

# 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 and Supreme Court Clerk on matters arising before them regarding various procedural contexts, including administrative matters, appeals, motions, original proceedings, and proceedings for special relief.

### DISTINGUISHING FEATURE

This position organizes documentation into complete records for review by the Justices; identifies and analyzes legal issues and then selects and applies pertinent legal authorities and standards to the issues; recommends resolutions by applying principles of law to achieve appropriate disciplines; and communicates recommended resolutions both verbally and in writing to 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 legal research for the Supreme Court in various procedural contexts and recommends disposition of legal issues and drafts memoranda and proposed decisions, orders, or rules on matters before the Court, including:
  - a. Reads and screens briefs for placement of appeals on oral, non-oral, or per curiam calendar.
  - b. Performs research and assistance related to conference agenda items identified by the Court as needing more detailed information.
  - c. Researching and writing memos recommending the disposition of motions.
  - d. Advises the Chief Justice, Justices, and Supreme Court Clerk on miscellaneous legal matters, including researching issues and drafting orders.
  - e. Screens appeals for jurisdictional defects and recommends dispositions.
  - f. Drafts and reviews Supreme Court rules, including new rules or amendments to existing rules, and reviews proposed rules from outside individuals and entities as requested by the Court.
  - g. Assists Supreme Court Justices in research requests by conducting legal research and the formation of legal opinions.
  - h. Reviews petitions to the Supreme Court for certificates of probable cause in habeas corpus actions and makes recommendations for their disposition to the Court.
  - i. Reviews pro se submissions to determine appropriate procedures when documents are procedurally inappropriate or unclear as to grounds or authority for relief.
  - j. Screens and processes “Korth briefs” to ensure they contain appropriate items, and preparing orders for the Chief Justice’s signature to direct counsel to file amended briefs

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- correcting noted deficiencies.
  - k. Reviews final opinions.
  - l. Prepares and proofreads synopses for traveling Court terms.
  - m. Assists Circuit Judges sitting on Supreme Court cases.
  - n. Assists in proctoring the bar examination and with other functions relating to the bar examination and bar admission.
2. Drafts research memoranda and court opinions in death penalty cases, complex appellate cases, attorney disciplinary cases, per curiam cases, pro se cases, abuse and neglect cases, and such other cases as directed by supervising Justices to ensure the application of pertinent legal authorities and standards to cases involved, including:
- a. Reviews briefs, reads records, and drafts pre-argument memoranda, which includes 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. Researching additional issues raised and makes required changes during the voting process.
  - e. Drafts opinions and special writings as requested by supervising Justices.
3. 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 staff attorney 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. Will be further challenged to draft decisions made by the Supreme Court, providing a rationale for the Court's decision, and incorporating and coordinating material and input from all five Justices.

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Problems encountered include performing multiple tasks quickly, performing tasks without settled precedent, predetermined written policy, or procedural guidelines, and working independently with limited direction.

### **DECISION-MAKING AUTHORITY**

Decisions include prioritizing 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 resolution 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; Supreme Court Justices to discuss actions on motions, per curiam cases, and research requests; and with Justices' law clerks for consultation; and occasional contact with circuit court Judges and their clerks and attorneys to provide information and answer legal questions.

### **WORKING CONDITIONS**

The staff attorney 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;

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FLSA: Exempt

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- 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.