



# NORTH DAKOTA COURT SYSTEM CLASSIFICATION DESCRIPTION

## Staff Attorney-District Court

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**Title of Immediate Supervisor:** Presiding District Court Judge

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**Department/Division:** District Court/Legal

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**Pay Grade/FLSA Status:** 21 / Exempt

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**Job Titles Accountable For:** Law Clerk

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### General Summary or Purpose

The Staff Attorney-District Court is responsible for providing extensive legal research and analysis of legal issues and cases pending before the North Dakota District Courts and making recommendations on the proposed disposition of cases. Assists judges and judicial referees by applying legal principles and research in the drafting and writing of judicial orders and provides support services on other related matters. Makes a verbatim record of district and juvenile court trials, proceedings and other matters using audio recording equipment, writing court logs and noting appearances and essential events during the proceedings. Performs courtroom duties.

### Major Responsibilities & Essential Functions

1. Conducts in-depth legal research and analysis of legal precedents, statutes, regulations and legislative history for all judges and judicial referees in the district. Reviews case records, including briefs and transcripts/recordings of prior hearings when necessary. Drafts findings and orders for the district court judges and judicial referees on complex cases in all areas of the law, including civil, criminal, juvenile, family law and administrative appeals.
2. Edits draft opinions prepared by other law clerk staff, judges, and judicial referees and offers changes in style or content. Reviews legal analysis and proofreads findings and orders for both style and content.
3. Confers with judges and judicial referees on pending cases. Provides background research and analysis on the law and facts. Provides summary and analysis of relevant similar issues faced by other judges in the district and resolution of prior similar cases. Identifies nuances in the cases and suggests areas that will need clarification at any hearing. Suggests possible resolutions and alerts judges to any possible concerns or appealable issues surrounding proposed resolutions of issues.
4. Drafts jury instructions and special verdict forms for upcoming trials. Conducts necessary research for judges to make a determination on any requested special jury instructions and to make a determination on relevant pattern instructions. Confers with judges regarding closing instructions and drafts closing instructions.
5. Assists judges through ongoing complex trials. Provides insight and legal analysis on trial matters as requested by judges, including objections, in-chamber conferences and motions made through trial. Conducts in-depth legal research during the trials to provide the judges with the necessary law for making quick decisions and rulings as issues arise during trial.
6. Drafts orders for judges after complex bench trials. Attends entire bench trial if requested and analyzes testimony and evidence presented to the assigned judge. Suggests possible resolution and drafts final findings and order as requested by the assigned judge.
7. In districts with multiple law clerks, if assigned by the presiding judge of the district, may supervise the term law clerk. Supervision may include: reviewing resumes and application materials, conducting interviews, making hiring decisions, training, orientating, answering questions and mentoring on cases and legal issues.
8. Accurately records, transcribes and certifies the record of court and jury trial proceedings, unless it is prepared by a third party, by computer-aided equipment per state and appellate requirements. Responsibility also requires taking court notes during hearings to identify appearances and to note significant events during the hearing and to locate and present prior testimony. Requires travel to other counties within and outside of the district for court proceedings assigned to the district judge or referee.
9. Performs clerking duties in courtroom, administers oath, marks documents, maintains logs and other forms and transfers storage devices, files and records to the clerk of district court for reference.
10. Performs other duties of a comparable level or type.



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### Minimum Qualifications

Requires a juris doctor degree from an accredited law school and a minimum of two years related experience conducting legal research, preparing and/or presenting cases in state courts.

### Certifications or Licensing Requirements: (prior to job entry)

Licensed to practice law in the State of North Dakota.

If assigned recording duties, then requires AAERT (American Association of Electronic Reporters and Transcribers) CER (certified electronic court reporter) certification or ability to obtain within six months of job entry. A comparable certification by another state court or federal court may be substituted for the AAERT certification.

### Knowledge Requirements

- Extensive knowledge of federal and state constitutional laws, statutory law and court case precedent.
- General knowledge of court administration and office management policies and procedures.
- Extensive knowledge of court system operations, court procedures and rules including legal rules of evidence, civil procedures, criminal procedures and appellate procedures.
- Knowledge of logical legal theorems, their application to legal precedent, rules of legal interpretation and statutory interpretation.

### Skill Requirements

- Skilled in organizing, planning and prioritizing own work priorities, needs and projects.
- Skilled in balancing the workload of assignments from all judges in the district and prioritizing matters that are assigned.
- Skilled in learning, understanding and utilizing the preferences and writing style of all judges in the district.
- Skilled in conducting legal research and the application and interpretation of legal concepts, principles and legal theorems to the specifics of individual cases.
- Skilled in the use of legal research resources and software (i.e. Westlaw, Lexis Nexis, etc.) and general office support applications (i.e. word processing and other desktop software/applications).
- Skilled in formulating, writing and drafting legal orders in a clear, concise and coherent manner in accordance with the requirements of the Court.
- Skilled in applying legal principles, rules, concepts, precedents and cases in addressing individual cases and legal problems/issues.
- Skilled in presenting and communicating controversial or complex topics in an effective and persuasive manner in public presentations and speeches before managers, courts, boards, judges or committees.

### Physical Requirements

- The essential functions of the job typically require: grasping, walking, sitting, seeing, talking, hearing, feeling, fingering and some repetitive motions or other reasonable methods that accommodate an individual in completing the essential functions of the job.
- Work is performed in a comfortable office environment.
- Employee may be subject to some limited travel in the performance of the job.
- Physical requirements can typically be characterized as **Sedentary Work**: Exerting up to 10 lbs. of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects including the human body.



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### **Job Classification History**

- Classification approved by the Supreme Court 4/15/20 effective 5/1/20.
- On March 26, 2021, the Supreme Court approved amendments to the Staff Attorney-District Court position to incorporate duties previously assigned to the Staff Attorney-Judicial Support Pilot Program when the pilot phase of the program ended.