

Every employee benefits from having clear expectations of their duties. A job description also supports organizational design, job classification, recruitment, employee performance, learning and development, and succession planning.

The Common Job Description (CJD) is used to describe work where several positions have common core responsibilities and reporting relationships, as well as comparable knowledge needed to perform the work.

FOR PUBLIC SERVICE COMMISSION USE:

CJD LIBRARY #:

EFFECTIVE DATE:

WORKING TITLE: LEGAL COUNSEL

CLASSIFICATION: **PRESENTLY** JUSTICE LEGAL COUNSEL 2

PAY GRADE:

☐ CROSS-GOVERNMENT COMMON JOB

☒ DEPARTMENT-SPECIFIC COMMON JOB

ORGANIZATIONAL CONTEXT

Briefly describes the purpose for the business operation and how this job fits within the organizational structure (i.e. reporting relationship).

The Court of Appeal of Alberta is part of the judicial branch of government and the highest court in the province. The Court's primary responsibility is to create, interpret and apply the law. Its decisions are reviewed only by the Supreme Court of Canada, and only rarely. It is, therefore, the court of final resort for almost all the cases it hears, and it plays a vital role in shaping Alberta's legal landscape.

The Court of Appeal hears criminal and civil appeals in all areas of the law from decisions made by the Court of King's Bench, the Alberta Court of Justice and various administrative and regulatory tribunals of particular importance to Alberta's society and economy, including the Alberta Energy Regulator, Alberta Utilities Commission and Subdivision and Development Appeal Boards. The Court also provides innovative alternatives to traditional appeal hearings, including judicial dispute resolution and case management, designed to improve efficiency and access to justice.

Legal Counsel at the Court of Appeal work independently to provide research, analysis, drafting, editing and recommendations for the Justices of the Court. The position reports functionally to the Chief Justice of Alberta or her delegate and administratively to the Executive Director of the Court of Appeal.

JOB PURPOSE

Briefly describes why the job exists and its scope (i.e., who is directly impacted by the outcomes of the job).

Legal Counsel at the Court of Appeal use their experience and expertise in appellate legal work to deliver accurate, timely assistance to the Justices of the Court of Appeal. They apply superior legal research, analysis, writing and editing skills to support judicial decisions that shape the legal landscape in Alberta and Canada.

The work of Legal Counsel impacts the parties who appear before the Court, plays an important role in the way that judges deal with appeals from beginning to end, and helps to ensure the quality and accuracy of judgments issued by the Court for the benefit of the Alberta Bar and the public. They also work collaboratively with each other and court administration to improve the operational effectiveness of the Court and public access to justice. They provide mentorship, coaching and training to the Court's articling students.

RESPONSIBILITIES

Describes the key responsibilities that make up the majority of the job and the corresponding duties.

1. Conduct comprehensive, in-depth and often complex legal research
 - Undertake comprehensive and in-depth appellate legal research and analysis in any area of the law
 - Identify key issues and identify the need for further research and analysis, based on the knowledge and expertise of the legal counsel
 - Conduct identified research or assign to a student and oversee, review and analyze the student's work
 - Perform interpretative and analytical research of complex fact patterns and multiple areas of law
2. Conduct complex and accurate legal analysis and writing
 - Prepare legal memoranda on any area of the law for members of the judiciary
 - Prepare and edit draft judgments for review and consideration by the judiciary based on self-directed research, analysis of legal arguments, and application of the law
 - Edit judgments and other legal documents for clarity, flow and accuracy
 - Research, draft and edit papers, speeches and materials to be presented by the judiciary at conferences and other forums
3. Develop, disseminate and maintain institutional knowledge and information
 - Provide legal advice and recommendations to the judiciary and the Court's Registrar/Registry regarding changes in the law
 - Develop, maintain and update internal legal resources for use by the judiciary and judicial staff
4. Support Court administration and the improvement of Court operations
 - Initiate and participate in projects to streamline the Court's processes and assist in the development of Court policies
 - Initiate, develop and maintain internal manuals and other materials for use by legal counsel and students
 - Assist with the Court's committee work and special projects and collaborate on initiatives (e.g., student onboarding and oversight, continuing legal education, strategic planning, privacy issues)
 - Assess appeal materials filed by parties for completeness and identify and address publication bans and privacy issues arising on publication of judgments
5. Develop and continuously improve the student program
 - Recruit and train the Court's articling students and provide mentorship, coaching and guidance
 - Assign and oversee preparation of research memoranda, legal research and analysis by students, and review and analyze student work
6. Develop and participate in legal education
 - Participate in the hiring of new Legal Counsel, provide orientation and support
 - Organize, prepare, and present continuing legal education programs for legal counsel and students
 - Keep apprised of legal developments, including changes in legislation, case law, precedent setting cases, and Supreme Court decisions, by attending conferences or reviewing legal resources

APPLICATION OF KNOWLEDGE

Briefly describes the required education and the level of knowledge essential to perform the job/above responsibilities (not intended to be an exhaustive listing).

