

**UNIFIED JUDICIAL SYSTEM  
POSITION DESCRIPTION**

**SUPREME COURT LAW CLERK**

**CLASS CODE: 99-81-11**

**POSITION PURPOSE**

Performs professional legal work through legal research and writing during all phases of the appeal process to assist the Justices of the South Dakota Supreme Court.

**DISTINGUISHING FEATURE**

The incumbent researches legal issues and appeal cases before the Supreme Court; compiles statutes, case law, and citations to laws and decisions necessary for determining legal issues; and writes legal memorandums summarizing relevant facts and law and recommending proposed dispositions. The incumbent also prepares case synopses for oral arguments, as well as conference opinions and final opinions.

**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 through research and writing to assist the Justices of the Supreme Court.
  - a. Reads and reviews appellate briefs and case records and confers with Justices on pending appeals.
  - b. Researches cases and statutory law, composes research memoranda for the Justices detailing the facts of the case on appeal, analyzing the legal issues, and proposing a disposition.
  - c. Attends, observes, and takes notes at oral arguments heard before the Supreme Court.
  - d. Researches legal authorities, writes preargument memoranda, and works with the Justices to research and write court opinions – majority, concurring, or dissenting.
2. Assists with implementation of Supreme Court processes and documentation.
  - a. Maintains filing systems for briefs and documents currently on appeal before the Supreme Court.
  - b. Maintains functional files including assignment lists, vote sheets, Supreme Court opinions handed down (on computer), the Justices' opinions handed down (on computer), writing aids, etc.
3. Performs other work as assigned.

**SUPERVISORY FUNCTIONS**

This position does not supervise.

## SUPREME COURT LAW CLERK

### 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 attend oral arguments; proficiency in the use of office equipment such as computers, telephones, copiers, etc.; understanding complex legal ideas; reasoning to interpret legal issues and determine appropriate laws to access and develop resolutions; observing oral arguments and developing recommended decisions and opinions based on applicable laws; succinctly defending or explaining the history of a case or the relevant law; and organizational skills for maintaining legal materials and files in accordance with court guidelines.

### PROBLEMS AND CHALLENGES

Challenges include discerning facts of cases and using proper sources of law to find legal authorities pertaining to issues in question; applying laws to facts of cases to recommend complete resolutions to legal questions; organizing and prioritizing workload; and using time efficiently to meet deadlines.

### DECISION-MAKING AUTHORITY

Decisions include locating sources of legal authorities which best apply to issues in question; which issues should be addressed in memoranda, opinions, or decisions; and priority of assigned work unless otherwise directed by the Justices, as long as final products are completed by the Court's deadlines.

Decisions referred to the Justices include ultimate and final authority on opinions and decisions and which authority will be used; and this position's work assignments, presented both orally and in writing.

### CONTACT WITH OTHERS AND PURPOSE

The incumbent has routine contact with Justice(s), their support staff, and the Staff Attorneys-Supreme Court; occasional contact with Circuit Court Judges and their clerks, if the Judge is sitting on assignment in a particular case; no contact is allowed with other attorneys, Judges, or staff regarding any particular case on appeal before the Supreme Court.

### WORKING CONDITIONS

The incumbent works in a typical office environment and occasionally travels in-state to attend oral arguments.

### COMPETENCIES/QUALIFICATIONS FOR APPOINTMENT

#### Knowledge, Skills and Abilities:

Knowledge of:

- the law and South Dakota law;
- the functions of the Supreme Court;
- the court system;

Created/Last Rev.: December 2005

EEO: 2

2

Currently Revised: February 2013

FLSA: Exempt

## SUPREME COURT LAW CLERK

- the legal and judicial system as a whole.

### Ability to:

- conduct effective research and make informed decisions;
- review or observe cases and select laws that are applicable;
- use accurate legal citations;
- compose legal documents;
- proofread and edit legal documents;
- effectively prioritize workload;
- communicate complex legal ideas and information effectively both orally and in writing;
- establish effective working relationships with a variety of people.

### **Education:**

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

### **Experience:**

No experience is required.