

# Summary of Discussions with Focus Groups from the Legal Occupational Groups

## Overview of Findings

In the legal occupational groups have three major areas: Administrative Law Judge, Attorney, and Legal Assistant. The occupational groups are concerned with preparing cases for trial and/or the trial of cases before a court or an administrative body or persons having quasi-judicial power; managing and presides over administrative hearings for agencies; rendering legal advice and services with respect to questions, regulations, practices, or other matters falling within the purview of a state agency (this may include conducting investigations to obtain evidentiary data); preparing interpretive and administrative orders, rules, or regulations to give effect to the provisions of governing status or other requirements of law; drafting, negotiating, or examining contracts or other legal documents required by the agency's activities; drafting, preparing formal comments, or otherwise making substantive recommendations with respect to proposed legislation; editing and preparing for publication statutes, opinions or decisions of a court, commission, or board; and/or drafting and reviewing decisions for consideration and adoption by agency officials.

In the Attorney discipline, the complexity levels of the work assignments and decision making are different depending on the agency's usage of the class series and its organizational structure. In one agency an employee may be classified at the lowest level in a class series, while an employee in same class series in another agency who has the same level of complexity in their work will be classified in a higher level of the series. In addition, one agency may use all levels of the class series to incorporate their agencies hierarchy of reporting, while another agency uses the same class series as a career ladder for learning from entry to full-performance and beyond. Inadvertently, then, it appears that some agencies create career ladders or structures that don't properly reflect the work that is being performed or don't reflect the training and experience that their own employees possess. In those agencies, employees can find themselves held back within an agency despite their recognized expertise, and the employees indicated that there is an increasing tendency for those employees to leave the agency to find other jobs or promotional opportunities in other agencies where their skills and capabilities are valued. In other agencies, employees stay because they like the work that they are doing and higher level classifications or increased compensation levels are not a priority over the enjoyment and satisfaction from the work one does.

The attorneys that participated felt that there should only be one level of Attorney classification below the manager level. Their reasoning was that if you are working at full performance there is no quantitative difference between the duties and services of one attorney position over another given attorney position. A full performance attorney will be required to take an assignment or cases from the beginning or development to its legal conclusion or resolution. New or entry level attorneys with little or no working experience practicing law are learning the procedures and policies of his or her organization, but at some point will be required to take on assignments or cases.

The administrative law judges and legal assistants currently are one level class series. Employees in these two classes indicated they could not distinguish any higher class level of responsibility even though the work is broad and diverse. The legal assistants who participated did state that they are continuing to assume a growing range of tasks in legal offices and perform many of the same tasks as attorneys, but this is true for the occupation as a whole and not for just a few positions.

### **Minimum Qualifications**

The administrative law judges, attorneys, and legal assistants felt the minimum requirements are sufficient. The participants indicated for the Attorney II classification that a minimum of three years of attorney experience is the standard experience requirement for new hires in their agency.

### **Full Performance**

#### **Amount of Time to Reach Full Performance**

In general participants indicated that it takes anywhere from one year to two years to be capable of full performance. The participants also indicated that this time reflects the experience acquired through on the job training and actual performance of the duties. Some participants also indicated that this length of time can be dependent on cyclical or seasonal issues, depending on the particular position. Finally, some positions are required to complete specific certification or training requirements before being able to complete full-performance work. However, in general, the amount of time that is required to reach full performance is generally dependent on the employee's ability.

### **Advanced Full Performance Level:**

Both for Professionals and Technicians, there seems there is not a clearly defined level of work that is higher in complexity and responsibilities than an employee who is seen as performing independently at full performance. The next higher role is generally seen as a manager role. The supervisory work is generally done by the manager of the program or by a professional staff member.

### **Type of Supervision Received**

**Administrative Law Judges and Attorneys** generally receive limited supervision and the work requires employees to use independent judgment or act on their own discretion, requiring the use of initiative and creativity to resolve problems or interpret policy to develop solutions. As employees become more and more experience, direction becomes more general and employees have greater and greater independence and accountability. Major work assignments are examined for soundness or technical judgment and for general effectiveness and adequacy. At the experienced level, employees have a broad and comprehensive knowledge of theories, concepts and practices with the ability to apply those skills to complex, difficult and/or unprecedented situations. In most cases, supervision exists to provide administrative direction in the planning, organizing and implementation of the work activities, as well as to oversee the

budget responsibilities, respond to legislative and media inquiries and complaints, and to see to human resource issues.

**Legal Assistant** generally receives general supervision. While supervision is limited, employees generally do not have authority to make independent decisions outside of standard operating procedures or guidelines. As one becomes advanced or seen as an expert in their processes, employees are given more independent judgment to act on their own discretion requiring the use of technical knowledge to resolve complex problems. Supervision exists to provide general direction, review judgments made by employees, and clarify standards, policies and procedures that are normally seen as the day-to-day work activities of a supervisor. Additional, specific instructions are given for new, difficult, or unusual assignments.

