

Paralegal Specialist  
GS-0950-12

PD#: 600670; 8888

INTRODUCTION

The Assistant General Counsel is responsible for providing legal counsel, services, assistance and recommendations with respect to program matters, litigation, legislation and equal opportunity activities for all Departmental programs and activities within the multi-state jurisdiction. In addition, the Office of Counsel provides program legal services for those programs and activities directly administered by the Office. The Assistant General Counsel also provides professional advice, assistance and guidance to Chief Counsel offices. This paralegal position is located in the Legal Service Center.

DUTIES AND RESPONSIBILITIES

The incumbent serves as a paralegal specialist performing responsible legal and technical duties in connection with the activities of the Assistant General Counsel and professional staff to carry out the advisory and operational responsibilities of the office.

In the performance of these functions, the incumbent has the following duties and responsibilities:

1. Receives, evaluates, obtains additional information as necessary, and recommends approval or disapproval of requests by HUD employees for participation in or attendance with reduced fee at non-federally sponsored workshops and conferences, under HUD requirements. Consults with HUD employees and supervisors and outside agencies as necessary.
2. Receives, investigates and responds to civil and criminal notices from municipal code enforcement agencies regarding alleged violations at HUD properties.
3. Examines and evaluates requests from program offices for concurrence by Assistant General Counsel in denial of information sought under Freedom of Information Act; researches the relevant legislation, regulations and precedents; determines if documents or segregable portions of them may be denied; advises program offices on any revisions necessary to denial correspondence; and substantiates rationale for position taken in event of appeal.
4. Examines and evaluates requests for information under the Freedom of Information and Privacy Acts; researches relevant legislation, regulations and precedents; determines if documents or segregable portions, can be released; and communicates Assistant General Counsel's position to the requester.
5. Reviews changes in regulations on the Freedom of Information and Privacy Acts and updates and advises other legal personnel and field staff of changes.

6. Consults as appropriate with the Office of General Counsel and with other federal and state agencies on FOIA and Privacy Act requirements.

7. Is responsible for performing legal research using the law library and/or Westlaw, in connection with litigation and non-litigation assignments and as requested by attorneys in the office. Duties include searching for and identifying cases, statutes, regulations, administrative law decisions which are on point; determining the legal authorities which are most authoritative; summarizing and presenting in writing the research findings in terms of the general theories and specific issues involved, and orally advising staff attorneys of the findings. Also shepardizes cases cited for information on subsequent decisions in which the cited case was discussed and analyzes and reports on those subsequent cases. Conducts title searches at appropriate registries and addresses other legal issues concerning title.

8. Is responsible for carrying out Office of Counsel activities regarding defaulted Title I home improvement loans to the Department of Justice (DOJ). Reviews referrals from Title I Loan Management to ensure that files and Claims Collection Litigation Reports (CCLR) are complete and accurate. Works directly with Title I staff to obtain revisions, correction or supplemental information for the CCLR. Analyzes claims for legal sufficiency, including analysis of applicable statute of limitations and perfection of security. Based on information contained in file and CCLR, drafts complaint to be filed by DOJ together with related correspondence. Analyzes claims returned by DOJ and undertakes or assists in the performance of legal research necessary to determine whether rejection of a claim by DOJ is appropriate or whether corrective action can be taken by Title I staff to satisfy DOJ concerns.

9. In order to ensure compliance by Public Housing Agencies (PHA's) with HUD Handbook 1530.1 REV-4, monitors litigation brought by or against PHA's involving issues of interpretation and enforcement of the Constitution, state statutes, HUD regulations and contracts. When initially informed of litigation, drafts correspondence to the PHA advising it of responsibilities under Handbook involving reporting, settlement, appeals and legal fees. Reviews pleadings and factual and legal summaries and reports submitted by PHA's in order to become familiar with case and to inform supervising attorney and program officials as to matters requiring their attention. Informs PHA's of required information to be contained in settlement recommendations. Drafts correspondence approving or disapproving litigation services contracts in excess of \$25,000 and determines the reasonableness of the hourly rate charged thereunder. Reviews billings submitted by PHA attorneys and determines the reasonableness of those charges in light of the work performed.

When settlement recommendations are received, is responsible for reviewing and analyzing such recommendations and obtains additional information as needed. Consults with PHA counsel and Executive Directors concerning such recommendations. As appropriate, prepares a memorandum for the Assistant General Counsel which sets forth the applicable facts; analyzes the relevant legal issues,

discussing appropriate statutes, regulations and case law and the arguments supporting settlement; and approves settlement for concurrence by the Director of Public Housing and the Regional Administrator. Settlement of such litigation may involve the expenditure of up to \$200,000 in federal funds.

