

**ATTORNEY**

**Description of Work:** Attorneys perform the full range of legal services for the State. The legal services that attorneys perform as advisors, writers, negotiators or advocates to State clients include: advising clients about their rights and obligations; negotiating on behalf of clients; reviewing and drafting legal documents, memoranda, opinions, legislation and administrative rules; and appearing before State and federal trial courts, appellate courts and administrative tribunals. Attorneys, also, provide opinions on North Carolina law to public boards and officers who are not clients. Attorneys provide information to the public about North Carolina law, and where required by statute, maintain and prosecute actions in the name of the State or on behalf of the citizens of the State. Work may include supervision of other attorneys and support staff. Must be licensed to practice law in North Carolina.

An attorney progresses through the functional competencies by demonstrating that the attorney has the legal skills and abilities needed to handle increasingly complex legal assignments and cases, and, in fact, is handling increasingly complex legal assignments and cases. Throughout this Profile, when determining the complexity of a legal assignment or case, a number of factors should be considered including: the legal issues involved, the existence of defined precedent, and the jurisprudential significance of those issues to the State; public policy concerns and the consequences of an adverse result; the sophistication and number of forums involved; the sophistication and number of parties involved; the number of claims and defenses involved; the complexity and nature of the facts and the need for expert testimony to resolve technical issues; the level of creativity and original thinking required in the analysis of the case; the extent of discovery and pretrial motions; the need for and complexity of a hearing and length of trial to resolve legal or factual issues; and whether the trial is a bench or jury trial.

<b>Functional Competency</b>	<b>Definition</b>
Professional Knowledge	Demonstrated legal knowledge and the ability to expand that knowledge through research; demonstrated understanding of the law and legal principles necessary to provide legal services to the State and understanding of developments and trends in areas of practice; demonstrated ability to identify and gather information from legal and related sources.
Litigation Skills	Demonstrated knowledge, skills, and abilities necessary to effectively represent the State and clients in litigation in the trial courts and other administrative tribunals.
Appellate Advocacy Skills	Demonstrated knowledge, skills, and abilities necessary to represent the State and clients effectively in the appellate courts.
Counseling and Advising Skills	Demonstrated ability to provide independent legal advice and counsel; demonstrated

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	understanding of client programs, organization and culture.
Communication Skills	Demonstrated ability to convey oral and written information to individuals and groups effectively.
Decision-Making	Ability to identify and understand opportunities, issues and problems in the hearing process; uses effective approaches for choosing a course of action or developing appropriate solutions and/or reaching conclusions in a hearing; takes action consistent with available facts, constraints and probable consequences
Negotiation and Advocacy Skills	Demonstrated skills and abilities needed to effectively develop and present the client's interests in all matters.
Organizational Awareness and Commitment	Demonstrated understanding of and commitment to your organization's mission, how specific work units function and relate to other units, and the resources available to provide legal services to the State.
Leadership and Collaboration	Demonstrated skills and abilities needed to coordinate, facilitate and participate in a collaborative approach to the completion of legal tasks or assignments.

**Note: Competency statements are progressive and not all competencies apply to every employee. Evaluate only those that apply. For positions with some supervision consider the highest level of professional work performed.**

**Professional Knowledge**

Demonstrated legal knowledge and the ability to expand that knowledge through research; demonstrated understanding of the law and legal principles necessary to provide legal services to the State and understanding of developments and trends in areas of practice; demonstrated ability to identify and gather information from legal and related sources.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Satisfactory level of legal knowledge of practice area and procedural knowledge necessary to provide basic legal services to assigned client.	1. Comprehensive understanding of the laws and principles governing one or more areas of practice; follows developments and trends in areas of practice.	1. Highest level of legal knowledge applicable to providing a broad range of legal services to the State; serves as a professional resource to peers.
2. Ability to identify legal issues, conduct legal research, and analyze the law.	2. Ability to conduct legal research and analyze the legal issues in moderately complex issues.	2. Ability to conduct legal research and analyze the law in novel or complex issues.
3. Ability to conduct factual research, gather and analyze information from related sources.	3. Ability to conduct factual research, gather and analyze information from related sources in moderately complex issues.	3. Ability to conduct factual research, gather and analyze information from related sources in novel or complex issues.

**Litigation Skills**

Demonstrated knowledge, skills, and abilities necessary to effectively represent the State and clients in litigation in the trial courts and other administrative tribunals.

