UNIFIED JUDICIAL SYSTEM
POSITION DESCRIPTION

CIRCUIT COURT LAW CLERK

CLASS CODE: 99-81-10

POSITION PURPOSE

Performs professional legal work by conducting legal research, communicating with Judges regarding relevant points of law pertaining to legal issues before the court, and drafting legal documents and decisions to assist Judges of the Unified Judicial System (UJS).

DISTINGUISHING FEATURE

The incumbent researches legal issues and cases before the circuit court; writes memoranda for Judges concerning cases before the circuit court; and prepares drafts of decisions on cases and motions. The incumbent compiles references on laws and decisions necessary for legal determinations. The incumbent assists in research and preparation of jury instructions.

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. Performs legal work on pending cases and motions filed before courts in a circuit by providing pertinent research and documentation to assist Judges with case preparation.
   a. Travels to and confers with Judges in a circuit.
   b. Reads and reviews briefs, prepares summaries of facts and law, and confers with Judges on pending cases and motions filed.
   c. Researches points of law and drafts memoranda to Judges on pending cases.
   d. Attends, observes, and takes notes at court proceedings heard by Judges.
   e. Sits in with Judges on trials from start to finish, and assists throughout.
   f. Researches legal authorities and prepares recommended opinions or decisions, within legal timeframes, for Judges' review.

2. Assists with implementation of court processes and maintenance of systems and documentation.
   a. Drafts jury instructions to provide juries with applicable laws, operating rules, and pertinent information.
   b. Maintains filing systems for briefs and decisions arising from cases heard by Judges.
   c. Updates files and maintains legal material for law libraries to keep accurate and up-to-date records and facilitate easy retrieval of materials.
   d. Maintains SDCL updates and jury instructions in codified law books.
   e. Conducts legal research for Circuit Court Administrators.

3. Performs other work as assigned.

SUPERVISORY FUNCTIONS

This position does not supervise.

ESSENTIAL FUNCTIONS REQUIRE

This position requires ordinary functions of a typical working day, sitting, standing, walking, driving; attendance in accordance with rules and policies; in-state travel to courts within circuits; proficiency in the use of office equipment such as computers, telephones, copiers, etc.; understanding complex legal ideas; reasoning to interpret legal issues and determine pertinent laws to access and develop resolutions; observing trials and hearings and composing facts and proposing applicable case laws; succinctly defending or explaining the history of a case or the relevant law; organizational skills for maintaining legal materials and files in accordance with court guidelines; and drafting jury instructions.

PROBLEMS AND CHALLENGES

Challenges include discerning facts of cases and using proper sources of law to find legal authority pertaining to issues in question and then applying laws to facts to obtain resolution of legal questions. Further challenged to organize workloads and use time efficiently to meet deadlines.

DECISION-MAKING AUTHORITY

Decisions include determination of which sources of legal authority to use and which issues to address in recommendations, opinions, or decisions; and how to write recommendations, opinions, or decisions.

Decisions referred to Judges include final authorization on opinions and decisions and which case authority will be used in decision of opinion.

CONTACT WITH OTHERS AND PURPOSE

The incumbent has frequent contact with Judges to provide legal assistance; and with attorneys who are presenting cases before the circuit courts to answer procedural questions; and occasional contact with Court Reporters, Court Clerks, and court services personnel when questions arise; and with Justices of the Supreme Court in regard to appellate cases.

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;
- the court system;

- the functions of the circuit court;
- the legal and judicial system as a whole.

Ability to:

- conduct effective research and make informed recommendations and decisions;
- locate sources of legal information;
- compose legal documents;
- maintain confidentiality of any discussions or written communications with Judges involving assigned legal work;
- effectively prioritize workload;
- establish effective working relationships with a variety of people;
- communicate complex legal ideas and information effectively both orally and in writing.

Education:

Graduation from an accredited law school and possession of a Juris Doctorate.

Experience:

No experience is required.