

**UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION**

STAFF ATTORNEY – SUPREME COURT

CLASS CODE: 99-71-22

POSITION PURPOSE

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

DISTINGUISHING FEATURE

This position organizes documentation into complete records for review by the Justices and Supreme Court; identifies and analyzes legal issues and then selects and applies pertinent legal authorities and standards to the issues; determines resolutions by applying principles of law to achieve appropriate disciplines; and communicates recommended resolutions both verbally and in writing.

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. Screens appeals for jurisdictional error to ensure timeliness of appeals and that the Supreme Court has jurisdiction over appeals.
 - a. Reviews case files, orders or judgments from which appealed, and notices of appeal.
 - b. Conducts further research if issues are raised during screening that may affect orders or judgments.
 - c. Drafts memoranda to the Court recommending issuance of show cause orders to the parties as to why appeals should not be dismissed if research continues to raise questions over validity of appeals.
 - d. Reviews responses to show cause orders, and prepares follow-up memoranda to the Court recommending dispositions of issues if necessary.

2. Reviews pro se submissions to determine appropriate procedures when documents are procedurally inappropriate or unclear as to grounds or authority for relief.
 - a. Reviews documents, identifies legitimate legal issues presented, consults with the Supreme Court Clerk on the manner of proceeding, and may prepare memoranda and recommendations for action by the Court.
 - b. Reviews litigants' patterns of litigation and, when applicable, prepares memoranda and proposed orders for sanctions by the Court.
 - c. Monitors litigants' future submissions and recommends additional sanctions if necessary.

STAFF ATTORNEY – SUPREME COURT

3. Provides assistance to the Chief Justice, Justices, Circuit Judges, and Court Clerks by providing legal research and analysis regarding legal matters.
 - a. Assists clerks 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.
 - b. Performs research related to conference agenda items identified by the Court as needing more detailed information.
 - c. Assists Circuit Judges sitting on Supreme Court cases.
 - d. Reviews final opinions.
 - e. Assists in proctoring the bar examination.
 - f. Prepares and proofreads synopses for traveling Court terms.
 - g. Drafts amendments to existing rules or new rules, and reviews proposed rules from outside individuals and entities as requested by the Court.
4. Reviews petitions to the Supreme Court for certificates of probable cause in habeas corpus actions and recommends their grant or denial to the Court.
5. Reviews briefs in cases ready for the Supreme Court's consideration and divides cases into oral, non-oral, and per curiam categories; and proposes a calendar to the Court for the following month.
6. Drafts research memoranda and court opinions in death penalty cases, per curiam cases, pro se cases, and abuse and neglect cases to ensure application of pertinent legal authorities and standards to cases involved.
 - a. Reviews briefs, reads records, and drafts pre-argument memoranda which include supervising Justices' recommended dispositions of cases.
 - b. Works with supervising Justices to prepare opinions for submission into conference and voting by the full Court.
 - c. Researches additional issues raised and makes required changes during the voting process.
 - d. Screens and processes "Korth briefs" to ensure they contain appropriate items, and prepares orders for the Chief Justice's signature to direct counsel to file amended briefs correcting noted deficiencies.
 - e. Drafts dissents and writes majority opinions as requested by supervising Justices.
7. 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.
8. 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

STAFF ATTORNEY – SUPREME COURT

such as computers, telephones, copiers, etc.; and in-state travel for 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, 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 the Court has jurisdiction in a particular case; whether legal research is relevant and complete; placement of appeals on the oral, non-oral, or per curiam calendars; recommendations for sanctions on pro se litigants; recommendations for actions on appeals; recommendations for resolutions of procedural issues; composition of memoranda; and composition of proposed opinions.

Decisions referred include final disposition of motions and appeals; reassignment of cases to the oral, non-oral, or per curiam calendar; and approval of opinion.

CONTACT WITH OTHERS and PURPOSE

Daily contact with the Chief of Legal Research and coworkers to carry out the work of the unit; occasional contact with Supreme Court Justices to discuss actions on motions, per curiam cases, and research requests; with Justices' law clerks for consultation; and with circuit court Judges and their clerks, and attorneys 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;

STAFF ATTORNEY – SUPREME COURT

- 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.