	<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Strategic Case Planning and Management	<ul style="list-style-type: none"> <li>❑ Ability to analyze case, research, plan, develop and execute an effective litigation strategy to achieve desired result.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to analyze case, research, plan, develop and execute an effective litigation strategy to achieve desired result in moderately complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to analyze case, research, plan, develop and execute an effective litigation strategy to achieve desired result in novel or complex cases.</li> </ul>
2. Initial/ Responsive Pleadings	<ul style="list-style-type: none"> <li>❑ Able to investigate and draft basic factual and legal claims and defenses.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Able to investigate and draft moderately complex factual and legal claims and defenses.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Able to investigate and draft complex factual and legal claims and defenses.</li> </ul>
3. Discovery	<ul style="list-style-type: none"> <li>❑ Ability to draft standard written discovery.</li> <li>❑ Ability to review, analyze and respond to requests.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to draft moderately complex discovery requests.</li> <li>❑ Ability to review, analyze and respond to discovery or discovery on moderately complex issues or facts</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to draft discovery requests in novel, complex, protracted or voluminous cases.</li> <li>❑ Ability to review, analyze and respond to voluminous discovery or discovery from multiple parties on very complex issues or facts.</li> </ul>

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	<ul style="list-style-type: none"> <li>❑ Skill in conducting depositions.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Skill in conducting depositions in moderately complex cases.</li> <li>❑ Able to conduct and respond to discovery of experts.</li> <li>❑ Ability to conduct and respond to discovery in multiple jurisdictions.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Skill in conducting depositions on novel issues or complex cases.</li> <li>❑ Able to conduct and respond to discovery of experts on novel or complex issues.</li> <li>❑ Ability to conduct and respond to complex discovery in multiple jurisdictions.</li> </ul>
4. Motions/Orders	<ul style="list-style-type: none"> <li>❑ Knowledge and skills to prepare standard motions and responses.</li> <li>❑ Ability to argue motions.</li> <li>❑ Able to draft orders.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Knowledge and skills to prepare the appropriate motions and responses involving moderately complex cases.</li> <li>❑ Ability to argue motions in moderately complex cases.</li> <li>❑ Able to draft moderately complex orders.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Knowledge and skills to prepare the appropriate motions and responses in cases involving novel or complex facts or issues.</li> <li>❑ Ability to argue motions in novel or complex cases.</li> <li>❑ Able to draft novel or complex orders.</li> </ul>
5. Trials	<ul style="list-style-type: none"> <li>❑ Ability to formulate case strategy and arguments.</li> <li>❑ Able to prepare and organize witnesses and exhibits.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to formulate case strategy and arguments in moderately complex cases.</li> <li>❑ Able to prepare and organize witnesses and exhibits in moderately complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to formulate case strategy and arguments in novel or complex cases.</li> <li>❑ Able to prepare and organize witnesses and exhibits in novel or complex cases.</li> </ul>

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	<ul style="list-style-type: none"> <li>❑ Ability to prepare and organize and conduct witness examinations.</li>   <li>❑ Knowledge and skills to conduct trials, including delivering opening statements and closing remarks, jury selection and evidentiary objections, in cases involving limited issues and facts.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to prepare and organize and conduct witness examinations in moderately complex cases.</li>   <li>❑ Knowledge and skills to conduct trials, including delivering opening statements and closing remarks, jury selection and evidentiary objections, in moderately complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to prepare and organize and conduct witness examinations in novel or complex cases.</li>   <li>❑ Knowledge and skills to conduct trials, including delivering opening statements and closing remarks, jury selection and evidentiary objections, in novel or complex cases.</li> </ul>
6. Appellate Awareness	<ul style="list-style-type: none"> <li>❑ Ability to build and preserve record for further review.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to build and preserve record for further review in moderately complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>❑ Ability to build and preserve record for further review in novel or complex cases.</li> </ul>

