



**COMMISSION ON ETHICS
“COMMISSION COUNSEL”
POSITION INFORMATION AND DESCRIPTION**

This unclassified, exempt position is appointed by and reports to the Commission. This position serves as the legal advisor to the Commission and its staff in all legal matters and drafts the Commission’s opinions concerning the applicability of the statutory ethical standards to Nevada’s public officers and employees.

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| Position Title: | Commission Counsel |
| Department/Division: | Commission on Ethics |
| Budget Account #: | 1343 |
| Position Control #: | 000003 |
| Position is currently Classified or Unclassified: | Unclassified - Exempt |
| Position reports to: | Commission |
| Who has final selection of position: | Commission |
| Current Salary (w/o furlough deduction): | \$120,344 |

Duties/Major Responsibilities of the Position:

In addition to its advisory role, the Commission Counsel drafts and recommends administrative regulations and statutory provisions under the Commission’s jurisdiction, provides outreach and education to Nevada’s public officers and employees and public attorneys, and guides and represents the Commission’s interests in all legal arenas, including administrative, legislative and judicial. In particular, Commission Counsel defends the Commission in all litigation, including judicial review of the Commission's administrative opinions.

Education and Experience Required to Perform the Duties of the Position:

Graduation from an ABA accredited law school and active membership in the Nevada State Bar Association. Must have substantial experience in administrative law, litigation, and Nevada legislative process.

Knowledge, Skills and Abilities Required to Perform the Job Functions:

Must possess superior legal research, writing, and oral presentation skills and the ability to represent the Commission in litigation, administrative and regulatory matters, whether in the courts of the State of Nevada or the United States and in all federal and state administrative agencies. Except for certain limitations applicable to Ethics Complaint cases, the Commission Counsel advises the Commission and staff in all legal matters, in particular the application of Nevada’s Ethics in Government Law.

Does this position require licensure/certification (if yes, please detail):

License to practice law in the State of Nevada.

Statutes and Regulations Administered by This Position:

NRS and NAC Chapters 281A, 233B, 241 and 239.

Dollar amount of the agency budget for which the position is responsible for administration and oversight.

\$0.00

Number and titles of staff that directly report to position:

2 positions, along with the Commission's Executive Director: Associate Counsel and Senior Legal Researcher.

Number of indirect reports:

2 positions: Executive Assistant and Senior Investigator

SPECIFIC JOB DUTIES:

LITIGATION:

1. Represent the Commission, Review Panel, and Commission staff at the direction of the Commission in legal proceedings before local, state, and federal courts, including drafting legal memoranda to, and appearing and presenting arguments before, the courts and cooperating in related cases.
2. Obtain or employ conflict counsel, as permitted by NRS 281A.260.

ADVISORY OPINIONS:

1. Review all filed requests for Advisory Opinions to determine whether the request is in proper form per statutory and regulatory requirements and prepare and issue appropriate notices.
2. Review request to determine Commission's jurisdiction of matter with concurrence of Executive Director.
3. Correspond with Requester to provide jurisdictional determination, preliminary explanation of process or to request supplemental information.
4. Research and/or assign legal research to SLR and/or Associate Counsel.
5. Analyze and apply the law to the facts presented and discovered.
6. Prepare or approve draft Notices of Hearing, orders and other legal documents, make edits and direct service of the same.
7. Prepare draft opinions and/or bench memos to the Commission in preparation for consideration of request for Advisory Opinions either by submission or hearing.
8. Supervise service of opinions, determine level of confidentiality of opinion including preparation

of abstract opinions if the Requester does not waive confidentiality.

9. Represent the Commission in reconsiderations, re-hearings and other litigation relating to advisory opinions.

ETHICS COMPLAINTS:

1. Review complaint and evidence to assist in determination of Commission's jurisdiction of matter.
2. Assign and approve orders and notices to Subject and/or Requester regarding jurisdiction.
3. Approve any legal forms such as subpoenas, Review Panel Determinations and other forms prepared on behalf of or presented to the Review Panel or the Commission for consideration.
4. Evaluate Executive Director recommendations to Review Panels and advise Review Panels of legal issues.
5. Review for legal form Review Panel Determinations and Deferral Agreements.
6. For referred complaint cases, prepare and issue notices and orders required by and as permitted by law.
7. Schedule settlement conferences if requested by parties and act as legal advisor for appointed settlement Commissioner:
8. Stipulations:
 - i. Advise parties regarding acceptable terms and conditions of stipulations on behalf of Commission.
 - ii. Review draft language for legal form and advise Commission of legal considerations.
9. Hearings:
 - i. Act as the legal advisor to the Commission in all hearings including assisting on all scheduling matters as permitted by law including discovery, motions, hearings, and other deadlines.
 - ii. Prepare and cause to be served notices, scheduling orders and orders.
 - iii. Preside over pre-hearing conferences between parties and Chair of Commission;
 - iv. Initiate, research and prepare legal bench memos to the Commission advising on legal considerations of case, including legal motions.
 - v. Assist Commission during hearings to address legal considerations; respond to legal questions, i.e., legal objections, motions, and other rulings.
 - vi. Assist the Commission in its deliberations on evidence and law.
 - vii. Prepare opinions and direct service of matters on behalf of the Commission.
 - viii. Represent the Commission (not the parties) in judicial and appellate litigation.

LEGISLATION AND REGULATIONS:

1. Recommend, review and draft proposed administrative regulations and legislation.
2. Represent Commission before regulatory and legislative bodies regarding proposed regulations and legislation.
3. Consider regulations and legislation from other jurisdictions of relevance to Commission's Mission.

ADMINISTRATION AND SUPERVISION:

1. Report legal status of all matters to Commission in closed meetings or open public meetings, as appropriate.
2. Ensure meetings and public hearings are prepared and conducted in accordance with appropriate laws and guidelines, including the Nevada Open Meeting Law.
3. Administer all activities related to Commission's legal matters including preparing legal documentation on behalf and in support of Commission business.
4. Communicate regularly and work closely with Commission Chair to organize Commission's activities and legal caseload.
5. With exception of legal matters prepared by or on behalf of the parties in adjudicatory proceedings pertaining to ethics complaint, supervise legal activities of Commission.
6. Review and assign legal matters to Commission staff as appropriate.
7. Act as back-up to Executive Director in administrative and supervision duties over Commission Staff.
8. Review and assign legal matters to Senior Legal Researcher and Associate Counsel for advisory opinion matters and as otherwise permitted.
9. Assist Executive Director to evaluate performance of Senior Legal Researcher and Associate Counsel.
10. Other duties as assigned by the Commission or its Chair.

PUBLIC RECORDS AND INQUIRIES:

1. Confirm compliance with applicable law and administer legal issues related to public records requests including policy updates, and review, calendar, and coordinate responses to receive requests.
2. Assist in responding to citizen and other inquiries.

RESTRICTIONS:

1. In accordance with NRS 281A.250(4), the Commission Counsel may not participate in certain other employment.