



**Title: Deputy Director, Legal Services/Legal Counsel**

FLSA Status: EXEMPT

**BRIEF DESCRIPTION:**

This is a senior management level position responsible for assisting RT’s Director, Legal Services/Legal Counsel with performing complex legal services of the Office of the Director, Legal Services/Legal Counsel. Under direction from the Director, Legal Services/Legal Counsel, this position provides support to various business units by performing complex, highly sensitive advisory, transactional, litigation, dispute resolution, and other specialized legal responsibilities. This is accomplished by ensuring consistent interpretation and application of RT’s policies, procedures and practices, applicable laws, regulations, Collective Bargaining Agreements/Memorandums of Understanding (CBA/MOU), and providing supervision and legal counsel to administrative staff, staff counsel and contracted attorneys. This position also serves as counsel to the Board of Directors when the Director, Legal Services/Legal Counsel is unavailable and will assist with managing departmental staff. Performs other related duties as assigned.

**ESSENTIAL FUNCTIONS:**

Note: This information is intended to be descriptive of the key responsibilities of the position. The list of essential functions below does not identify all duties performed by any single incumbent in this position. Additionally, please be aware of the legend below when referring to the physical demands of each essential function.

<b>(S) Sedentary</b> Exerting up to 10 lbs. occasionally or negligible weights frequently; sitting most of the time.	<b>(L) Light</b> Exerting up to 20 lbs. occasionally; 10 lbs. frequently; or negligible amounts constantly; OR requires walking or standing to a significant degree.	<b>(M) Medium</b> Exerting 20-50 lbs. occasionally; 10-25 lbs. frequently; or up to 10 lbs. constantly.	<b>(H) Heavy</b> Exerting 50-100 lbs. occasionally; 10-25 lbs. frequently; or up to 10-20 lbs. constantly.	<b>(V) Very Heavy</b> Exerting over 100 lbs. occasionally; 50-100 lbs. frequently; or up to 20-50 lbs. constantly.
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#	Code	Essential Functions
1	S	Assist, support, and consult with the Director, Legal Services/Legal Counsel in the management of the District’s legal services. Serve as backup counsel to the Board of Directors during meetings and deliberations of the Board and provides advice to the Board on occasions when the Director, Legal Services/Legal Counsel is unavailable. Assist, support, develop and implement strategies on a wide range of topics to resolve legal, personnel, and business issues in order to facilitate the accomplishment of District goals. Contribute to the development of preventive law strategies and corporate policy and compliance programs to help minimize litigation, third-party disputes, and other potential project development and implementation problems.
2		Provide highly responsive legal counsel and advice to fulfill tasks assigned to senior management with emphasis on procurement, government code, and transaction law. Draft and negotiate highly complex documents, legal opinions, and briefs. Provide strategic oversight and effective implementation of all related programs to



		ensure that executed transactions are performed in accordance with their terms and conditions, District's goals, CBA/MOUs and policies/practices. Develop, implement, and monitor strategies and approaches to ensure effective implementation of projects.
3		Provide highly responsive legal counsel and advice to senior management with emphasis on capital projects' real estate acquisition and environmental programs, including intergovernmental agreements, construction, mitigation, and dispute resolution activities. Draft and negotiate the most complex transaction documents, primarily in the legal areas related to real estate, capital development, construction, environmental, land acquisition, and eminent domain. Provide District-wide strategic oversight and effective implementation of capital programs and ensure that executed transaction documents are performed in accordance with their terms. Develop, implement, and monitor strategies and approaches and ensure effective implementation of capital/construction project and environmental mitigation requirements. Work closely, effectively, and constructively with property owners and other parties involved in land acquisition and relocation program, including contractors, vendors, and external stakeholders, in the areas of finance, procurement, design, engineering, and project management. Negotiate and coordinate federal grant and contract issues with representatives of the appropriate federal and state governments.
4	S	Provide highly responsive legal counsel and advice to senior management regarding liability issues, litigated matters, and dispute resolution. Develop litigation strategies. Manage and supervise the conduct of litigation and dispute resolution services for the District, evaluation of litigation files, monitor case management and the conduct of litigation. Supervise and monitor the preparation of contract documents for litigation related services. Develop and supervise the implementation of litigation guidelines, procedures, and forms. Review litigation work to ensure completeness, accuracy, and timeliness. Supervise and participate in the preparation of complaints, responsive pleadings, written discovery, taking and defending depositions, reviewing, interpreting, summarizing records, preparation and collection of documents and other evidence. Communicate with clients, witnesses, experts, insurance carriers, and opposing counsel. Assess exposure in cases or disputes. Draft briefs, motions and other litigation related pleadings. Prepare witnesses, make appearances before state and federal courts, and other tribunals. Prepare and present oral argument in court or other proceedings. Perform additional tasks in support of litigated cases.



