Assistant County Attorney

Date Posted: June 19, 2019
Department: Attorney
Compensation: $37.01 per hour
Hours: Full Time, 40 hours per week
Deadline: Friday, July 12, 2019 at 4:30pm

A thorough background check will be done on all finalists who apply for this position.

Job Summary
The Assistant County Attorney represents the State of Minnesota and Kanabec County, at the direction of the County Attorney, and is responsible for legal research, legal drafting, solving legal and other problems, conducting jury and court trials, appeals and contested cases using independent, professional discretion. The Assistant County Attorney is an officer of the legal system who is to advise, advocate, and negotiate by referring to the law but also to other relevant moral, economic, social, and political considerations. A prosecutor has the added responsibility of being a minister of justice. A prosecutor acting as a minister of justice has the responsibility of advancing the public interest, public safety, and protecting Kanabec County’s most vulnerable citizens.

This position will work mainly with Child Protection, Juvenile/Adult Mental Health

Essential Functions

I. CRIMINAL, DELINQUENCY, AND RELATED PROSECUTIONS
Represent the State of Minnesota and Kanabec County by initiating and completing adult and juvenile prosecutions, by determining, using independent, professional discretion, what charges to bring including felonies, gross misdemeanors, misdemeanors, petty misdemeanors, juvenile delinquency, juvenile certifications and extended jurisdiction juvenile cases, juvenile petty offenses, juvenile traffic offenses and diversions. Represent, advise, counsel, and train law enforcement regarding investigation and prosecution. Analyze, appraise and organize facts, evidence, case law, statutes and rules to effectively present legal opinions to judges, attorneys, and juries.

II. CHILD PROTECTION AND CHILD WELFARE
Represent, advise, counsel, and train the Kanabec County Child Protection and Children’s Mental Health departments, and law enforcement, regarding complex multidisciplinary case planning, case management, decision-making, prosecution, and other issues pertaining to children in need of protection or services cases including maltreatment, neglect and welfare allegations, termination of parental rights and permanency. Cover all stages of the cases including intake, emergency protective care placement, family assessment or formal investigation, substantiation of maltreatment or neglect, preparation of legal documents, pretrial and review hearings, permanency, trials and appeals. Cover issues pertaining to voluntary and court-ordered case
planning and case management, review and make recommendations for reports to court and court orders or court ordered services, funding and resources issues, licensing, and formal and informal consumer complaints.

III. CIVIL COMMITMENTS, GUARDIANSHIPS, AND VULNERABLE ADULTS
Represent, advise, counsel, and train the Kanabec County Adult and Children’s Mental Health departments, and law enforcement, regarding complex multidisciplinary case planning, case management, decision-making, and prosecution, pertaining to civil commitment of the following persons: (1) mentally ill and/or dangerous, (2) chemically dependent, (3) mentally retarded, (4) sexually dangerous and/or (5) sexual psychopathic personalities. Representation regarding guardianships over the person or the estate or both, powers of attorney, and vulnerable adults including: intake, transport and emergency holds, investigations, document preparation, hearings to obtain orders involuntarily placing individuals into treatment facilities or orders for involuntary administration of neuroleptic medications or electroconvulsive therapy, and appeals. Representation regarding voluntary and court-ordered case planning and case management, reviewing and making recommendations for reports to court and court orders or court ordered services, funding and resource issues, formal and informal consumer complaints, and coordination with criminal prosecution of those exploiting vulnerable adults.

IV. CHILD SUPPORT, MEDICAL SUPPORT, AND CHILD CARE
Represent, advise, counsel, and train Kanabec County Family Services Child Support Division in the investigation, preparation of legal documents, negotiation of resolutions with represented and unrepresented parties, and requirements for state and federal funding. Cases include: genetic testing and paternity, establishment of financial support for non-custodial parents both local and interstate, modification of existing child support orders, initiation of civil and criminal contempt for non-payment of support, account seizures per federal law from delinquent parents, initiation of civil and administrative enforcement remedies. Make legal and financial determinations and calculations regarding child support, medical support, and child care obligations and represent Kanabec County in all related court proceedings.

