

REPORT NO: 15-62
DATE: 07/13/2015
ANALYST: Michael Hebner

CLASSIFICATION REPORT

PROPOSED TITLE: Managing Attorney Civil

CURRENT TITLE: Litigation Managing Attorney

INCUMBENTS: Timothy Skarda

REASON FOR REQUEST: Request to review proposal for an appointed title change and addition of new positions to determine the level of the duties and responsibilities

DATE QUESTIONNAIRE SUBMITTED: September 21, 2015

DATE OF PREVIOUS STUDY: N/A

DISPOSITION OF PREVIOUS STUDY: N/A

PERSONS INTERVIEWED: Jennifer Gabbard, HR Generalist
Susan Segal, City Attorney

RECOMMENDATION:

1. Retitle the Litigation Managing Attorney (Appointed) to Managing Attorney Civil (Appointed, Grade 14, 658 Points)
2. Establish two additional positions in the Managing Attorney Civil Level
3. The incumbent in the Litigation Managing Attorney position (Timothy Skarda) will need to be reappointed to the retitled Managing Attorney Civil

The City Attorney is proposing adding two new appointed positions. She visualizes the positions will fill a role in succession planning for the upcoming turnover in the Deputy City Attorney Civil level. These two new positions will be focused on Client Services. The analysis below supports that they are at the level of the current Litigation Managing Attorney. They will be combined with that position in a retitled appointment entitled Managing Attorney Civil.

The duties the positions will perform are as follows:

- Supervise a civil attorney services team.

- Hire members of the civil attorney team, provide or coordinate staff training, and determine assignments.
- Oversee, review and evaluate the work performance of team members, identify performance concerns, and consult with the Deputy City Attorney Civil on such matters.
- Provide expert advice and guidance to Assistant City Attorneys and clients on specific assignments and projects, including preparing and handling various assignments and projects as needed.
- Manage a civil attorney team, based on the Department and Division's business plans; organize and prioritize the team resources to ensure that all service is handled efficiently and effectively, and is of high quality and in the best interest of the City:
 - Lead the team's strategic business planning efforts.
 - Develop the team's overall service strategy using lessons learned from past assignments and projects and use of attorney staff.
 - Communicate plans for handling specific client service matters to involved City departments.
 - Determine and recommend appropriate staffing levels for optimum support.
 - Ensure that the electronic case management system is being fully and optimally utilized, along with other technology to support legal services efforts.
- Provide and supervise team members in providing legal services of a complex nature for the City, its officials and employees in a wide array of matters including litigation, land use planning, regulation and development; employment; governmental authority; elections; contracts; licensing; data practices; environmental concerns; government finance; ethics; etc.:
 - Take responsibility for ensuring legal services are responsive to City needs and are of the highest quality.
 - Work with City departments to identify issues and suggest solutions, including modifications to current ordinances, policies and practices.
 - Apply innovative problem solving skills and business judgment to resolve issues, minimize risk and achieve client goals.
 - Monitor and control costs, productivity, quality and other results of support efforts.
- Provide operational support as part of the City Attorney's Management Team.
 - Participate in policy-making and policy implementation identifying areas of concern and recommending appropriate responses, including developing statistics on various department and division initiatives in support of policy making.
 - Assist in department business planning and in the development and implementation of initiatives.
 - Attend meetings of boards, committees, and commissions on behalf of the Deputy City Attorney Civil and the City Attorney as requested.

Overall, the duties track with those of the Litigation Managing Attorney. However, the two new positions will focus on a variety of legal services not solely on litigation matters. Hence there is a need for a change in title from Litigation Managing Attorney to Managing Attorney - Civil. The

factor analysis below clarifies the appropriate point assignment for the retitled appointment. All the factors have the same score except Supervisory Responsibility which will be modified to reflect the addition of the new positions and the redistribution of staff reporting relationships in the Civil Division of the City Attorney's Office.

POSITION ANALYSIS

PREREQUISITE KNOWLEDGE

The requirements for the position are a Jurist Doctorate Degree and passage of the Minnesota State Bar Exam. The position requires ten years of experience in all aspects of a municipal law practice, including demonstrated success in providing legal advice in a wide variety of contexts. Applicants for this position must be licensed to practice in Minnesota Courts and be admitted to appear in Federal District Court

A rating **80 points** is appropriate and will be assigned.

DECISIONS AND ACTIONS

The position will supervise City Attorneys and make assignments for staff on the client services or litigation teams. It will make decisions and provide advice about legal services of a complex nature for the City, its officials and employees in a wide array of matters including litigation, land use planning, regulation and development; employment; governmental authority; elections; contracts; licensing; data practices; environmental concerns; government finance; and ethics and in other areas. It will coach employees on performance issues and provide advice to staff regarding assignments. It will be responsible for dealing with performance issues of the staff supervised. It will be responsible for ensuring that legal services are responsive to City needs and are of high quality. It will monitor and control costs, productivity, quality and other results. The positions will be part of the City Attorney's Management Team and will participate in policy-making and policy implementation. They will assist in department business planning and in the development and implementation of initiatives.