**Appellate Advocacy Skills**

Demonstrated knowledge, skills, and abilities necessary to represent the State and clients effectively in the appellate courts.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Ability to identify legal issues, conduct legal research, and analyze the law.	1. Ability to conduct legal research and analyze the law in moderately complex cases or issues.	1. Ability to conduct legal research and analyze the law in novel or complex cases or issues.
2. Ability to establish and present a legal position.	2. Ability to develop advanced legal positions in moderately complex cases in the face of sophisticated opposition or inquiry.	2. Ability to develop advanced novel positions in most complex cases of significant interest, in the face of sophisticated opposition or inquiry.
3. Ability to analyze and anticipate areas of strength and weaknesses and tailoring presentation of legal position to address potential questions.	3. Ability to analyze and anticipate areas of strengths and weaknesses and to tailor presentation of legal position to address potential questions in moderately complex cases or issues.	3. Ability to analyze and anticipate areas of strengths and weaknesses and to tailor presentation of legal position to address potential questions in the most complex cases or issues.
4. Ability to prepare persuasive appellate briefs and other appellate documents.	4. Ability to prepare persuasive appellate briefs and other appellate documents in cases involving moderately complex facts or issues.	4. Ability to prepare persuasive appellate briefs and other appellate documents in cases involving novel or complex facts or issues.
5. Ability to conduct appellate oral argument including the ability to listen, analyze and respond to questions from the appellate courts.	5. Ability to conduct appellate oral argument in cases involving moderately complex facts or legal issues including the ability to listen, analyze and respond to questions from the appellate.	5. Ability to conduct appellate oral argument in cases involving complex or novel facts or legal issues including the ability to listen, analyze and respond to questions from the appellate courts.

**Consultation**

Demonstrated ability to provide independent legal advice and counsel; demonstrated understanding of client programs, organization and culture.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Understanding of client programs and organizational structure.	1. Broad understanding of client programs, objectives and relationship to other work units within client agency.	1. Comprehensive understanding of multiple clients, multiple programs or agencies of the State.
2. Ability to effectively respond to questions and inquiries involving well-established legal issues and effectively convey consequences of decisions.	2. Ability to find creative solutions to questions and inquiries involving moderately complex legal issues.	2. Ability to find creative solutions to questions and inquiries involving novel or complex legal issues.
3. Ability to identify legal issues and counsel accordingly.	3. Ability to understand and anticipate legal issues with significant ramification and counsel accordingly.	3. Ability to understand and anticipate legal issues with major ramification and counsel accordingly.
4. Ability to draft informational letters and advisory letters.	4. Ability to draft informational letters, advisory letters and advisory opinions on moderately complex legal issues.	4. Ability to draft advisory letters and formal opinions on novel or complex legal issues.
5. Ability to assist client in drafting and reviewing routine documents.	5. Ability to assist client in drafting and reviewing moderately complex documents and determine the legality of client policies and procedures.	5. Ability to assist client in drafting and reviewing complex documents and calculate short term and long term legal impact of documents upon State.

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<p>6. Ability to draft technical amendments to existing statutes and rules without altering the fundamental legal framework of the client's program.</p>	<p>6. Ability to draft amendments to statutes and rules that may alter the legal framework of client programs.</p>	<p>6. Ability to draft statutes and rules, and amendments thereto, which have a broad impact on client programs or create new programs.</p>
<p>7. Ability to develop or update and deliver training programs in established areas of law.</p>	<p>7. Ability to modify, develop and deliver training programs for public, practitioners or managers setting goals and using problem-solving and decision-making skills to assess progress toward client/agency goals.</p>	<p>7. Ability to identify training needs on emerging issues, develop and deliver programs to public, practitioners and policy makers.</p>

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### Communication Skills

Demonstrated ability to convey oral and written information to individuals and groups effectively.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Ability to express basic legal concepts and related facts in a clear, concise and organized manner.	1. Ability to express moderately complex legal concepts and related facts in a clear, concise and organized manner. Ability to modify delivery, language or content to account for the characteristics and needs of the audience.	1. Ability to express novel or complex legal concepts and related facts in a clear, concise and organized manner. Ability to modify delivery, language or content to account for the characteristics and needs of the audience. Demonstrated ability to respond to probing and critical inquiries.
2. Ability to write clear, concise and organized legal documents, letters and memoranda addressing basic legal concepts and facts.	2. Ability to write clear, concise and organized legal documents, letters and memoranda addressing moderately complex legal concepts and facts.	2. Ability to write clear, concise and organized legal documents, letters and memoranda addressing novel or complex legal concepts and facts.

### Decision Making

Ability to identify and understand opportunities, issues and problems in the hearing process; acts as a trier of facts in disputes that come before the State; uses effective approaches for choosing a course of action or developing appropriate solutions and/or reaching conclusions in a hearing; takes action consistent with available facts, constraints and probable consequences.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
Presides over all aspects of a hearing process, involving standard legal issues.	Presides over all aspects of a hearing process involving moderately complex cases.	Presides over all aspects of a hearing process involving complex cases. Decisions may have program impact.
Organizes, presents and drafts findings in support of legal conclusions.	Drafts decisions and orders in moderately complex cases.	Drafts decisions and orders in complex cases.

