

<b>DESCRIPTIVE WORK TITLE</b>		<b>CURRENTLY APPROVED CLASSIFICATION</b>	<b>CHIPS #</b>
Legal Counsel		Legal Counsel 3	Various
<b>DESCRIPTIVE WORK TITLE OF IMMEDIATE SUPERVISOR</b>		<b>IMMEDIATE SUPERVISOR'S CLASSIFICATION</b>	<b>CHIPS #</b>
Senior Counsel		Legal Counsel 4	Various
<b>MINISTRY</b>	<b>BRANCH</b>	<b>DIVISION</b>	<b>LOCATION</b>
Justice	Legal Services	Various	Victoria

### **General Accountability:**

On behalf of the Attorney General, these lawyers discharge the duties and functions assigned to the Attorney General under the *Attorney General Act* including:

- a) ensuring that the administration of public affairs is in accordance with the law;
- b) advising on the legislative Acts and proceedings of the Legislature;
- c) advising the heads of ministries of the government on all matters of law connected with the ministries;
- d) undertaking the conduct of all litigation for or against the Crown;
- e) drafting and settling agreements and documents to be executed by the Crown.

### **Organizational Structure:**

These lawyers are responsible to a member of the Management Committee of the Legal Services Branch and through that member, to the Assistant Deputy Attorney General, the Deputy Attorney General, the Attorney General and other Ministers and officials of the Crown.

### **Nature and Scope:**

The duties of these lawyers are those of counsel and legal advisor to the ministries, boards, commissions or Crown agencies to which they have been assigned. These lawyers must be in good standing with the Law Society of British Columbia, normally be in at least their 8<sup>th</sup> year of call to the bar and possess a demonstrated proficiency in the areas to which they have been assigned. These lawyers provide advice and appear, where necessary, in court and before administrative tribunals representing the Crown and are expected to negotiate and recommend settlements where appropriate. As well, they would consult on the formulation, implementation and interpretation of legislation and be responsible for the interpretation of the common law and the preparation and drafting of a whole range of legal documents and process.

A significant portion of their work involves matters of a confidential and sensitive nature. These lawyers are expected to keep abreast of and advise on current developments in related aspects of the law which may affect areas of concern to government. They may assist in developing and recommending alternatives and initiating changes in these areas of the law when required.

It must be recognized that the personal attributes and professional skills of these lawyers will have to be broad enough to serve the needs of personnel ranging from

senior administrative government officials up to the Minister. They can also be called upon and be expected to give advice at any time in an area of the law outside the dimensions of their assigned legal responsibilities. Previous experience in a government setting would prove valuable to an incumbent at this level.

These lawyers may be required to review and participate in the preparation of legislation, regulations and orders in council prior to requests by government ministries for drafting services. They must also professionally assess revisions to legislation in areas related to assigned responsibilities.

**Dimensions:**

Matters dealt with by these lawyers can involve large sums of public funds. Other matters not involving money directly, are no less significant because of their impact on the operations of government, their precedent setting aspects or because of the way they affect the general public.

**Special Accountabilities:**

1. To deliver professional legal advice to government in areas assigned to the lawyer;
2. To assist government as a general legal advisor with the development of its policy, programs and legislation in the field assigned to the lawyer;
3. To maintain an actual and informed presence in the related areas of law affecting government;
4. To achieve and maintain high professional standards.

<b>DESCRIPTIVE WORK TITLE</b>		<b>CURRENTLY APPROVED CLASSIFICATION</b>	<b>CHIPS #</b>
Senior Counsel, Solicitor Division (generic)		Legal Counsel 4	Various
<b>DESCRIPTIVE WORK TITLE OF IMMEDIATE SUPERVISOR</b>		<b>IMMEDIATE SUPERVISOR'S CLASSIFICATION</b>	<b>CHIPS #</b>
Assistant Deputy Attorney General			00011573
<b>MINISTRY</b>	<b>BRANCH</b>	<b>DIVISION</b>	<b>LOCATION</b>
Attorney General	Legal Services	Various	Victoria/Vancouver

#### **MAJOR RESPONSIBILITIES:**

Senior Counsel are responsible for ensuring government receives effective legal advice and services in designated areas of law and for determining the plans, policies, programs and organization and strategic direction of the Branch as members of the Branch Management Committee. Senior Counsel provide advice to the ADAG, Deputy Attorney General, other Ministers, Deputy Ministers, Cabinet staff and senior staff of ministries on urgent and complex legal issues facing government. The services they provide are critical to the ministries and program clients. Services provided include the negotiation and drafting of contracts, legal advice on government programs, policy and legislation and legal representation before the courts, boards and commissions. Senior Counsel are responsible for ensuring ministries' needs are met on a day to day basis.

