

**UNIFIED JUDICIAL SYSTEM  
POSITION DESCRIPTION**

**STAFF ATTORNEY/CHIEF OF BAR EXAM**

**CLASS CODE: 99-71-26**

**POSITION PURPOSE**

Provides extensive legal research, analysis, and advice to the Supreme Court on matters arising before them and manages the bar exam process.

**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 manages and oversees the bar exam process in South Dakota.

**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. Manages and oversees the Bar Exam process for South Dakota to ensure adherence to both national and state requirements and the integrity of the bar exam process.
  - a. Serves as the ex officio secretary to the Board of Bar Examiners and advises the Board on rule changes and issues regarding testing and admissions; and researches and drafts rule changes on behalf of the Board.
  - b. Manages the electronic application process.
  - c. Reviews each bar application and identifies character and fitness questions.
  - d. Conducts character investigations on each bar applicant.
  - e. Makes initial determination regarding special accommodations for applicants sitting for the bar examinations.
  - f. Prepares memos to the Board regarding character issues, sends the files to the Board, and initiates a conference call with the Board to determine if a character hearing is required.
  - g. Schedules and attends board meetings and character and fitness hearings.
  - h. Maintains the Bar Examiner files and applications.
  - i. Locates, contracts, and trains bar proctors and monitors the bar examination.
  - j. Monitors conditional admissions approved by the Supreme Court.
  - k. Evaluates the bar examination process and recommends any changes to the Board for consideration.
  - l. Schedules and arranges all the logistics twice a year for the bar examinations.
2. 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

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- 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.
3. 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.
4. 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.
5. Reviews petitions to the Supreme Court for certificates of probable cause in habeas corpus actions and recommends their grant or denial to the Court.
6. 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.
7. 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

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- 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.
8. 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.
  9. 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.