V. FORFEITURES
Represent, advise, counsel, and train multiple law enforcement agencies in the preparation of civil complaints and administrative processes for initiating and completing civil forfeitures to seize various real and personal property. Prosecute the forfeiture case from initiation through completion including document preparation, party negotiation, hearing preparation and representation, and distribution of forfeiture proceeds.

VI. CONDEMNATIONS
Advise, counsels, and represents the county in the initiation and prosecution of condemnation proceedings for public uses as determined by the Board of Commissioners including the initiation of condemnation proceedings, review and preparation of legal documents including petitions, appraisals, and notices. Advise
regarding the propriety of government actions and compliance with legal and ethical rules and duties.

VII. ZONING
Advise, counsel, and represent the Environmental Services Department, County Planning Commission, Board of Adjustments, County Recorder, County Assessor, and County Treasurer on issues of land use, property law, property taxes, zoning, platting, subdivision, environment, and solid waste management. Conduct legal research and advice regarding applications for plats, subdivisions, permits, licenses, variances, rezoning, and conditional use, title opinions, abstracts, legal descriptions, foreclosure documents, deeds, purchase agreements, contracts for deed, and mortgage documents. Draft ordinances, title opinions and legal descriptions, ensure timeliness of County decisions and actions, and represent the county in land use meetings and in district court hearings and coordinate with outside counsel regarding same.

VIII. DATA PRACTICES
Advise, implement and monitor legal and practical data practices issues internally and for county agencies in compliance with data practices law and procedures. Review and respond to requests for data from law enforcement, outside agencies, county officials/employees, and private citizens.

IX. POLICY, PROCEDURE, AND PROTOCOL DEVELOPMENT
Draft, implement, execute and monitor policy, procedure and protocols for the County Attorney’s Office internal use as well as occasionally assisting other county agencies with implementation, execution and monitoring of their policies, procedures and protocols.

X. CONTRACTS
Assist and advise county agencies with the drafting and review of contracts and joint powers agreements affecting the rights, obligations and remedies of the agencies, the county and the state.

XI. OTHER MISCELLANEOUS LEGAL DUTIES
A. Advise law enforcement and probation agencies and answer citizen queries with regard to predatory offender registration and notification.
B. Prosecute criminal, juvenile and various civil cases for other counties when there are conflicts of interest; refer out cases when there are conflicts in Kanabec County;
C. Draft necessary county ordinances in consultation with county agencies and the County Board;
D. Advise Kanabec Hospital on county related matters;
E. Advise Kanabec County Public Health on issues that arise in the scope of their duties;
F. Advise and assist other agencies with regard to mandated reporter duties and obligations;
G. Advise Kanabec County Family Services on family law issues including adoption;
H. Advise and represent Family Services on day care and foster care licensing and appeals;
I. Advise law enforcement, Kanabec County Family Services, victims and the public regarding no contact orders, harassment restraining orders and orders for protection;
J. Advise county agencies regarding Indian and tribal sovereignty and specialized areas of law;
K. Advise county agencies on financial or public assistance issues;
L. Advise county agencies and refer to appropriate sources citizen queries regarding government law including elections, taxation, torts, governmental employee immunity, school law, immigration, probate, estates and wills, and bankruptcy.