**What Criteria Should Compensation be Based?** There seemed to be a consensus that performance and other personal characteristics that the employee brings to the job (such as initiative, ability to work well with others, etc.) should be one of the primary criteria for the basis of compensation for positions in the legal occupations. There was also consensus that, due to the importance of experience and on-the-job training, longevity was equally important criteria on which employees' pay should be based, especially after the point when an employee becomes capable of full performance of his or her job duties. Longevity coincides with an employee's continued career growth and additional responsibilities. Pay for renewal of the employees' licensure or completion of specific training thought would also be a benefit; in addition, to provide necessary equipment to perform the job.

While performance and other personal characteristics were thought to be important criteria on which pay should be based, the participants expressed concern with the ability to fairly administer a system that bases pay on those qualities. The primary concern was favoritism. However, the participants thought that a system based exclusively on longevity with all employees receiving the same amount of increase, regardless of effort or job performance, would not work well, and could serve as a disincentive to exceptional work.

In addition, the participants indicated that they were all in favor of a system that would allow an employee to progress in pay as they progressed in their career.

# Occupational Survey Summary on the Legal Fields

## Participation Rate: 100%

### SUMMARY BY ROLES

	<b>Technicians</b>
<u>Participation Rate:</u>	206 of the 206 Whole
<u>Time Worked in Occupation:</u>	Approximately 86% of the employees in the fields have over 1 year or more work experience; 66% have five or more years; and 41% have ten or more years.
<u>Education, Training and Experience:</u>	Legal Assistant positions at entry will require additional education beyond high school. 68.7% participants say you an additional one year on-the-job training to become fully proficient.
<u>Skills:</u>  <b>(Extremely or Very Important)</b>	<ol style="list-style-type: none"> <li>1. Getting Information</li> <li>2. Organizing, Planning , and Prioritizing Work</li> <li>3. Communicating with People Outside the Organization</li> <li>4. Communicating with Supervisors, Peers, or Subordinates</li> <li>5. Interpreting the Meaning of Information for Other</li> <li>6. Updating and Using Relevant Knowledge</li> </ol>
<u>Behavioral:</u>  <b>(Core)</b>	<ol style="list-style-type: none"> <li>1. Achievement Orientation</li> <li>2. Communication</li> <li>3. Problem Resolution</li> <li>4. Building Relationships</li> <li>5. Team Work</li> </ol>
<u>Work Context:</u> (Every Day)	<ol style="list-style-type: none"> <li>1. Contact with Others</li> <li>2. Face to face Discussions</li> <li>3. Decisions affect other people</li> <li>4. Writing letters and memos</li> <li>5. Interaction with external customer/public</li> </ol>
<u>Level of Complexity:</u> (Level 4 or Higher)	77% - Level 4 -You evaluate the relevance and importance of theories, concepts, and principles. You develop different approaches or tactical plans to fit specific circumstances. Guidelines may, exist, but are flexible and open to considerable interpretation. Independent judgment, personal direction, and resourcefulness are needed to interpret and apply guidelines
<u>Supervision Received/Independence:</u> (Level 4 or Higher)	86% - Level 4 - Receive limited supervision and the work requires employees to use independent judgment or act on their own discretion. Requires the use of initiative and creativity to resolve problems or interpret policy to develop solutions. A manager may be available to

	provide general direction or advice, but employees usually act independently based on their own judgment.
<u>Supervision Given:</u>	43% - of positions have supervisory responsibilities
<u>Decision Making:</u>	<ol style="list-style-type: none"> <li>1. 31% - Decisions may affect a work unit or area within a department/division. May contribute to business and operational decisions that affect the department/ division.</li> <li>2. 30%- Decisions have major implications on the management and operations of an area within a department/division. Job may contribute to important strategy, operational and business decisions that affect the department/division.</li> <li>3. 18% - Decisions have significant, broad implications for the management and operations of a major department/division or multiple departments/divisions. Job contributed to decisions on the overall strategy and direction of the agency.</li> </ol>
<u>Problem Solving:</u>	<ol style="list-style-type: none"> <li>1. 50% - Problems are varied, requiring analysis or interpretation of the situation. Problems are solved using knowledge and skills, general precedents and practices.</li> <li>2. 28% - Problems are highly varied, complex and often non-recurring, requiring novel and creative approaches to resolution. New concepts and approaches may have to be developed.</li> <li>3. 17% - Problems are broad, complex and abstract, often involving agency-wide issues. Must develop solutions using substantial creativity, resourcefulness, innovation, negotiation, and diplomacy.</li> </ol>
<u>Fiscal Responsibility:</u>	Only 85% of the positions have no budget responsibilities.
<u>Licenses/Certifications:</u>	Only 79% of position requires a licenses or certification.