



Eastern Band of Cherokee Indians

LEGISLATIVE LEGAL COUNSEL

Position Description

Program:	Tribal Council		Reports to:	Chairperson - Tribal Council
Division:	Legislative Branch		Position Number:	907513001
Classification:	Professional		Revision Date:	10/01/2022
Pay Level:	19		Safety Sensitive:	No

PERFORMANCE EXPECTATIONS

In performance of their respective tasks and duties all employees of the Eastern Band of Cherokee Indians (EBCI) are expected to conform to the following:

- Uphold all principles of confidentiality to the fullest extent.
- Adhere to all professional and ethical behavior standards of the Tribal Government.
- Interact in an honest, trustworthy, and respectful manner with employees, Tribal members, visitors, and vendors.
- Participate in departmental staff meetings, quality management activities and educational programs.
- Embody respect and understanding of EBCI traditions and values.
- Display willingness, initiative, and teamwork, to perform other duties as requested.

POSITION PURPOSE

Formulates, develops and implements policies, procedures, and goals for the Tribal Operations Program (TOP). Maintains good community relations by providing efficient, comprehensive, and quality service. Performs professional legal services and offers decisive legal judgments for the Tribal Council.

ESSENTIAL DUTIES, FUNCTIONS, & RESPONSIBILITIES

- Serves as in-house counsel for the Legislative Branch of government of the EBCI and directs the management of the Office of Legislative Support.
- Drafts legislation, reports, letters, memoranda, and other documents including legal opinions as necessary for the Tribal Council to carry out its duties.
- Provide advice, interpretation, and opinion on all Legislative Branch legal matters.
- Coordinates with the Attorney General in litigation or other legal proceedings, where Tribal interests are at stake.
- Monitor both State and Federal legislative initiatives affecting Tribal interests and coordinate with the Attorney General on all State and Federal lobbying initiatives.
- Must aid and coordinate response to State, Federal, and county political activities.
- Establish and periodically review protocols and procedures on government-to-government relationships as well as internal governmental protocols.
- Is responsible for advising Tribal Council, both verbally and in written memorandum on matters raised during Legislative Session and Committee meetings.
- Coordinate with the Attorney General on all State and Federal political issues.
- May be assigned to serve as representative on behalf of the EBCI on Congressional, professional, and Native Conference committees working to advance Tribal interests.
- Serves as spokesperson when so delegated by the Tribal Council, working with the media, State, local, and Federal politicians and agencies.
- Will work with the Attorney General to ensure consistent enforcement and administration of the law.
- Oversees the planning, staffing, coordination and direction of the Program.
- Plans, develops, and directs the work of the program personnel.
- Assigns in-house and/or outside legal counsel for appropriate projects and oversees the work of those projects for the Legislative Branch.

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- Recommends the selection, promotion, termination, and disciplinary actions of program personnel.
- Develops and administers program policies and procedures and initiates new ones as appropriate.
- Oversees the Government accountability of divisional records through analysis reports.
- Responsible for insuring that client confidential records are adequately safeguarded.
- Prepares the Legislative Services operating budget and submits it for approval by the Tribal Council.
- Performs job duties according to established safety guidelines and Tribal policies.

Scope of Supervision:

Works under the direction of the Tribal Council Chairperson. Has wide latitude for the exercise of initiatives, discretion, and independent judgment.

MINIMUM MANDATORY QUALIFICATIONS

- Experience:** Seven (7) years of related experience required. Experience in Indian Law, including employment in administrative and management roles.
- Education:** Juris Doctor Degree required.
- Licenses & Certifications:** Valid, insurable NC Driver’s License required. Must be a member in good standing of the North Carolina State Bar. Must be eligible to or admitted to practice before the Federal, State, and EBCI Court. Juris Doctor Degree must be from an American Bar Association (ABA) Accredited Law School.