In the Civil Section the unfavorable or poor handling of litigation and client services has a direct impact on the City Government. It is important that those representing the City's legal dealings bring appropriate knowledge and judgement. Decisions can influence risk, how the public views the City, and public policy.

Most of the decisions will be independent of close supervision. Highly complex and costly matters and matters that are highly visible, or that entail controversy will be subject to review and approval from the Deputy City Attorney Civil or the City Attorney.

A rating of **70 points** will be assigned. Jobs at this level make decisions and take action on some of the more complex and unusual problems that arise and develop solutions to complex problems involving advanced principles and techniques and considerable original thinking. At

this level performance has considerable influence on finances or delivery of services; errors or inadequacies would cause very serious and notable inconvenience, embarrassment or expense.

SUPERVISORY RESPONSIBILITY

These positions will supervise an average of 11 Assistant City Attorney positions and therefore a rating of **15 points** is appropriate and will be assigned.

RELATIONSHIPS RESPONSIBILITY

The managing Attorney Civil job will entail a variety of contacts both internally and external to the City. There will be frequent contact with the Deputy City Attorney Civil to exchange information about on-going initiatives, discuss problems, and get direction. There will be considerable interaction with City Attorneys supervised, and with other City Attorneys to share and exchange information and opinions, and materials. The position will work with City staff from a variety of Departments and levels and with Elected Officials regarding land use planning, regulation and development; employment; governmental authority; litigation, elections; contracts; licensing; data practices; environmental concerns; government finance; ethics; and to give general and legal advice on civil matters, ordinances, policies, litigations, and other issues.

Outside contacts will include representatives and members of firms doing development, contracting, seeking licensing or interacting with the City on a variety of other civil legal matters. The position will interact with the media regarding civil legal matters.

A rating of **75 points** will be assigned. Jobs at this level are required to deal with sensitive and important matters on a frequent basis. There is daily contact with other executives in the department where the job is assigned regarding staff issues and incidents, as well as with department staff on research, consultant work, policies, and procedures and in response to legal inquiries. At this level the jobs are regularly representing the City in a wide variety of forums and with a diverse clientele. Well developed and strong communication skills are required. Maintaining strong relationships is important. At this level the work entails dealing with major problems, legal issues, and communication challenges.

WORKING CONDITIONS

The position will work in a typical office setting with exposure to the typical office equipment, including computer keyboarding equipment, telephones, copiers and related. A rating of **20 points** is appropriate and will be applied.

EFFORT

The positions will often be required to make decisions about civil legal matters, and respond to inquiries from a variety of people including outside parties interested in City development, contracting, planning and other matters, and Elected Officials, Department Heads, Assistant

City Attorneys on short timelines. Attention to detail is important as the position deals with important legal matters. It will be responsible for managing a team of attorneys assigned to provide litigation or client services. It will monitor team member's performance and provide advice and coaching when appropriate. The position will be responsible for strategy development and for communications with City Departments.

A rating of **70 points** will be assigned. At this level jobs are high level executives in the appointed service responsible for planning, coordinating, and monitoring activities which requires mental effort and creates stress. They deal with competing priorities which create stress and these jobs require mental effort in developing alternative recommendations or plans for solutions of identified problems, and there are numerous pressures to meet deadlines on hearings, projects, reports, legal matters, plan development, and handling inquiries.

The proposed positions meet the criteria for appointed positions under the Minneapolis Code of Ordinance, Section 20.1010 as follows:

1. The person occupying the position must report to the head of the designated City Department or the Designated City Department Head's Deputy.

The positions will report to the Deputy City Attorney Civil who reports to the City Attorney

2. The person occupying the position must be part of the designated Department Head's management team

The positions will be a member of the City Attorney's Management Team

3. The duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of City or department policy.

The positions will be involved in policy development, interpretation, and implementation in the City Attorney's Office

4. The duties of the position must not primarily require technical expertise where continuity in the position would be significant.

Although the positions will require a Law Degree and specific experience, excellent negotiation and leadership skills; and good planning and organizational skills; and excellent oral and written communication skills to relate well with diverse groups of people inside and outside the organization, and to build constructive and effective working relationships are critical

5. There is need for the person occupying the position to accountable to, loyal to, and compatible with the Mayor, City Council, and the Department Head.