**Negotiation and Advocacy Skills**

Demonstrated skills and abilities needed to effectively develop and present the client's or State's interests in all matters.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Ability to analyze case or assignment, research, plan, develop and execute effective strategy to achieve desired result.	1. Ability to analyze case or assignment, research, plan, develop and execute effective strategy to achieve desired result in moderately complex legal matters or issues.	1. Ability to analyze case or assignment, research, plan, develop and execute effective strategy to achieve desired result in novel or complex legal matters or issues.
2. Ability to establish and present a legal position.	2. Ability to develop advanced legal positions in moderately complex legal matters in the face of sophisticated opposition or inquiry	2. Ability to develop advanced novel positions in the most complex legal matters of significant interest to the State, in the face of sophisticated opposition or inquiry.
3. Ability to analyze and anticipate strengths and weaknesses, and tailoring presentation of legal position to address potential questions.	3. Ability to analyze and anticipate strengths and weaknesses, and tailor presentation of legal position to address potential questions in moderately complex legal matters.	3. Ability to analyze and anticipate strengths and weaknesses, and tailor presentation of legal position to address potential questions in the most complex legal matters.
4. Ability to participate in alternative dispute resolutions and draft settlement agreements.	4. Ability to participate in alternative dispute resolutions, develop creative solutions, and draft settlement agreements in moderately complex legal matters.	4. Ability to participate in alternative dispute resolutions, develop creative solutions, and draft settlement agreements in the most complex legal matters.
5. Ability to negotiate enforceable agreements in legal matters.	5. Ability to negotiate enforceable agreements in moderately complex legal matters.	5. Ability to negotiate enforceable agreements in novel or complex legal matters.

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<p>6. Ability to listen, analyze and respond to questions, concerns, and legal arguments of all interested parties.</p>	<p>6. Ability to listen, analyze, and respond to the questions and concerns of all interested parties in moderately complex legal matters.</p>	<p>6. Ability to listen, analyze, and respond to the questions and concerns of all interested parties in novel or complex legal matters.</p>
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**Organizational Awareness and Commitment**

Demonstrated understanding of and commitment to your organization's mission, how specific work units function and relate to other units, and the resources available to provide legal services.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Basic understanding of role in the work unit and services provided to the client.	1. Broad understanding of the role of the division and services provided to the client.	1. Comprehensive understanding of the role of the agency and services provided to the client and State.
2. Basic understanding of and ability to utilize resources within the work unit.	2. Broad understanding of and ability to utilize resources within the division.	2. Comprehensive understanding of and ability to utilize resources within the agency and other State agencies.
3. Basic understanding of and adherence to office or program policies and procedures.	3. Broad understanding of and adherence to office or program policies and procedures.	3. Comprehensive understanding of and adherence to office or program and State policies and procedures.

**Leadership and Collaboration**

Demonstrated skills and abilities needed to coordinate, facilitate and participate in a collaborative approach to the completion of legal tasks or assignments.

<b>Contributing</b>	<b>Journey</b>	<b>Advanced</b>
1. Ability to direct and guide personnel assigned to assist the attorney in the handling of a legal assignment or case; ability to review work completed and provide feedback in a constructive manner.	1. Ability to coordinate and facilitate work teams consisting of two or more attorneys or other specialists assigned to handle moderately complex cases; determines skills and abilities of work team, monitors process, and ensures objectives are accomplished.	1. Ability to coordinate and lead work teams assigned to handle novel or complex cases.
	2. Ability to share knowledge and serve as a coach or mentor to other attorneys.	2. Ability to serve as the lead attorney in one or more programs; ability to influence and direct legal services and advice provided by the work unit.

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### BEHAVIORS

Organization and Case Management	Utilizes available time, personnel and resources to complete assigned work effectively and efficiently.
Judgment and Decision Making	Identifies and understands opportunities, issues and problems; weighs alternative solutions and chooses appropriate course of action to resolve problems; knows when to use verbal or written communication.
Leadership and Influence	Uses appropriate interaction methods and skills to guide individuals or group to meet objectives.
Professionalism	Adheres to the Rules of Professional Conduct; in accordance with those Rules, zealously asserts the client's position and demonstrates respect for the legal system; conducts oneself in a civil and honorable manner; treats witnesses, opponents, colleagues and public with courtesy and respect.

### **Minimum Training and Experience Guidelines:**

Licensed to practice law in North Carolina.

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

February 2006