10. Provides legal support and assistance with respect to requests for approval of testimony or document production by HUD employees under subpoena.

11. Provides litigation support to staff attorneys in obtaining answers to interrogatories and responses to requests for production for lawsuits in which HUD is a party. Also, as requested, collects, analyzes and evaluates factual evidence.

12. Assists in legal processing of tax abatement claims.

13. Receives, analyzes and recommends action on employee tort claims.

14. Determines HUD's interest in foreclosures and coordinates foreclosure commissioner and related activities in connection with the Multifamily Foreclosure Act. Establishes with foreclosure commissioner a foreclosure sale date. Prepares and files proofs of claims and prepares memoranda concerning HUD's interests in foreclosures and bankruptcies. Ensures that commercial advertisement and legal notices both contain bid amount and that there is no conflicting information in the two advertisements. In the event the property to be foreclosed is encumbered by an IRS tax lien, determines from the local IRS office procedure to be followed by HUD to obtain a waiver or release of the lien and takes whatever steps are required by the IRS.

15. Is responsible for analysis of all legal documents received as part of complaints, affidavits, depositions, motions and any other legal documents submitted by local public agencies, local housing authorities, other public entities, private attorneys, state and municipal corporations and governments and individuals relative to all threatened or active litigation cases involving all programs administered by the Department for which this Region has jurisdiction.

Is responsible for entering into computer a docket of all pending litigation and for entering upon the docket a summary record of each significant event until the matter has been finally disposed of. The docket contains such information as the court and case number, constitutional provisions, statutes and regulations involved; program or project involved; a brief summary of the nature of the action and a brief summary of each document filed and hearing held. Researches computer dockets of other Regions and of the Office of General Counsel to locate litigation containing related issues. Working from litigation records prepares, classifies, indexes and cross-indexes the Docket Record recording such information as court and case docket number, program or project involved, effect, if any, on project operations, a brief summary of the nature of the action, and the current status of official legal and court documents received on all such cases. Maintains the computerized docket record on a daily basis to assure complete, accurate and up-to-date status on all cases.

16. The incumbent provides assistance and direction to the professional and secretarial staff in the use and application of computer technology to their particular functions, including research, systems formulation, input techniques and retrieval procedures. The incumbent acts as the liaison between the staff and the computer resource person in the Office and in Headquarters. The incumbent also deals with suppliers' technical representatives as required on all phases of computer operations.

17. Performs other duties as assigned.

### Factor 1 - Knowledge Required by the Position

Program knowledge appropriate to the various areas of assignment and the skills necessary to perform legal research and assistance as directed.

Knowledge of the legal requirements for affirmative litigation to collect Title I loans, including the applicable laws, regulations, rules and procedures.

Knowledge of HUD requirements pertaining to employee participation in and attendance at workshops and conferences and approvals of subpoenas for testimony and document production by HUD employees.

Knowledge of the requirements of the Freedom of Information Act (FOIA), Privacy Act, applicable agency regulations and Handbooks, and significant judicial decisions supporting the use of the various FOIA exemptions, to assure that requested information is lawfully released or withheld.

Working knowledge of all phases of assisted housing and the development and management of low rent public housing as well as the requirements of the HUD Litigation Handbook in order to carry out responsibilities relating to the monitoring of PHA litigation.

Knowledge of litigation procedure and the ability to analyze pleadings, briefs and legal memorandums.

Knowledge of and ability to work with computer systems, particularly Westlaw.

### FACTOR 2 - Supervisory Controls

Work is under the general supervision and administrative control of the Associate Assistant General Counsel who delineates areas of responsibility, may outline possible approaches, and is generally available for assistance on unprecedented problems.

The incumbent must independently plan and carry out assignments, resolve problems, conduct legal research as needed, analyze and select appropriate evidence from documents that are provided or that he or she obtains, and draft memoranda, letters, recommendations, litigation documents or any other documents that may be assigned. The incumbent performs these assignments in accordance with previous training and applicable Agency policies, precedents, directives and practices. The incumbent must be able to recognize problems which may be of a precedent-setting nature or cause unfavorable public reaction requiring referral to a higher level for guidance.

Supervisory review is for soundness of decisions and conclusions and effectiveness in meeting program requirements rather than an examination of the methods used to produce the work. Work is presumed to be accurate with respect to legal citations, substantiating evidence and facts.