5	S	Act as Director, Legal Services/Legal Counsel during times when Director, Legal Services/Legal Counsel is unavailable. Maintain a comprehensive knowledge of pertinent federal and state laws, regulations, rulings, interpretations, and court decisions as they affect the District.
6	S	Assist in the management of staff assigned to the Legal Services Division, including hiring, training, evaluating and counseling professional, paraprofessional, and administrative staff.

**JOB REQUIREMENTS:**

-Description of Minimum Job Requirements-	
Formal Education	Juris Doctor degree or equivalent from an accredited school of law.  Substitution of experience for the required education is not accepted.
Experience	A minimum of nine (9) years of progressively responsible experience as a practicing attorney, preferable practicing public agency law and/or civil litigation. Transit or transportation experience is preferred.
Supervision	Work requires managing and monitoring work performance of a division including evaluating program/work objectives and effectiveness, establishing broad organizational goals and realigning work and staffing assignments for the division.
Human Collaboration Skills	Final decisions regarding policy development and implementation are made and/or recommended. Interaction with others outside the organization requires exercising participative management skills that support team efforts and quality processes.
Freedom to Act	The employee normally performs the duty assignments within broad parameters defined by general organizational requirements and accepted practices. End results determine effectiveness of job performance.
Technical Skills	Work requires advanced skills and knowledge in approaches and systems, which affect the design and implementation of major programs and/or processes organization-wide. Independent judgment and decision making abilities are necessary to apply technical skills effectively.
Budget Responsibility	Position has district-wide fiscal responsibility. Assures appropriate linkages exist between district-wide budget, funding limitations and service levels to meet specific departmental and organizational goals. Monitors progress toward fiscal objectives and adjusts plans as necessary to reach them. Prepares agency financial statements and budget reports.
Reading	Advanced - Ability to read literature, books, reviews, scientific or technical journals, abstracts, financial reports, and/or legal documents. Ordinarily, such education is obtained in at the college level or above. However, it may be obtained from experience and self-study.
Math	Advanced - Ability to apply fundamental concepts of theories, work with



	advanced mathematical operations methods, and functions of real and complex variables. Ordinarily, such education is obtained at the college level or above. However, it may be obtained from experience and self-study.
Writing	Advanced - Ability to write editorials, journals, speeches, manuals, or critiques. Ordinarily, such education is obtained in at the college level or above. However, it may be obtained from experience and self-study.
Certification & Other Requirements	Valid California State Bar License and active membership in the California State Bar.

<b>KNOWLEDGE</b>
<ul style="list-style-type: none"> <li>• Principles and practices of civil, constitutional, contract, governmental liability/tort, property, employment, environmental, municipal, administrative, and public agency law.</li> <li>• Principles of public law office management.</li> <li>• Litigation and arbitration procedures and rules of evidence pertaining to state and federal court.</li> <li>• Rules of evidence, discovery, and civil procedure.</li> <li>• Effective preparation of contracts, opinions, and other legal documents.</li> <li>• Principles and methods of negotiation.</li> <li>• Principles applicable to various types of commercial transactions.</li> <li>• California Public Records Act.</li> <li>• Conflict of Interest law.</li> <li>• Principles, methods, and practices of legal research.</li> <li>• Labor relations and negotiations.</li> <li>• Principles, practices, and methods of supervision.</li> <li>• Rules of professional responsibility.</li> </ul>

<b>SKILLS</b>
<ul style="list-style-type: none"> <li>• Advanced word processing, spreadsheet, presentation, and database software.</li> <li>• Specialized software related to functional area.</li> </ul>



**ABILITIES**

- Maintain comprehensive knowledge of pertinent federal and state laws, regulations, rulings, interpretations, and court decisions as they affect the District.
- Interpret, analyze, and develop legally supportable conclusions on complex legal issues.
- Research, analyze, and apply legal principles, facts and precedents to legal issues.
- Learn the policies, operations, procedures, and functions of the District.
- Learn Public transit law.
- Advise and counsel District staff and the RT Board of Directors.
- Draft legal documents such as ordinances, resolutions, statutes, and contracts.
- Prepare and present cogent legal arguments at trials and hearings.
- State facts, law, and legal arguments clearly and logically in written and oral form.
- Effectively use and provide training in legal research methods.
- Assist and consult in the assigning, coordinating, and supervising the work of subordinate staff.
- Work closely, effectively, and constructively with RT staff, subordinates, outside counsel, vendors, contractors, and external stakeholders.
- Establish and maintain cooperative working relationships with District staff, representatives of other governmental agencies, union officials, contractors, vendors, and the general public.
- Communicate effectively, both orally and in writing.



