



## Job Description

Job Title: Assistant Counsel – Real Estate  
Division: Division of Chief Counsel, Office of Corporate Governance and Legal Affairs  
Reports To: Chief Counsel  
Grade Level: H18  
FLSA Status: Exempt   
Employment Status: Full Time

## Job Summary

Assist Chief Counsel and Deputy Chief Counsel in the management of legal issues involving real estate-related legal matters. Provide advice and counsel to NJSDA employees, including senior and executive management, regarding project-specific, program-wide administrative and regulatory matters and other legal issues. Effectively manage outside counsel to achieve positive outcomes and minimize the NJSDA's litigation risk. Address day-to-day NJSDA legal issues and inquiries from external parties. Residency in New Jersey is a requirement for consideration for this position in accordance with the New Jersey First Act.

## Essential Duties and Responsibilities

1. Provide legal advice on real estate related legal issues.
2. Manage legal functions relating to the acquisition of real property under New Jersey Eminent Domain Act (N.J.S.A. 20:3-1 et seq.) for school facility projects in furtherance of the New Jersey Educational Facilities Construction and Financing Act (N.J.S.A. 18A:7G-1 et seq.), including negotiated land purchases arising therefrom.
3. Prepare/review contracts for purchase and all documents relating to closing of title, review reports of title and provide advice concerning the means of resolving title issues.
4. Coordinate and represent the NJSDA at real estate title closings.
5. Supervise outside counsel retained to perform condemnation proceedings in New Jersey Superior Court in accordance with the New Jersey Eminent Domain Act, coordinate litigation with outside counsel on assigned relocation, condemnation and environmental matters.
6. Facilitate solutions to legal issues involving real estate-related matters, including real property acquisition, disposition, management, relocation, temporary use, leases, swing space and easements through coordination of and among NJSDA staff, outside legal counsel and/or the Division of Law in the office of the Attorney General and other parties.
7. Coordinate with internal NJSDA staff responsible for construction, real property management and financial functions in support of outside counsel engaged on condemnation, property acquisition and disposition, relocation, title, litigation, environmental compliance, environmental cost recovery and other real estate-related matters.
8. Assist Property Management Division with respect to managing swing space leases, drafting occupancy agreements for the temporary use of NJSDA-owned real estate, and assistance with general property management and maintenance issues as necessary.
9. Assist Program Operations Teams in resolving property issues encountered in connection with school construction projects, including matters relating to encroachments, utility easements and connections, street vacations, green acres restrictions and compliance with NJ Department of Environmental Protection institutional control requirements.

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10. Assist NJSDA management in the negotiation, drafting and analysis of documents related to the leasing of NJSDA administrative office space.
11. Negotiate draft and analyze contracts and other documents, assuring legal compliance as required.
12. Evaluate and advise senior management concerning potential or actual claims by NJSDA, and advise NJSDA concerning claims asserted against it.
13. Draft legal memoranda and memoranda to the NJSDA Board.
14. Keep current on legislative issues, statutes, decisions and ordinances affecting or of interest to NJSDA.
15. As needed and assigned:
  - a. Support the Division of Procurement by providing counsel and advice with respect to procurement matters and adherence to public bidding laws and regulations and by drafting procurement-related documents, including correspondence, requests for qualifications, requests for proposals and contract documents.
  - b. Provide legal guidance with respect to Open Public Records Act (OPRA) requests.
  - c. Negotiate, draft and implement contracts and other documents, and supervise and manage drafting functions when performed by outside counsel.
  - d. Provide legal guidance and support to the Division of Risk Management and Vendor Services in connection with insurance and suretyship-related issues, vendor prequalification, facilitation of administrative proceedings challenging debarment and denial of contractor prequalification determinations, and coordination with the Division of Law, the State Police and other agencies.
  - e. Provide legal advice and legal review services with respect to Section 15, Section 13A and other grants.
  - f. Provide advice and counsel to senior management and generate solutions to legal and management issues both internally and externally.
  - g. Assist with cost recovery functions, including: identification of cost recovery opportunities; systematic collection of relevant documentation; meetings and communications with and collection of information from NJSDA staff and external parties; utilization of internal and external specialists; prioritization of projects; development of cost recovery strategies; coordination of technical assessments; performance of legal research; preparation of written determinations not to pursue and of written recommendations to advance cost recovery opportunities; assignment to and oversight of outside litigation counsel and expert consultants; coordination of discovery, including document production; drafting of legal documents; mediation and litigation management; and settlement negotiations.
  - h. Assist with a contract claims review process that includes: receipt, acknowledgement and triage of claims; maintenance of a system to track claims and the progress of claims review; seeking of supplemental information and documentation from the claimant; collection of relevant documentation; meetings and communications with and collection of information from NJSDA staff and external parties; utilization of internal and external consultants; establishment and monitoring of a claims reserve; referral of claims review to and management of outside counsel, professional experts and/or outside claims consultants; coordination of discovery, including document production; oversight of the claims negotiation and mediation process; drafting of claims responses; preparation of written recommendations for settlement, Board memoranda and settlement agreements; and reporting to the Board on claims settlements.

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### **Required Skills and Abilities**

1. Well versed in all aspects of legal issues pertaining to the voluntary real estate acquisition process including, title issues, New Jersey closing practices, settlement preparation, contract negotiations, and drafting of closing documentation.
2. Well versed in all aspects of legal issues pertaining to the acquisition of real property interests through the condemnation process of the Eminent Domain Act of 1971.
3. Thorough understanding of real estate practice and the contractual relationships that exist between parties to real estate purchase and sale contract and the obligations of each.
4. Excellent oral and written communication skills.
5. Excellent research, organizational and analytical skills.
6. Ability to organize and compose arguments to persuade and influence others.

### **Required Education and Experience**

1. Juris Doctor Degree required. Minimum of five (5) years legal experience required.
2. Thorough knowledge of the Eminent Domain Act and condemnation practice in New Jersey and its case law required, trial experience preferred.
3. Knowledge of New Jersey Relocation Act (N.J.S.A. 20:4-1 et seq.), Relocation Assistance Law (N.J.S.A. 52:31B-1 et seq.) and Regulations for Provision of Relocation Assistance (N.J.A.C. 5:11-1 et seq.).
4. Extensive experience in negotiating contracts of purchase and sale as well as familiarity with commercial real estate leases and leasing issues.
5. Knowledge of the Brownfields and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 et seq. and brownfields redevelopment projects.
6. Litigation and ADR experience preferred.
7. Familiarity with environmental law preferred, including New Jersey Spill Compensation and Control Act (N.J.S.A. 58:10-23.11 et seq.); the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986 and experience with environmental litigation including cost recovery legal proceedings.

### **Physical Demands**

Minimal

### **Certificates and Licenses Required**

Licensed to practice law in the State of New Jersey

Valid drivers' license