

**UNIFIED JUDICIAL SYSTEM  
POSITION DESCRIPTION**

**CIRCUIT COURT STAFF ATTORNEY**

**CLASS CODE: 99-71-23**

**POSITION PURPOSE**

Performs professional legal work through legal research and writing during all phases of the judicial process to assist Judges of the Unified Judicial System (UJS); and supervises circuit court law clerks and reviews and coordinates their work.

**DISTINGUISHING FEATURE**

This position researches legal issues to best apply laws to given situations; writes briefs and legal memoranda for Judges concerning cases before the court to outline the cases and recommend solutions; compiles facts and proposed law through trials and hearings for determination of legal issues to be solved in proceedings; drafts jury instructions to provide juries with necessary instructions and other pertinent information; maintains law library and technical resources; and supervises laws clerks and coordinates their work.

**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 research and writing to provide assistance to Circuit Judges in analyzing legal issues or cases before them and to facilitate efficiency in court operations.
  - a. Drafts memoranda analyzing factual and procedural history of cases and identifying legal issues.
  - b. Researches and summarizes applicable laws, analyzes legal issues, and recommends disposition of those legal issues.
  - c. Prepares draft decisions and orders.
  - d. Reviews filings for completeness, compliance with statutory requirements, and procedural or jurisdictional defects.
  - e. Monitors calendars of Circuit Judges to assess cases which will require preparation of memoranda prior to hearings.
  - f. Prepares jury instructions for civil and criminal cases.
  - g. Prepares scheduling orders for administrative appeals and monitors receipt of briefs.
  
2. Trains and supervises law clerks and coordinates their work to facilitate continuity in the quality of assistance provided by law clerks in performance of judicial duties.
  - a. Provides initial orientation by providing necessary identification cards and keys, tours of buildings, and explaining job responsibilities and expectations.
  - b. Provides ongoing supervision and coordination of workloads.
  - c. Assists clerks with monitoring Circuit Judges' calendars.
  - d. Provides mentoring and assistance in performing legal research and writing.
  - e. Assists with analysis of legal issues and answers questions as they arise.

## CIRCUIT COURT STAFF ATTORNEY

3. Provides assistance to Judges, clerks of courts offices, circuit administrative offices, the public, commissions, and individuals to contribute to the effective operation of the circuit.
  - a. Provides research and advice on miscellaneous legal matters, e.g., screening filings for procedural or jurisdictional deficiencies; advising on statutory interpretations; researching and advising on legal issues, etc.
  - b. Responds to calls and correspondence from a wide variety of individuals on a wide variety of matters.
  - c. Supervises and assists with management of law library resources and technical issues relating to public access terminals for computer-assisted research.
  - d. Organizes and schedules commission meetings and manages materials and confidential records.
4. Performs other work as assigned.

### **SUPERVISORY FUNCTIONS**

This position supervises law clerks that provide legal research and recommendations for Circuit Judges and staff.

### **ESSENTIAL FUNCTIONS REQUIRE**

This position requires ordinary functions of a typical working day, sitting (sometimes for extended periods of time), 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 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**

Challenged to discern facts and legal issues in cases, use appropriate sources of law to find legal authority that pertains to issues in question, and then apply laws to facts to obtain resolutions for legal questions. Further challenged to exercise discretion in making recommendations in response to unique situations that arise on any day throughout the circuit and that require timely responses. Also challenged to provide mentoring and training to law clerks throughout the steep learning curve required of them during their tenure with the court system.

Problems encountered include organization and review of records, methodical and exhaustive legal research, and preparation of documentation for Judges' review within established timeframes; ensuring new law clerks have the information they need to be able to effectively and efficiently perform their jobs; and responding to questions from the public without giving legal advice.

### **DECISION-MAKING AUTHORITY**

## CIRCUIT COURT STAFF ATTORNEY

Decisions include recommendations for resolutions of legal issues; identification of deficiencies in filings and recommendations for corrections; recommended jury instructions; assignment of law clerks to Judges and coordination of workloads among them; approval of law clerks' leave and time sheets; advice to circuit staff and the public on issues where procedural and statutory provisions are clear; how to respond to correspondence; and priority of maintaining legal resources.

Decisions referred include final decisions on resolutions of legal issues; review and agreement with deficiencies and how to correct them; which jury instructions are appropriate for each case; selection of law clerks; clarification of procedural or statutory provisions at issue; and questions about correspondence that require higher authority.

### **CONTACT WITH OTHERS AND PURPOSE**

Routine contact with Judges to collaborate on and coordinate workloads; with law clerks to provide supervision and work direction; with employees of the Circuit Court Administrator's office and clerks of courts offices regarding scheduling, files, and documents; and to answer questions about internal issues; and with the Presiding Judge for work reviews; occasional contact with court reporters regarding proceedings or review of their notes; with members of the bar to respond to questions regarding procedures, Judges' preferences, briefs, jury instructions, etc.; and with law clerks, members of the bar, and members of the public with management of and questions about the law library and access to technical resources.

### **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;
- library and technical resources.

Skill in:

- legal writing;
- organizational management;
- time management.

Ability to:

- perform extensive legal research;
- analyze and summarize complex legal issues and facts;
- research and summarize applicable laws, and recommend appropriate resolutions to issues in question;
- exercise discretion, confidentiality, and impartiality in handling matters before the court;

## CIRCUIT COURT STAFF ATTORNEY

- communicate effectively both orally and in writing with a wide variety of people;
- understand, analyze, and research issues raised throughout the circuit and provide timely and concise responses.

### **Education:**

Graduation from an accredited law school and possession of a Juris Doctorate. Licensed to practice law in South Dakota.

### **Experience:**

One (1) year of experience in the legal profession; or an equivalent combination of related education and experience.