#### **SCOPE, AUTHORITY AND TERMS OF REFERENCE:**

Legal Services Branch provides legal advice and services to fulfill the Attorney General's role as official legal advisor to government. The Branch is responsible for performing a central agency role to ensure the administration of public affairs is in accordance with the law; prepares and advises on new legislation and regulations; advises ministries on all matters of law and coordinates conduct of all litigation for or against the Crown or any ministry. Legal Services Branch also operates the Ministry Library which maintains the central law collection and a province wide legal reference service for government. The Branch functions within an organizational model that allows lawyers to practice law. Branch management responsibilities, including administration, finance, information technology, ad-hoc counsel contract management, communications and the library are concentrated in the Management and Administrative Services Division. Lawyers who serve similar clients or practice in similar areas of law work together in organizational clusters that are free from administrative responsibilities. The Branch uses a private enterprise service delivery model under which new or enhanced legal services are provided to client ministries on a base budget recovery basis.

Senior Counsel report to the ADAG and are responsible for managing a Group within Legal Services Branch that provides legal services for specialized types of government programs. The Solicitor Services Groups includes: Resource and Environmental Law; Vancouver Operations; Aboriginal Law and Research; Finance, Commercial and Real Property Law; Revenue and Taxation Law; Health, Education and Consumer Law; and Family, Corrections and Courts Law. Solicitors within the Groups provide written and verbal legal advice to government, conduct negotiations on behalf of government, draft and advise on contracts and legislation, assist ministries in policy development, provide opinions on statutory interpretation and other legal issues, represent clients in administrative and court proceedings, and brief ministers, deputy ministers, cabinet committees and other government clients on legal issues. As members of the Branch Management Committee, Senior Counsel participate in the development of strategic plans, policies, management structures and service models that enable the Branch to plan for and respond effectively to the government's changing needs for high quality legal services. Each Senior Counsel is responsible for keeping the Branch Management Committee and the ADAG informed of emerging issues and anticipated problems within the assigned area.

Ministries require and receive excellent legal advice and opinions but also demand proactive legal services and solutions that are responsive to their unique situations. To fulfill a valued and responsible role, Senior Counsel designates a Client Service Coordinator for each of the Ministries assigned to the

Group to be that Ministry's primary contact and coordinate an accessible, coordinated, self-directed, multi-disciplinary team that may cut across Group boundaries, to fulfill the day to day needs of the Ministry. Client Service Coordinators identify and respond to the Ministry's constantly evolving and jointly-determined needs for legal services, define service relationships, and ensure clients understand how to take full, appropriate and informed advantage of Branch services and the costs involved. Senior Counsel may also be Client Service Coordinator for one Ministry.

Senior Counsel are responsible for providing leadership to a broad mix of senior lawyers, junior lawyers, articling students and legal support staff that will allow for effective clusters and provide opportunities for professional growth, mentoring and equitable allocation of workload. The actual mentoring may be delegated to the more senior lawyers in each cluster. Senior Counsel identify and negotiate for the resources required to handle expected workload and are responsible for fostering a cooperative spirit, sense of professionalism and team attitude in the group and the Branch as whole and for encouraging appropriate delegation of para-legal work.

Senior Counsel ensure issues, clients, cases and projects receive appropriate attention and resources, and monitor reports generated by the timekeeping system. They also ensure Solicitor, Barrister and Legislative Counsel services to each Ministry are coordinated in compliance with branch guidelines. Senior Counsel are responsible for ensuring consistent quality of legal advice. Senior counsel are accountable for ensuring Solicitors located in the Group are carrying out their assigned roles and periodically assess client satisfaction. Senior Counsel conduct annual performance appraisal for all lawyers and encourage their professional development.

Senior Counsel are responsible for carrying their own caseload, assisting the ADAG with the most urgent complex legal issues facing government and for serving those needs of clients and ministries' programs that require special expertise and experience. The positions are often required to provide advice to the ADAG, Deputy Attorney General, Attorney General, other Ministers, Deputy Ministers, Cabinet staff and senior staff of ministries and must identify the importance and urgency of issues, know whom to inform of evolving situations and be sensitive to the communication requirements of emerging and ongoing issues.

