

**UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION**

ADMINISTRATIVE STAFF ATTORNEY – SUPREME COURT

CLASS CODE: 99-71-26

POSITION PURPOSE

Provides extensive legal research, analysis, and advice to the Supreme Court and Supreme Court Clerk on matters arising before them regarding various procedural contexts including administrative matters, motions, original proceedings, proceedings for special relief, and appeals.

DISTINGUISHING FEATURE

This position identifies and analyzes legal issues and selects and applies pertinent legal authorities and standards to the issues; determines resolutions by applying principles of law to achieve appropriate dispositions; and communicates recommended resolutions both verbally and in writing to the Supreme Court Justices and Supreme Court Clerk.

MAJOR RESPONSIBILITIES

Note: The duties listed are typical examples of work performed by positions in this job classification. Not all duties are included, nor is the list exclusive.

1. Provides assistance to the Chief Justice, Justices, and Supreme Court Clerk by providing legal research and analysis regarding legal matters.
 - a. Performs research related to conference agenda items identified by the Court as needing more detailed information.
 - b. Assists the Supreme Court Clerk office with unusual legal issues in actions before the Supreme Court by providing legal advice through research and recommendations to the Court as to proper courses of action and drafting orders.
 - c. Drafts amendments to existing rules or new rules, and reviews proposed rules from outside individuals and entities as requested by the Court.
2. Reviews documents, identifies legal issues presented, consults with the Supreme Court Clerk on the manner of proceedings, may prepare memoranda and recommendations for action by the Court, and determines appropriate procedures when documents are procedurally inappropriate or unclear as to grounds or authority for relief.
3. Reviews petitions to the Supreme Court for certificates of probable cause in habeas corpus actions and recommends their grant or denial to the Court.
4. Drafts research memoranda and court opinions in expedited appeals and in original and special proceedings on issues which may affect the state as a whole or in disputes drawing particular public opinion.
5. May assist the Supreme Court with special projects involving legal research and analysis.

6. Performs other work as assigned.

SUPERVISORY FUNCTIONS

This position does not have supervisory authority.

ESSENTIAL FUNCTIONS REQUIRE

This position requires ordinary functions of a typical working day, sitting, standing, and walking; attendance in accordance with rules and policies; proficiency in the use of office equipment such as computers, telephones, copiers, etc.; and in-state travel for trainings and meetings. This position also requires working effectively with coworkers; managing stress appropriately; meeting deadlines; demonstrating initiative and motivation; identifying and analyzing legal issues; and communicating (verbally and in writing) complex ideas, concepts, dispositions, rules, policies, and procedures.

PROBLEMS AND CHALLENGES

Challenges include researching and solving a wide variety of legal questions for the Supreme Court and Supreme Court Clerk, frequently under expedited circumstances and accelerated schedules. This is challenging because the incumbent must apply pertinent laws to particular questions, arrive at an appropriate recommendation, and prepare any necessary memoranda and documents for the Court’s action and disposition. Further challenged to draft decisions made by the Supreme Court, providing rationale for the Court’s decision and incorporating and coordinating material and input from all five Justices on the Court.

Problems encountered include performing multiple tasks in a short period of time; performing tasks in the absence of settled precedent, predetermined written policy, or procedural guidelines, and independently with limited direction.

DECISION-MAKING AUTHORITY

Decisions include priority of numerous work tasks within prescribed deadlines; determination of the merits of legal positions; whether legal research is relevant and complete; recommendations for resolutions of procedural issues; composition of memoranda; and composition of proposed opinions.

Decisions referred include final disposition of legal opinions and motions.

CONTACT WITH OTHERS and PURPOSE

Daily contact with the Supreme Court Justices, Supreme Court Clerk, and coworkers to provide information and answer legal questions.

WORKING CONDITIONS

The incumbent works in a typical office environment.

COMPETENCIES/QUALIFICATIONS FOR APPOINTMENT

Knowledge, Skills and Abilities:

Knowledge of:

- the law and South Dakota law;
- functions of the Court;
- court and judicial systems;
- appellate rules of practice and procedure.

Skill in:

- use of the law library and other legal research resources and software;
- use of computer resources;
- legal writing, editing, and proofreading.

Ability to:

- interpret and apply legal principles to appellate jurisdictional and substantive legal issues;
- conduct necessary legal research;
- review facts and legal issues in appellate cases each month and recommend the necessity of oral argument or disposition through written briefs and record;
- identify related or common legal issues in a set of cases;
- formulate and draft legal memoranda in a clear, concise, and coherent manner;
- present and communicate complex topics effectively in oral consultations with supervisory and decision-making authorities;
- analyze rule proposals and draft amendments and rules.

Education:

Graduation from an accredited law school and membership in the State Bar of South Dakota (or successful completion of the first South Dakota bar examination following employment with the Supreme Court).

Experience:

Experience is not necessary but is highly preferred.