KNOWLEDGE, SKILLS, & ABILITIES

Key Job Knowledge:

- Thorough knowledge of Federal, State and Indian law is required.
- Must have a thorough knowledge of the Federal, State, and Indian court systems' Rules of Court.
- Requires an understanding of Tribal operations, administration and policies.
- Requires knowledge of appropriate legal reference and research tools, both electronic and print. Good communication skills, both written and verbal, and the ability to speak in public are essential.
- Must have the ability to administer allocated funds to achieve maximum operating potential.
- Must have a thorough knowledge of the use of electronic office equipment.
- Must have the ability to supervise the work of multi-level professional staff including other attorneys and administrative staff.
- Eighteen (18) to twenty-four (24) months in the position would be necessary to learn most aspects of the job.

Safety/Accuracy Focus:

Responsible for the accuracy of work performed by subordinates. Responsible for expenditure of funds, policy formulation, and adherence to sound practices where accuracy is paramount. Results of work are considered as legally authoritative and are normally accepted without change. Must adhere to Revised Rules of Professional Conduct and insure that other attorneys abide by the Revised Rules of Professional Conduct as well.

Key Relationships:

Internal contacts occur on regular basis with Tribal Council Chairman and Vice-Chairman, Tribal Council members and other Tribal personnel. External contacts include Tribal, Federal and State entities, as well as, other professionals, representatives, enrolled members of the EBCI, and the public at large. Contacts for the purpose of exchanging or providing information and rendering legal opinion and require tact, courtesy, and professional decorum.

Resourcefulness & Initiative:

Follows well defined Tribal procedures and guidelines. Initiative is required to maintain accuracy, establish work priorities, and meet scheduled timeframes.

Discretion – Confidential Data:

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Access to confidential and proprietary data and information which is not known by the public may occur during employment. Exercise excellent professional discretion regarding confidential and proprietary data and information, never disclosing or misusing such information. Has access to all legal and other documents, contracts, programmatic, personnel and financial records of the Tribe, including court records and proceedings, meeting and/or committee minutes, and discussions, all of which are considered confidential. Incumbent is in the position to authorize media releases and information for public knowledge. Must adhere to all Tribal confidentiality policies and procedures in performance of job duties. Responsible for the final decision regarding all releases of data. Must follow North Carolina State Bar Rules.

Complexity of Duties:

This position includes completing tasks of varying complexity levels. Majority of duties require the application of administrative judgment and problem solving skills with specific application of the law in order to be effective. Tasks are complex and often require resourcefulness and initiative to be successful.

PREFERRED QUALIFICATIONS

No other preferred qualifications.

WORK ENVIRONMENT

Work Environment: Majority of work is performed in an office/legislative setting with occasional travel required.

**Mental/Visual/
Physical Effort:** Must be able to lift 25 pounds and carry 5 pounds on a repetitive basis. Concentration varies depending on the task at hand. High levels of concentration are required and must handle multiple projects and is subject to frequent interruptions that require varied responses. While performing job duties, one is required to walk, sit, reach with hands and arms, speak, and hear. Manual dexterity, visual acuity, and good eye/hand/foot coordination are required.

OTHER

Confidentiality: All employees must uphold all principles of confidentiality to the fullest extent. Sensitive information must be kept secure; a breach of these principles may be grounds for disciplinary action, up to and including immediate termination.

Background Investigation: All employees are required to complete a background investigation. Results of the background investigation will be evaluated against the requirements of the position, and as applicable to federal and state requirements. Candidates must be able to successfully pass all required background checks for data sensitive positions and for those positions subject to a 101-630 background check to ensure compliance with Public Law 101-630 "Indian Child Protection and Family Violence Prevention Act."

Drug Screening: All applicants must successfully pass a preemployment drug screening prior to beginning employment. Random drug testing will be carried out based upon position requirements.

***Disclaimer:** The information on this position description has been designed to indicate the general nature and level of work performance by employees in this position. It is not designed to contain, or be interpreted as, a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this position. Employees will be asked to perform other duties as needed.*

ACKNOWLEDGMENT

I have reviewed the content of the **Legislative Legal Counsel** position description and have been provided a copy of such position description. I certify that I am able to perform the essential functions of this position as outlined in this description.

Employee (printed name)

Employee (signature)

Date

Supervisor (printed name)

Supervisor (signature)

Date