

New York State Department of Civil Service
DIVISION OF CLASSIFICATION & COMPENSATION

Classification Standard

Occ. Code 6501300

Senior Attorney, Grade 25

Brief Description of Class

Senior Attorneys provide legal assistance and support to agency program administrators by analyzing legal opinions, briefs and other material, preparing memoranda of law and conferring with administrators or parties to legal action in order to mediate, negotiate or settle legal issues directly related to the agency's program. Senior Attorneys function either as specialists in a single program governed by law or in a more general atmosphere as evidenced by their concern with laws governing numerous programs.

Positions in this class staff legal offices in most State agencies.

Distinguishing Characteristics

Senior Attorneys must have been admitted to the New York State Bar and are characterized by the performance of the full range of legal activities in support of one or more programs in a State agency. Incumbents perform all technical work without supervisory review and often serve on a regular basis as a legal advisor to program administrators and managers in the day-to-day operation of an agency's programs. This technical legal work involves the analysis of legal issues, preparing briefs, researching statutes, decisions, opinions and other sources for use in the preparation of briefs or recommendations, drafting or reviewing contracts, leases, agreements, and legislation and presenting oral arguments either at judicial or administrative proceedings. While they may prepare and present cases before quasi-judicial or administrative bodies, many do not generally engage in the trial of actions in courts unless they are employed in the Law Department or in those agencies whose counsel is authorized by statute to appear and represent the agency in court. Frequently, they supervise an Assistant Attorney either on a regular basis or on a given project.

Incumbents of this class may perform a wide range of assignments and the tasks performed vary considerably within the framework described in this standard. There are some who as members of a very small legal office receive wide-ranging assignments while others, usually in larger offices receive a more limited variety of work.

Associate Attorneys are distinguished from those at the Senior level by their regular supervision over a group of lower level attorneys; their providing legal advice to agency policymakers on issues that may have bearing on the agency's mission or changes in a particular program; and their providing legal services in matters which are novel or potentially precedent setting.

On the other hand, positions of Assistant Attorney 1, 2 or 3 perform a limited range of legal activities insofar as they usually prepare only portions of a case under specific directions and their technical work is reviewed for accuracy and adequacy. Further, communication with program administrators is generally limited to a specific case and is not at the level of a consultation.

Illustrative Duties

As representative of a particular agency (in the Law Department, a Senior Attorney would represent the State) assists or personally prepares and presents arguments at judicial and administrative proceedings and presides at hearings and proceedings, and prepares findings, orders or decision. Matters of concern range from employee disciplinary actions, to compliance with statutory regulations, to defense of claims against the State.

- Initiates legal actions and other proceedings or receives cases from superiors and prepares charges, specifications and orders to defendants.
- Analyzes and summarizes cases and information pertinent to constitutional provisions, statutes, rules, regulations, policies and opinions and plans litigation strategy.
- Prepares for judicial or administrative proceedings by reviewing cases, discussing strategy, coordinating investigations, examining case folders, conferring with program officials, preparing legal memoranda and issuing subpoenas.

May present or try cases at proceedings by preparing opening statements and summations, arguing motions, examining witnesses, consulting with parties to the proceeding, examining evidence, preparing briefs, negotiating settlement, preparing appeals and advising superiors.

- Assists or personally conducts hearings, as Hearing Officer or Referee or other presiding officer, relating to matters of concern to the agency or on behalf of other jurisdictions.

Prepares drafts of proposed legislation and its submission after review to the Legislature, and advises agency staff concerning legislation which affects

programs, in order to provide a comprehensive legislative program for the agency.

- Analyzes legislation proposed by others for legal sufficiency and/or effect on agency programs.
- Reviews, analyzes, and comments on changes in laws, rules, regulations, etc., concerning effect on agency programs, to determine need for changes in agency laws, discusses with pertinent program area staff, and presents proposals to superiors.
- Recommends technical corrections and amendments to existing laws.
- Drafts legislation and supporting memoranda and prepares request to Governor's Office and legislative leaders for introduction.
- Identifies and analyzes pertinent bills introduced by others and writes memoranda evaluating the effects of such bills for superiors and program staff.

Discusses proposed and new legislation with agency personnel, legislators and staffs.

- Advises program staff in agency of progress of bills and new legislation, and prepares digest and publications concerning approved legislation.
- May draft recommendations of approval or veto for Governor's Office.

