STATE OF UTAH invites applications for the position of:
LEGISLATIVE GENERAL COUNSEL

PHYSICAL ADDRESS: Utah Legislature
Office of Legislative Research and General Counsel
210 House Building
State Capitol Complex
Salt Lake City, UT 84114

OPENING DATE: Monday, July 19, 2022
CLOSING DATE: Friday, August 12, 2022, 5:00 pm

Job Description:

As part of the Office of Legislative Research and General Counsel, the General Counsel for the Utah Legislature is the lead attorney providing nonpartisan legal representation to the Legislative branch of Utah State Government.¹

To perform these responsibilities, the general counsel leads and manages a legal staff composed of approximately 23 attorneys, two legal research assistants, and two law clerks. The general counsel also supervises the Bill and Data Management employees of the Office of Legislative Research and General Counsel, who administer and update the official Utah Code database and process draft and numbered bills and resolutions, and amendments and substitutes to those bills and resolutions.

A candidate for the position should possess demonstrated leadership and management skills and the ability to work closely and effectively with the director of the Office of Legislative Research and General Counsel. The candidate should possess the temperament and personality to function effectively in a high pressure, fast-paced political environment. A candidate must be able to maintain neutrality and objectivity, regardless of the candidate’s personal beliefs: specifically, the candidate must be able to work successfully with legislators with different party affiliations, opinions, and philosophies, and be able to assist legislators in preparing legislation that promotes different policy positions. Additionally, the candidate must be able to work with legislative attorneys and other legislative staff with varying levels of experience and legal knowledge.

The Legislative General Counsel is initially appointed by the Legislative Management Committee, with the entire Legislature confirming that appointment via a Joint Resolution passed by a majority in both the Utah Senate and Utah House of Representative. The Joint Resolution appoints the Legislative General Counsel to a six-year term, subject to renewal. The Legislative General Counsel reports to the Legislative
Management Committee, its chairs, and the Utah Legislature. A person appointed to be Legislative General Counsel must be a lawyer licensed to practice law in Utah at the time of appointment.

**Job Duties:**

Generally, the legislature’s general counsel performs, or is responsible for performing, six core functions:

- **Defender/Advocate:** The general counsel identifies and works to preserve and strengthen the powers and responsibilities of the Legislature and the legislative branch within Utah’s separation of powers framework. The general counsel monitors governor’s executive orders and declarations of states of emergency, executive agency rules and policies, and judicial rules and policies and advises the Legislature about separation of powers or other issues raised by them.

- **Counselor:** The general counsel directly counsels and advises majority and minority leadership, individual legislators, and other personnel within the legislative branch about legal issues and their implications. This counsel may be shared informally in private meetings or formally through staffing or presenting to legislative committees and task forces. This advice and analysis could include statutory interpretation and analysis, interpretation and analysis of United States and Utah constitutional provisions, and general legal advice and analysis based upon concrete or hypothetical fact scenarios.

- **Leader/Manager:** The general counsel manages, coaches, trains, and advises attorneys and other legal staff employed to assist the general counsel in performing legal duties for the legislature. The general counsel is specifically focused on ensuring legislation is prepared accurately and efficiently for consideration by the Legislature in annual general sessions, special sessions, and in standing and interim committees and task forces. The general counsel establishes and promotes a legal and office culture based upon professional behavior, mutual respect, communication, and mutual collaboration and cooperation. The general counsel promotes and enforces nonpartisanship, professionalism, fairness, and objectivity in working with legislators, lobbyists, federal, state, and local agencies, and citizens/constituents.

- **Compliance Reviewer:** The general counsel advises leadership and staff directors about federal and state laws, regulations, and rules with which the legislative branch should comply. Examples include compliance with state and federal Anti-Discrimination requirements; the Americans with Disabilities Act; Utah’s Government Records Access and Management requirements; Utah’s Procurement requirements; Legislative Rules; and other legal requirements imposed by state or federal law.

- **Cooperator/Collaborator:** The general counsel works closely with the director of the Office of Legislative Research and General Counsel to establish a vision and values for the Office and to ensure that the Office functions as a seamless unit. Because of their shared, competing, and sometimes overlapping responsibilities, the general counsel must forge an effective working relationship with the director. The general counsel also must cooperate and collaborate with the Senate and House chiefs of staff, other partisan staff, and other legislative office directors and staff.
• **Litigator:** The general counsel oversees and may participate in drafting briefs and presenting oral arguments to courts and other tribunals when the Legislature or a staff office is involved as a party to litigation or as an amicus. The general counsel may also oversee the representation of individual legislators or legislative staff subpoenaed to testify or provide records in federal or state court cases. The general counsel monitors state and federal court decisions that could affect the Legislature or statutes enacted by the Legislature. The general counsel communicates information about those decisions to leadership and other members of the Legislature.

**Required Qualifications:**

- Juris Doctor degree from an accredited law school
- Current member of the Utah State Bar in good standing
- General knowledge of the law, including key legal and jurisprudential principles
- Demonstrated experience in providing legal services in a governmental setting
- Leadership and management experience, including supervision of staff
- Ability to provide objective, neutral, nonpartisan, and in-depth analyses and conclusions
- Ability to work closely and effectively with stakeholders, peers, subordinates and superiors individually and in teams
- Possess the temperament and personality to function effectively in a high pressure, fast-paced political environment
- Exceptional attention to detail
- Exceptional written and verbal communication skills that are clear and concise
- Professional temperament and behavior
- A clear understanding of the legislative branch and its formal legislative process
- Must be able to work extended hours during the legislative session, on interim days, and as needed throughout the year
- Must be non-partisan

**Preferred Qualifications:**

- Legal experience in a legislative environment, including working for elected officials
- General knowledge of key components of United States and Utah constitutional law

**Salary:** $104.74 per hour plus comprehensive medical, dental, leave and retirement benefits

**Application Instructions:** Submit a cover letter and resume to hr@le.utah.gov no later than 5:00 p.m. on Friday, August 12, 2022. Incomplete applications will not be considered. Only those applicants selected to interview will be contacted.
SUPPLEMENTAL INFORMATION:
An employee in this position is appointed to a six year term and can be reappointed under the same procedure as the original appointment. The six year term can be revoked if necessary.

The State of Utah is an equal opportunity employer. Hiring is done without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, age or disability. Reasonable accommodations provided to known disabilities of individuals in compliance with the Americans with Disabilities Act. For accommodation information or if you need special accommodations to complete the application process, contact Chris Peterson at 801-326-1596.

Veteran's Preference (Utah Code Ann. 71-10-1, et. Seq.) An applicant claiming veteran's preference must do so in the body of the cover letter by providing sufficient information to identify the type of veteran's preference requested. Additionally, a copy of the applicant's DD-214 must be attached to the resume. If a disabled preference is claimed, a copy of the applicant's letter form the VA stating the disability percentage granted must also be attached.

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1 Article VI, Section 32 (2) provides: “The Legislature may appoint legal counsel which shall provide and control all legal services for the Legislature unless otherwise provided by statute.” Section 36-12-12(2)(e) and (f) of the Utah Code provides more precise direction about the scope of the general counsel’s responsibilities: “exercise under the direction of the general counsel the constitutional authority provided in Article VI, Sec. 32, Utah Constitution, in serving as legal counsel to the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff” and “to represent the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals” and “to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and give advice and counsel regarding them to the Legislature, majority and minority leadership of the House or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff.” Other portions of Section 36-12-12 further elaborate on these responsibilities.