

ATTORNEY-ADVISOR GS-905-14
FEDERAL TORT CLAIMS CENTER

COPY

INTRODUCTION

This position is located in the Federal Tort Claims Center, a division of the Legal Service Center which is responsible for providing legal advice and counsel for all programs and activities located within the geographic jurisdictions covered by the Legal Service Center. The incumbent has primary responsibility for all federal tort claims filed against the Department and may have additional responsibilities within the Legal Service Center.

DUTIES

Provides legal advice and assistance with regard to all claims filed with any HUD office, pursuant to the Federal Tort Claims Act, including reviewing each claim, analyzing the facts with input from appropriate program personnel, considering legal and policy implications, and making initial determinations and recommendations, including preparation of denials of claims or settlement documents, where necessary. In those cases in which the claim is subsequently raised in a lawsuit against the Department, the incumbent assists the Department of Justice and Offices of the United States Attorney, as requested, in federal court hearings.

Frequently provides advice to key staff and officials throughout the country, including Secretary's Representatives, State/Area Coordinators, and program office directors. Headquarters contacts may include program directors and Special Assistants to Assistant Secretaries. Issues may involve highly complex, sensitive, significant, or policy-making matters.

As required by the Assistant General Counsel, provides legal advice and assistance in other program areas within the jurisdiction of the Legal Service Center, including the Office of Housing, Single Family Homeownership Center (where applicable), Office of Fair Housing and Equal Opportunity, Office of Public and Indian Housing, Office of Community Planning and Development, and Office of Administration.

Responsible for evaluating fact situations and issues and, utilizing this information in conjunction with the analysis of changing organizational and regulatory environments, and developing new or altered theories of adjudication.

Performs duties, special assignments and studies in any given area as directed by the Assistant Regional Counsel.

KNOWLEDGE REQUIRED BY POSITION

Full professional competence as an attorney, with admission to the Bar, and with specialized knowledge of real estate, fair housing law, contracts, constitutional law, Federal practice and procedure, administrative law, and legal composition.

Knowledge of the Federal Register and Title 24 of the Code of Federal Regulations.

Knowledge of all aspects of Federal statutory and case law, Executive Orders, rules, regulations, and policies that pertain to tort claims procedures and activities.

Ability to use the law library, the HUD issuance system, and the computers for legal research and preparing drafts of legal documents.

Ability to communicate effectively orally and in writing particularly in dealing with HUD constituents and other third parties.

Familiarity with all federal, state and local agencies and authorities whose activities are related to tort claims.

SUPERVISORY CONTROLS

The incumbent is administratively responsible to the Assistant General Counsel for the Legal Service Center. Works independently to carry out the broadly defined areas of responsibility designated by the Assistant General Counsel which may include conducting investigations or negotiations, planning the approach, and developing the completed decision, report, brief, opinion, contract or other product. In the performance of all duties, the incumbent analyzes and executes assignments with considerable independence, little or no preliminary instruction, and minimum oversight. Consistently exercises independent discretion in the formulation of responses and renders advice and recommendations.

The work results are deemed technically authoritative, and, if reviewed at all, are reviewed for the effect of the advice on the overall program and are generally accepted without significant change. The incumbent typically confers with top administrative personnel on important legal and policy questions.

GUIDELINES

Guides include governing legislation, Federal, and Departmental regulations and instructions, State and local laws, regulations, and precedents, and other standard legal reference material. The position requires mature professional judgment and a high degree of sensitivity, initiative, and ability to communicate effectively with others in an advisory or adversarial capacity. Frequently, however, no guidelines exist or the guidelines are not clear. In such instances and with authorization from the Assistant

General Counsel, the incumbent independently formulates, determines, or effectively influences the Department's policies and actions.

The incumbent is frequently recognized as a technical authority in the development and interpretation of guidelines regarding area of expertise. Identifies, analyzes, and exercises sound judgment concerning difficult and complicated issues in highly specialized fields of law and to understand and delineate the new and changing interrelationships of the various programs. The position must utilize a high order of original and creative legal analysis and leadership to balance conflicting demands.

COMPLEXITY

The tort claims matters on which the incumbent works involve extremely complex and difficult legal or policy questions or factual issues for which no clear precedent exists. The incumbent must extensively probe and research to define the problem and craft a strategy or policy to guide decisionmakers and legal staff in resolving the problem. Resolution of these matters requires the incumbent to extensively research, analyze, investigate or evaluate expert testimony or information in controversial or highly technical areas, including environmental science, statistics, finance, construction and engineering. When solving such problems, the incumbent must engage in a high level of original and creative thought to balance conflicting interests.

SCOPE AND EFFECT

The work is essential to providing a sound legal basis for HUD activities in the area within assigned jurisdiction. Through the rendering of precedent-setting decisions affecting Office of General Counsel and Departmental policies and procedures, the work has a major impact on the tort claims activities of the Department. It may also have the effect of broadening or restricting the Department's activities or have an important impact on the real estate industry or other major industries whose economic position affects the health and stability of the general economy. The program legal work usually involves problems of unusual delicacy.

PERSONAL CONTACTS

Contacts ordinarily include the Secretary's Representative, Field Office managers, program and administrative directors, top Field Office Inspector General staff; United States Attorneys; federal court and administrative law judges; city and county attorneys; private counsel who are considered to be experts in the area of tort claims; and employees. HUD headquarters contacts include Deputy General Counsel, Associate and Assistant General Counsel, directors of program and administrative divisions, Deputy Assistant Secretaries and Special Assistants to Assistant Secretaries. The incumbent communicates directly with such officials and attends inter- and intra-agency conferences and meetings as HUD's legal representative.