**OVERALL PHYSICAL STRENGTH DEMANDS:**

-Physical strength for this position is indicated below with “X”-

Sedentary <b>X</b>	Light	Medium	Heavy	Very Heavy
Exerting up to 10 lbs. occasionally or negligible weights frequently; sitting most of the time.	Exerting up to 20 lbs. occasionally, 10 lbs. frequently, or negligible amounts constantly OR requires walking or standing to a significant degree.	Exerting 20-50 lbs. occasionally, 10-25 lbs. frequently, or up to 10 lbs. constantly.	Exerting 50-100 lbs. occasionally, 10-25 lbs. frequently, or up to 10-20 lbs. constantly.	Exerting over 100 lbs. occasionally, 50-100 lbs. frequently, or up to 20-50 lbs. constantly.

**PHYSICAL DEMANDS:**

C Continuously 2/3 or more of the time.	F Frequently From 1/3 to 2/3 of the time.	O Occasionally Up to 1/3 of the time.	R Rarely Less than 1 hour per week.	N Never Never occurs.
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Note: This is intended as a description of the way the job is currently performed. It does not address the potential for accommodation.

-Physical Demand-	-Frequency-	-Brief Description-
Standing	F	Making presentation; Observing work site; Observing work duties; Communicating with co-workers
Sitting	F	Desk work; Meetings
Walking	F	To other departments/offices; Around work site
Lifting	O	Supplies; Files
Carrying	O	Supplies; Files
Pushing/Pulling	O	File drawers
Reaching	F	For supplies; For files
Handling	F	Paperwork
Fine Dexterity	F	Computer keyboard; Telephone keypad; Calculator
Kneeling	O	Filing in lower drawers
Crouching	O	Filing in lower drawers; Retrieving items from lower shelves/ground
Crawling	N	
Bending	O	Filing in lower drawers; Retrieving items from lower shelves/ground
Twisting	O	From computer to telephone
Climbing	R	Stairs
Balancing	R	On step stools
Vision	C	Reading; Computer screens; Observing work site
Hearing	C	Communicating via telephone/radio to co-workers/public
Talking	C	Communicating via telephone/radio to co-workers/public
Foot Controls	N	
Other (specified if applicable)		None

**MACHINES, TOOLS, EQUIPMENT, SOFTWARE, AND HARDWARE:**

Telephone, fax machine, copier, calculator, standard office equipment, computer and associated hardware and software.



**ENVIRONMENTAL FACTORS:**

<b>C</b> Continuously	<b>F</b> Frequently	<b>O</b> Occasionally	<b>R</b> Rarely	<b>N</b> Never
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<b>D</b> Daily	<b>W</b> Several Times Per Week	<b>M</b> Several Times Per Month	<b>S</b> Seasonally	<b>N</b> Never
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-Health and Safety Factors-	
Mechanical Hazards	N
Chemical Hazards	N
Electrical Hazards	N
Fire Hazards	N
Explosives	N
Communicable Diseases	N
Physical Danger or Abuse	N
Other (see 1 below)	

-Environmental Factors-	
Respiratory Hazards	N
Extreme Temperatures	N
Noise and Vibration	N
Wetness/Humidity	N
Physical Hazards	N

(1) N/A

**PROTECTIVE EQUIPMENT REQUIRED:** None

**NON-PHYSICAL DEMANDS:**

<b>F</b> Frequently From 1/3 to 2/3 of the time	<b>O</b> Occasionally Up to 1/3 of the time	<b>R</b> Rarely Less than 1 hour per week	<b>N</b> Never Never occurs
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-Description of Non-Physical Demands-	-Frequency-
Time Pressure	F
Emergency Situation	R
Frequent Change of Tasks	F
Irregular Work Schedule/Overtime	O
Performing Multiple Tasks Simultaneously	F
Working Closely with Others as Part of a Team	F
Tedious or Exacting Work	O
Noisy/Distracting Environment	O
Other (see 2 below)	

(2) N/A



**PRIMARY WORK LOCATION:**

Office Environment	X	Vehicle	
Warehouse		Outdoors	
Shop		Other (see 3 below)	
Recreation/Neighborhood Center			

(3) N/A

The above statements are intended to describe the general nature and level of work being performed by individuals assigned to this position. They are not intended to be an exhaustive list of all responsibilities, duties, and skills required. This description is subject to modification as the needs and requirements of the position change.