### Factor 3 - Guidelines

Incumbent makes decisions based upon application of the various HUD housing laws, the Federal Freedom of Information and Privacy Acts, applicable federal regulations, policies, and procedures, State laws in the Region, and agency directives and issuances. She/he also applies precedential decisions rendered by the HUD General Counsel and courts of law requiring mature judgment. Guidance is also based on the HUD Litigation Handbook, the Title I Collection Handbook, Westlaw Instructional Manual, Assistant General Counsel precedential opinions, etc.

The incumbent must use sound judgment in selecting the appropriate laws, regulations, handbooks or other guidance to accomplish the assignments. Guidelines and precedents are generally available but often require interpretation and adaptation to arrive at a satisfactory conclusion. She/he must be able to utilize guidelines from numerous sources including Federal laws, regulations and cases, as well as State and local laws and ordinances, as appropriate.

### Factor 4 -Complexity

Work involves varied activities associated with the development of appropriate and defensible legal bases, supporting evidence, and other information used to determine release or denial under FOIA of agency documents and to provide support for approval of proposed PHA litigation settlements.

In performing legal research assignments, determines the legal, policy and administrative issues involved and the nature of the analysis and legal research required to come to a successful conclusion and to support recommendations.

The incumbent must analyze conflicting and contested statements of fact or law in problems arising from litigation or other contexts; must determine when additional evidence is required; and must at times develop new approaches consistent with statutes administered by the agency as well as agency policy, regulations, practices. Creativity and ingenuity are required in resolving and justifying contested issues, in gaining support for decisions, and in ensuring that paralegal activities are responsive to agency needs.

### Factor 5 - Scope and Effect

The scope of incumbent's work involves a variety of distinct HUD program areas. One effect of these functions is to contribute in a substantial way to accomplish the Agency objectives of debt collection and preventing fraud, waste and program abuse.

Another impact is to resolve numerous requests for agency documents and other information in an efficient and legally supportable manner.

The incumbent's work supports and facilitates the work of the Assistant General Counsel and staff attorneys and his/her decisions, evaluations and examinations contribute materially to the formulation of the agency's legal position and the perfection of internal legal process.

#### Factor 6 - Personal Contacts

Incumbent works on a day-to-day basis with professional persons both in and outside the Agency involved in law, finance, development and management. These include HUD program staff and supervisors, HUD attorneys, Department of Justice attorneys, PHA counsel and management PHA staff, Municipal officials and members of the private bar.

#### Factor 7 - Purpose of Contacts

Contacts are to obtain and supply information on required assignments or to make decisions; to advise on progress achieved in securing supportive documents or information; and to provide advice on Federal statutes, agency regulations and policy directives of the Department. The specialist must at times persuade other regional or higher level personnel who have different opinions to adopt a revised position while displaying tact and diplomacy.

#### Factor 8 - Physical Demands

Incumbent must maintain a high level of energy throughout the day as work is taxing. Otherwise, no special physical abilities are needed.

#### Factor 9 - Work Environment

Work environment is an office setting. Access to files and availability of walk-in clientele are important. Infrequent travel is required.



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Introduction subsection:

Incumbent performs legal research and technical duties under the guidance of an attorney with respect to HUD litigation matters, relevant legislation, regulations and precedents. Research and analysis topics may include litigation; Freedom of Information Act; Privacy Act; Ethics; appeals and legal fees; pleadings; legal summaries and reports; labor-management issues; personnel law, fair housing, and other substantive HUD litigation areas.

Add to the Duties subsection:

Labor and Personnel Litigation

With [substantial/moderate/minimal] direction from an attorney, Incumbent provides support for all phases of personnel and labor related litigation, including matters before the FLRA, EEOC, MSPB, and arbitrations. As requested, Incumbent engages in projects involving exhibits for use at administrative hearings and arbitrations, responses to data requests, discovery responses, litigation needs and monitoring, including, but not limited to, gathering and organizing documents, drafting privilege logs, reviewing and redacting documents, drafting correspondence and creating indices. Incumbent shall create and maintain master files for all personnel and labor related litigation, including but not limited to, maintaining management files on draft/proposed and/or finalized notices to the Union. Incumbent is responsible for securely maintaining and updating master files with all pleadings and relevant correspondences, including attorney-client privileged communications and work product concerning attorney recommendations with regard to settlement and labor-management issues. Incumbent is responsible for intake and tracking of all legal documents received as part of complaints, affidavits, depositions, motions and any other legal documents submitted to HUD in the course of personnel or labor litigation. The incumbent also provides substantial support to attorneys by utilizing the Department's various eDiscovery tools to consistently ensure that the Department is meeting its legal obligation to preserve electronic and other data when personnel or labor litigation is reasonably anticipated. Incumbent creates attorney working files upon request.