Legal Counsel are experienced lawyers and must be senior members of the bar. A Bachelor of Laws (LLB) or Juris Doctor (JD) degree is essential to the position and a Master of Laws degree is an asset. A strong academic record is essential to demonstrate the ability to produce high quality legal analysis and writing in any area of the law under strict deadlines. Supervisory work experience is preferred. Membership in good standing with the Law Society of Alberta is required.

Legal counsel conduct research and legal analysis, discuss and analyze legal problems, prepare legal memoranda, and provide advice, editing and drafting for the judiciary on all cases heard by the Court of

Appeal. They are experts in appellate work, must be able to work competently in every area of the law and apply a nuanced understanding and interpretation of complex legal matters. They work on legal matters of high complexity and serious legal issues that incorporate novel aspects of the law, areas that are not clearly defined, and precedent-setting matters. Exceptional legal research, legal analysis, and legal writing skills are required.

The position requires training and extensive experience with Canadian and foreign legal research tools, online and otherwise, and a well-developed ability to use a wide range of legal research tools. The position applies a seasoned understanding of legal rules, legal procedures, legislation and legal authorities to appellate work.

This is a fully functioning working level position that has an exemplary understanding of how the law applies to matters before the Court of Appeal.

PROBLEM SOLVING/DECISION MAKING

Briefly describes the types of problems or challenges the job routinely faces or solves and the types of assistance available (e.g., process guides, standard operating procedures, policy documents, availability of experts/specialists, on site supervision, etc.)

Works independently with minimal direction, making recommendations to and with direct accountability to the judiciary. The role provides research, analysis and drafting services to the judiciary and supports the judiciary in delivering timely, comprehensive, and authoritative judgments.

Deals with complex problems of a sensitive and high-profile nature in evolving and novel areas of the law that affect a diverse group of Albertans.

Works on a wide variety of legal issues including cases of high complexity and cases that are high impact or high profile. High impact cases include those that will set precedent in an area of law, interpret or apply new legislation for the first time, consider whether legislation is constitutional, or involve matters of high public interest. Some cases have a high profile within the legal community and among legal scholars and commentators; others (particularly high-profile criminal and constitutional cases) attract significant media and public interest. Legal counsel recommend areas for further research and analysis and undertake that work or supervise students in completing it. The work of legal counsel ensures the Court can deal with these complex and high profile cases comprehensively, authoritatively and in a timely manner.

Requires highly autonomous problem solving on all but the most complex legal issues and provides high-level legal services and advice to the judges of the Court of Appeal. Independently performs legal research, analysis, writing and editing for the judiciary; makes recommendations as to the issues and analytical approaches that are most relevant to matters before the court. The work is self-directed in terms of methodology and analytical approach. Projects assigned by the Registrar with respect to work on Court committees and operational projects are also performed independently. Initiates projects with respect to improvement of court operations. Legal counsel must balance projects for more than one judge, oversight of students, and administrative and operational projects.

Independently identifies legal issues and legal precedent or changes in the law that are relevant to an appeal and were not raised or fully canvassed by the parties' counsel or self-represented litigants; provides research and analysis of such issues or assigns and oversees research by a student. Appeals filed by self-represented litigants, who do not have the benefit of legal training, tend to be more procedurally and factually complex and require more time to review and analyse. As the number of self-represented litigants continues to increase, the demands and complexity posed by these cases likewise increases.

KEY CONTACTS

Briefly describes the frequency and purpose of regular contact the job makes internally and externally.

Supervisory responsibility: ☐ Yes ☒ No

Internal:

- Chief Justice of Alberta: Take direction from the CJA or her delegate
- Justices: Take direction directly from Justices with respect to legal research, writing and editing.
- Executive Director/Registrar: Take instruction directly from Executive Director with respect to work on court administration committees and operational projects
- Courts Advisory Counsel: Collaborate and consult regarding privacy matters
- Legal Counsel: Collaborate on court projects, internal legal resources, and educational development
- Case Management Officers and Court Registry: Ensure the completeness of appeal files and identify and address privacy issues and publication bans
- Judicial assistants / Judicial librarians / Articling students: Work with judicial assistants and students in the drafting, editing and finalizing of judgments; consult with librarians regarding legal research resources.
- Articling students: Coach, guide and mentor articling students. Participate in the recruitment and training of articling students and oversee their work.

External:

- Educational bodies such as the Legal Education Society of Alberta, Canadian Institute for the Administration of Justice, National Judicial Institute, Canadian Bar Association: May be called upon to draft, design and/or present education materials.