The positions requires loyalty to and Compatibility with the City Attorney, who in turn must be Loyal to and Compatible with Elected Officials

RECOMMENDATION:

1. Retitle the Litigation Managing Attorney (Appointed) to Managing Attorney Civil (Appointed, Grade 14, 658 Points)
2. Establish two additional positions in the Managing Attorney Civil Level

CLASSIFICATION FACTOR WORKSHEET								
Benchmark Classifications	Factors						Total Points	Grade Level
	1	2	3	4	5	6		
Supervising Attorney Criminal (Appt)	75	65	15	65	20	65	608	13
Litigation Managing Attorney (Appt)	80	70	20	75	20	70	663	14
Deputy City Attorney Civil (Appt)	90	80	25	80	20	75	740	16
PROPOSED CLASSIFICATION								
Managing Attorney Civil (Appointed)	80	70	15	75	20	70	658	14

1. Prerequisite Knowledge
2. Decisions and Actions
3. Supervisory Responsibility
4. Relationship Responsibility
5. Working Conditions
6. Effort

Professional Exemption

The position is an Attorney Position requiring a law degree which requires an advanced in-depth course of study, and will perform work requiring advanced knowledge, which is intellectual in character and that requires exercising discretion and judgment and meets the requirements for a professional exemption from the fair labor standards act.

MANAGING ATTORNEY CIVIL (APPOINTED)

CODE: C06387

REPORTS TO: Deputy City Attorney Civil

SUPERVISES: Assistant City Attorneys III, Assistant City Attorneys II, Assistant City Attorneys I, Liability Investigator, and Paralegals

NATURE OF WORK

Supervise and direct a Civil Attorney Team in the City Attorney's Office functioning as the point person directly responsible for litigation or client services support efforts and take responsibility for ensuring legal services are responsive to City needs and are of the highest quality

TYPICAL DUTIES AND RESPONSIBILITIES

(Including, but not limited to the following)

- Supervise A Civil Attorney Team.
 - Hire members of the Attorney Team; provide or coordinate staff training; and determine assignments.
 - Oversee, review and evaluate the work performance of team members, identify performance concerns, and consult with the Deputy City Attorney Civil on such matters.
 - Provide expert advice and guidance to Assistant City Attorneys and clients on specific litigation cases, client services, and projects, including preparing for and handling various phases of cases and projects as needed.
- Manage the Team, based on the Department and Division's business plans; organize and prioritize the team's resources to ensure that all legal services are handled efficiently, effectively, and resolved in the best interest of the City:
 - Lead the Team's strategic business planning efforts.
 - Work with City Departments to identify issues and suggest solutions, including modifications to current ordinances, policies and practices.
 - Develop the Team's over-all strategy using and apply innovative problem solving skills and business judgment to resolve issues, minimize risk and achieve client goals.
 - Communicate plans for handling specific litigation cases to involved City departments.
 - Monitor and control costs, productivity, quality and other results of legal services and support efforts.
- Provide and supervise Team members in providing legal services of a complex nature for the City, its officials and employees in a wide array of matters including land use planning, regulation and development; employment; governmental authority; elections; contracts; licensing; data practices; environmental concerns; government finance; ethics; litigation, etc.:
 - Take responsibility for minimizing City liability exposure in litigation matters and ensure legal services are of the highest quality and meet the City's needs.
 - Develop the team's overall service strategy using lessons learned from past assignments and projects and use of attorney staff.
 - Collaborate in Identifying training needs for City staff involved in risk-generating activities,

- and work with the Attorney Team provide the needed training.
- Monitor and control costs, productivity, quality and other results of the Civil Attorney Teams support efforts.
 - Provide operational support as part of the City Attorney's Management Team.
 - Participate in policy-making and policy implementation identifying areas of concern and recommending appropriate responses, including developing statistics on various department and division initiatives in support of policy making.
 - Assist in department business planning and in the development and implementation of initiatives.
 - Attend meetings of boards, committees, and commissions on behalf of the Deputy City Attorney Civil and the City Attorney as requested.

MINIMUM QUALIFICATIONS: Jurist Doctorate Degree and passage of the Minnesota State Bar Exams

MINIMUM EXPERIENCE: Ten years of experience in all aspects of a municipal law practice, including demonstrated success in providing legal services and advice in a wide variety of contexts

LICENSES/CERTIFICATES: Licensed to practice in Minnesota Courts and must be admitted to appear in Federal District Court

OTHER SPECIFICATIONS

- Significant demonstrated knowledge of federal, state and municipal criminal and civil statutory and case law.
- Extensive knowledge of legal principles and practices, legal research, and planning and presentation of complex legal assignments and projects.
- Knowledge and understanding of best practices in providing civil advice, including litigation, and the ability to instruct others in such practices.
- Excellent negotiation and leadership skills for complex civil projects and processes.
- Good planning and organizational skills; and excellent oral and written communication skills.
- Skills to relate well with diverse groups of people inside and outside the organization, and to build constructive and effective working relationships.
- Ability to lead teams, motivate others, and manage and measure work by clearly setting objectives.
- Ability to research complex municipal law issues and clearly and persuasively communicate legal analysis; the ability to work under pressure within tight deadlines; and the ability to use computers and work-related software.

WORKING CONDITIONS: Normal Office

SERVICE:	APPOINTED
GRADE:	14 (Exempt)
REESTABLISHED:	November 2015
JOB SPEC:	November 2015

CITY OF MINNEAPOLIS