on the transportation, administrative, and legislative policies of the agency. Serve as agency lead for negotiating cost-sharing agreements with tribal governments.
- Review contracts, memoranda of understanding, and other agreements entered into by the MDT to ensure they are legally appropriate, representation of the State's interests, and compliance with MDT and federal contract requirements. Participate as the department's legal spokesperson in the negotiation of legally complex contracts on significant issues with state, federal and private entities.
- Advise and represent the department on transactions such as condemnations, land transfers, contractor claims, etc.
- Participate in the definition and development of MDT policies, procedures and programs and provide continuing counsel and guidance on legal matters and on legal implications of all matters. Serve as key lawyer/legal advisor on all major transactions and cases including state and federal court cases filed against or on behalf of the MDT, and work with the appropriate executive(s) to define a strategic defense.
- Represent the department before state and federal administrative agencies in legal matters, including both contested and non-contested cases, by advocating for and defending the agency's policies and legal positions. Provide legal advice and participation in negotiation and settlement on behalf of MDT. Conveys information regarding strengths and weaknesses of the case to administrator or the Director, reviews settlement documents, and negotiates the resolution of cases. Coordinates with the Risk Management and Tort Defense Division and Department of Administration Director to resolve tort claims or other claims for money damages against MDT and/or state employees. Participates in settlement conferences and mediations as needed.
- Establish and maintain effective relationships with the Governor's Office, other executive branch agencies, and the legislative branch to ensure the MDT legal activities and objectives align with executive strategies and legislative intent. Attend statewide Chief Counsel meetings to ensure understanding and implementation of the Governor's policy.
- Oversee the caseload of the Legal staff by analyzing cases to determine legal issues and the agency response, assigning cases to attorneys, and making calendar assignments to ensure proper staffing and compliance with legal deadlines. Review incoming cases to determine appropriate case assignment taking into consideration the experience and skill of the attorney, assign teams to handle complex projects, and consult with attorneys on a regular basis to determine case progress and quality of the attorney's performance on the case and to reassign projects as necessary.
- Serve as a consultant to legal staff to provide guidance on decisions relating to case strategy or issues having political or operational impacts. Inform the Director and Governor's Office of high profile cases, recent decisions affecting the agency, or other case-related matters, and

coordinate responses to inquiries regarding cases. Coordinate with Division Administrators and other executives to resolve or mitigate the operational impacts of legal issues.

- Evaluate case files including legal filings, claims, condemnations, human resource issues, requests for opinions, litigation, and other activities of MDT lawyers to ensure they comply with legal strategies, determine the need for additional involvement, determine if all avenues of resolution of been explored, and to make final decisions on settlements and negotiations exceeding attorney's delegated authority, Provide advice and guidance to attorneys on settlement negotiations, hearings, and trials including attendance as needed.
- Work in conjunction with MDT Information Technology and Legal staff to establish, maintain and evaluate automated case management systems, secure file sharing, and other management systems to monitor case assignments, ensure document retention and security, and to maintain caseload statistics for budget and planning purposes. Monitor caseloads and case progress by evaluating system reports; ensure legal and internal deadlines are met; ensure staff manage documents and records; and ensure the proper allocation of legal expenses to programs and federal reimbursement where appropriate.
- Serve as a member of the Executive Team to provide legal expertise on operational and administrative issues, participate in agency-wide planning efforts, provide updates on cases and legal issues affecting the department, and to determine how the Professional Services Division can support strategic objectives.
- Conduct ongoing research and analysis to keep apprised of developments in MDT program areas and relevant law to provide information and training to Professional Services Division staff. Review legal publications and distribute information that pertains to MDT legal staff and executives as appropriate.
- Oversee the selection, retention, management and evaluation of all contracts with outside counsel, expert witnesses, appraisers, court reporters, mediators, private investigators and other professionals to ensure appropriate support for legal activities in compliance with contract and procurement law and procedures.

Staff Management – 15%

- Identify staffing needs, recruit and hire employees, and allocate human resources to adequately support the ongoing operations and activities of the Professional Services Division.
- Develop and allocate the Professional Services Division budget to ensure adequate financial support for operational plans. Monitor and review monthly expenditures; develop program budget proposals and amendments; forecast additional funds needed for training, travel, contract services, and other Section expenses; evaluate project/program priorities; and write related reports to ensure adequate funding for attainment of objectives and to report accomplishments and expenditures.

- Manage Audit Services to maintain an effective and professional internal and external audit function for MDT. Oversee the provision of periodic status reports to MDT Audit Committee and the preparation of an annual report showing the accomplishments of the unit.
- Manage the Office of Civil Rights to ensure internal and external functions are in compliance
- Determine the training needs of staff.
- Evaluate the performance of direct reports and complete performance appraisals to manage and document performance. Oversee performance management conducted by subordinate supervisors and ensure Section staff members received clear objectives and workplace standards, effective coaching and mentoring, and accountability. Implement and monitor corrective action plans including discipline and termination. Enforce disciplinary policies to ensure consistency in the application of disciplinary actions. Resolve grievances at the lowest level whenever possible.
- Monitor internal and external customer satisfaction with services provided by Professional Services Division staff.

Other Duties as Assigned – 5%

Perform a variety of other duties as assigned by the Director, Deputy Director or Chief Operating Officer (COO) in support of the department mission and objectives including providing backup for other executives and Professional Services Division staff; participating in ongoing training and educational programs; and related duties as assigned.

Supervision

The number of employees supervised is: 13

The position number for each supervised employee is: 14010, 70004, 70007, 70009, 70010, 70011, 80029, 12002, 12003, 20036, 15022, 14012, 15001

Physical and Environmental Demands:

Duties are performed in a typical office environment. Use of personal computer and standard office equipment to perform duties.

Knowledge, Skills and Abilities (Behaviors):

This position requires knowledge of the concepts, theories, principles and practices of the law including transportation, eminent domain, real estate, contracts, outdoor advertising control, rail and transit, taxation, regulatory and law enforcement, administrative law, environmental review and litigation, legislation, collections, property and liability, and labor/employment. The position

requires knowledge of state and federal rules of civil procedure, evidence, appellate procedure; the legislative process; the Montana Administrative Procedure Act; Montana Operations Manual, and Rules of Professional Ethics. Thorough knowledge of torts, employment law, personnel law, civil rights, constitutional law, contract principles, and Montana state and local government structure.

Requires leadership skills; communicating effectively verbally and in writing; organizing and synthesizing complex materials for presentation; prioritizing workload; meeting deadlines; maintaining effective working relationships with employees, other agencies, and the public; dealing with confidential and sensitive material; and in mentoring and supervising staff.

Minimum Qualifications (Education and Experience):

Requires a Juris Doctorate Degree from an accredited law school, membership in the State Bar of Montana, and six (6) or more years experience including 4 years of supervisory experience. Admission to Montana Courts, U.S. District Courts and Ninth Circuit Court of Appeals. State government legal experience is preferred.

Alternative qualifications include: None

Special Requirements:

List any other special required information for this position

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

Immediate Supervisor	Title	Date
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Human Resources Review

Job Code Title: Compliance Executive Job Code Number: A9J01E

My signature below indicates that Human Resources has reviewed this job description for completeness and has made the following determinations:

- | | |
|---|--|
| <input checked="" type="checkbox"/> FLSA Exempt | <input type="checkbox"/> FLSA Non-Exempt |
| <input type="checkbox"/> Telework Available | <input type="checkbox"/> Telework Not Available |
| <input checked="" type="checkbox"/> Classification Complete | <input type="checkbox"/> Organizational Chart attached |

Human Resources:

Signature	Title	Date
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