Recommends changes in or proposes new agency rules, regulations, policy statements, etc.

- Analyzes new legislation for impact on agency rules, regulations, etc.
- Proposes changes in rules, regulations, etc. to conform with new legislation and court determinations.
- Analyzes request for such changes and new rules, regulations, etc. and provides opinions to program administrators.

Provides legal advice and opinions to agency staff, complainants and others in connection with the activities and services provided by the agency.

- Conducts legal research of statutes, decisions, opinions, and other legal sources in order to respond, both orally and in writing, to requests for legal decisions and opinions.

- Researches requests and inquiries from agency staff and prepares legal decisions and opinions, and consults with staff regularly.
- Reviews agency programs from a legal viewpoint and suggests changes.
- Interprets pertinent laws, rules, regulations, procedures, etc.
- Reviews, comments on and approves press releases, bulletins, forms, pamphlets, etc., related to the legal aspects of agency activities.

Negotiates and prepares various legal documents, such as contracts, deeds and leases, with outside parties.

- Reviews documents for legal sufficiency.
- Meets with those concerned to obtain information, answer questions, and resolve problems.
- Prepares legal documents, such as contracts, agreements and mortgages.

Prepares legal actions to enforce laws, rules, regulations, etc., collects fees for services rendered by the agency, and reviews claims and approves payments.

- Determines violations of laws, rules, etc., or is advised of such violations by agency staff.
- Prepares appropriate legal documents to enforce laws, rules, etc.
- Processes court orders and prepares and presents cases at proceedings concerning such actions.
- Evaluates and negotiates amount of settlements with parties concerned.

May supervise Attorney Trainees, Assistant Attorneys and other staff who perform less difficult legal work in the agency.

- Guides and directs the activities of lower level Attorneys, planning work, assigning and controlling the distribution of work, establishing priorities and deadlines, and reviewing and evaluating work.
- Reviews progress of active cases, expedites cases, and reviews drafts of decisions.
- Reviews all work for technical accuracy, completeness, and soundness of approach.

Independence of Operation

Incumbents of Senior Attorney positions independently plan, organize and conduct reviews and analyses of day-to-day agency legal problems, cases and legislative proposals. Completed work is expected to be accurate with regard to legal citations and the technical treatment of facts and legal precedents. The work is reviewed, however, for soundness of approach, proper application of legal principles and consistency with governing policies, procedures and regulations of the agency.

Before a Senior Attorney orally presents a case at a hearing or other judicial proceeding a higher-level attorney usually discusses various aspects of the case to ensure that proper groundwork has been prepared and the various techniques of presentation have been explored.

Communication

Senior Attorneys orally present and argue legal issues with program administrators, other attorneys and/or parties to legal disputes. Such presentations are designed to convince others of a particular point of view by evidence of thorough case presentation and skilled logical thinking. Although these presentations vary in length and degree of formality, they usually involve case preparation and formulation of a persuasive argument. In addition, Senior Attorneys prepare detailed, accurate and convincing legal memoranda accompanied by appropriate citations in support of actions taken by program administrators.

Senior Attorneys also participate in numerous conferences and meetings preparatory to legal proceedings in order to exchange specific information regarding agency actions and the legal basis for such actions. At such meetings they also advise administrators regarding the legality of their actions or determinations and may, as appropriate, suggest changes to conform to legal requirements.

Another important aspect of the Senior Attorney class is the incumbents' activity in providing legal consultation to program administrators on proposed legislation, legality of anticipated decisions, effect of new legislation, etc.

Supervision Exercised

Senior Attorneys may supervise lower level attorneys either on a project basis or as a full-time assignment. In such a capacity the Senior Attorney would make specific assignments and provide the necessary instructions and guidelines in the case preparation process. In addition, in reviewing written material, a Senior would verify legal citations and review the document for accuracy and comprehensiveness.

Minimum Qualifications

Promotion: one year of permanent competitive service as an Assistant Attorney 3.

Open Competitive: Admission to the NYS Bar and two years of subsequent professional legal experience.

Note: Classification Standards illustrate the nature, extent and scope of duties and responsibilities of the classes they describe. Standards cannot and do not include all of the work that might be appropriately performed by a class. The minimum qualifications above are those which were required for appointment at the time the Classification Standard was written. Please contact the Division of Staffing Services for current information on minimum qualification requirements for appointment or examination.

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