## **DECISIONS AND RECOMMENDATIONS:**

Senior Counsel act independently to direct the provision of expert legal advice and services to all ministries, programs and government organizations in a specialized area of the law. Senior Counsel and their Solicitors are delegated authority to speak on behalf of government ministry and program clients for conducting negotiations with the private sector, other government bodies and preparing contracts, agreements and protocols to define business relationships between the government and other individuals and organizations. This is a significant responsibility within government and errors in judgment or in matters of law could create precedents which could render certain provisions of legislation unenforceable in the future, could result in substantial financial liabilities or could impair government's ability to deliver particular programs. Senior Counsel recommend changes within government to provide clarity in areas where there are often conflicting needs, sensitivities, competing policies and overlapping jurisdictions and advise the ADAG, Deputy Attorney General, Attorney General, other Ministers, Deputy Ministers, Cabinet staff and senior staff of ministries regarding critical issues in the assigned area of law.

Senior Counsel are members of the Branch Management Committee and contribute to the development of Branch plans, policies, programs and strategic direction. Senior Counsel exercise discretion in determining when it is appropriate to make a decision and when to consult with Branch Management Committee members and the ADAG. Senior Counsel are responsible for management and human resource decisions for the Group, including recruitment and selection of lawyers, performance evaluation, the organization and distribution of work, negotiating ad-hoc contracts and evaluating client satisfaction with the services provided.

## **ORGANIZATION, STAFF AND DIMENSIONS:**

Senior Counsel responsible for Solicitor Services Groups are seven of thirteen positions reporting to the Assistant Deputy Attorney General. The other six positions are Chief Legislative Counsel, Senior Counsel Civil Litigation, Senior Counsel Constitutional and Administrative Law, Director Management and Administrative Services Division and two Executive Secretaries. See attached addendum.

**DIMENSIONS: 2007/2008**

	<u>FTEs</u>	<u>Budget</u>
Ministry	3582	\$520 million
Legal Services Branch	380, including: 180 lawyers 200 support	\$72 million (gross) including: \$34.5 million salary & benefits \$29.5 million ad-hoc contracting

**MAJOR ACCOUNTABILITIES:**

1. To contribute to the effective management of the Branch as a member of the Branch Management Committee;
2. To provide a full range of legal advice and services to government and evaluating the quality of services provided;
3. To advise the ADAG, Deputy Attorney General, Attorney General, other Ministers, Deputy Ministers, Cabinet staff and senior staff of ministries concerning complex legal issues facing government;
4. To provide leadership to the lawyers in the Group and carry a caseload to service clients and programs that require special expertise and experience;
5. To ensure issues, clients, cases and projects receive appropriate attention and resources and that resources are allocated effectively and efficiently;
6. To identify the importance and urgency of issues, be sensitive to the communication requirements of emerging and ongoing issues and inform the appropriate government officials of evolving situations;
7. To organize the work within the Group among senior lawyers, junior lawyers, articling students and legal support staff and provide staff with mentoring and professional development opportunities.

I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS JOB DESCRIPTION

EMPLOYEE'S NAME	EMPLOYEE'S SIGNATURE	Y	M	D
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THIS DESCRIPTION IS AN ACCURATE STATEMENT OF THE POSITION'S ASSIGNED DUTIES, RESPONSIBILITIES AND REPORTING RELATIONSHIPS AS OF 12 October, 1999

EXCLUDED MANAGER	SIGNATURE	TITLE	Y	M	D
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Robert G.W. Lapper

Assistant Deputy Attorney General

JOB DESCRIPTION REVIEWED BY PERSONNEL OFFICER

NAME	SIGNATURE	TITLE	Y	M	D
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Personnel Officer

#### QUALIFICATIONS:

Eligible for membership in the Law Society of British Columbia with at least 12 years of Call to the Bar. Requirements include: Experience in complex litigation and managing professional staff; sound knowledge of the depth and diversity of advice and counsel required by government on aboriginal law issues; detailed knowledge of the organization of the current government and its policies on aboriginal matters, detailed knowledge of aboriginal law issues in British Columbia, demonstrated ability to work with professional independence, provide senior direction to other lawyers and staff where appropriate and work as a member of a Management Team.

#### COMPETENCIES:

The following competencies are considered particularly important to the position:

**Communication:** Proactive communication. Listens, understands, and responds, and is a conduit of information so that staff is fully informed of government and branch initiatives that affect them and key decision makers in government are kept apprised of developments in aboriginal litigation matters.

**Self Confidence:** Ability to discuss controversial issues with staff, management, government "clients", and stakeholders in a way that clearly communicates a point of view, and encourages an exchange of information. Responds constructively to challenging and stressful situations, defuses difficult situations and calms others.

**Decisive Insight:** Manages complex problems by recognizing multiple causal links, and the relationships between several aspects of a problem or situation. Anticipates obstacles and thinks ahead about next steps.

**Conflict Management:** Creates a conflict resolving environment by anticipating and addressing areas in which potential misunderstanding and conflict could emerge. Employs conflict as a catalyst for positive change.