XII. INVESTIGATION, PREPARATION AND REPRESENTATION IN AND CONTESTED HEARINGS AND TRIALS
A. At any hour of the day, assist in investigations by providing advice to law enforcement, determining the need for arrests, detention, emergency holds, additional investigation, drafting search warrants, administrative subpoenas, subpoenas, writs, etc., and when necessary, interviewing witnesses;
B. Participate in the Kanabec County Criminal Sexual Abuse Team to reduce trauma to victims by monitoring and helping to guarantee a non-leading interview process and to avoid multiple interviews of the victim;
C. Determine when to refer offenders to diversion programs. When in the interests of justice, dismiss certain cases or certain charges;
D. Obtain and Analyze criminal history information;
E. Assist victims of crime including: notifying victims of their rights and of upcoming hearings, obtaining victim input as to how they would like their case resolved, preparing minor victims for the courtroom setting, notifying victims when a case has been declined and making appropriate referrals to other agencies for further services;
F. Disclose to and demand from represented and unrepresented parties evidence as required by relevant statutes, rules, or case law. Conduct depositions of witnesses, prepare and respond to interrogatories, draft affidavits and other written evidence;
H. Determine appropriate settlements and engage in plea negotiations with attorneys and unrepresented individuals while weighing the interests of justice, the need for public safety, public interest, and the rights of victims, the best interests of children and welfare of vulnerable adults;
I. Prepare and present cases for court trials, jury trials, contested hearings, and administrative hearings, including: performing legal research, determining a trial theme and strategy, predicting the opponent’s strategy, anticipating legal and factual arguments, reviewing evidence and witness testimony, preparing exhibits and questions for witnesses, preparing and presenting opening and closing arguments, conducting jury selection, conducting direct and cross examination of witnesses, introducing evidence, making evidentiary objections, and recommending a fair and just final determination or outcome;
J. Draft proposed findings of fact, conclusions of law, and orders for the court based on the entire record including exhibits, testimony, and applicable law;
K. Assess and respond to motions for post-conviction relief, including: restitution hearings, motions for new trial, and motions for record expungement.

L. Prosecute release condition violations and probation violations by gathering evidence, presenting evidence, calling witnesses, cross-examining defense witness; recommending modified release conditions, sentences or dispositions. In CHIPS, commitment, child support and other cases, conduct various types of formal review hearings, violations of provisional discharge/stays of commitment, show cause hearings, etc.;

M. Extradite defendants from other jurisdictions or assist in requests from other states for the extradition of individuals out of Kanabec County’s jurisdiction;

N. On occasion, assist with summoning and impaneling a grand jury, conducting grand jury investigations, and obtaining indictments.

O. Defends the County in cases where the County is named as a defendant.

XII. APPEALS
For adverse rulings prosecute and defend appeals or coordinate with the Minnesota Office of Attorney General regarding appeals including conducting legal research, reviewing record, filing motions, legal memoranda, and other documents for reconsideration, new trial, or other relief, and making oral arguments to appropriate courts including the Minnesota Court of Appeals, and Minnesota Supreme Court.

XIV. MULTIDISCIPLINARY TEAMS AND MEETINGS
Attend and sometimes lead multidisciplinary teams including: Kanabec County Criminal Sexual and Severe Physical Abuse Team, Family Violence, Law Enforcement, North Central Drug Task Force, Children Justice Initiative Team, Regional Child Protection Attorney Meeting, Kanabec County Attorney’s Office Truancy Diversion Program, Statewide DWI Attorney Task Force, Substance Abuse Coalition of Kanabec County, Kanabec County Tobacco Diversion Program, Regional Pre-Petition Screening (PPS) Meeting, Kanabec County Mental Health Collaborative, Local Child Mortality Review Panel, Local Law Library Board.

XV. OTHER ADMINISTRATIVE AND INFORMAL SUPERVISORY DUTIES
A. Informally supervise county employees and by law in certain cases law enforcement employees by providing legal advice and counsel, providing investigative advice and direction, including direction on legal obligations and duties, and providing practical advice including advice regarding relevant moral, economic, social, and political considerations;

B. Supervise and advise legal assistant staff including providing input on job performance evaluations for legal assistants at the request of County Attorney;

C. Develop policy, procedure and protocols in the County Attorney’s Office;

D. Address administrative issues on certain multi-disciplinary teams;

E. Informally mediate or assist resolution of disputes between agencies;

F. Resolve various administrative issues and personnel issues within the office under the authority of the County Attorney;

G. Assist in maintaining data regarding firearms and other statistics, forfeiture information, budget and other information;
H. Research ideas to improve workflow, efficacy, efficiency, and minimize budgetary impact. Communicate with other counties on new methods, policies, and procedures.
I. Engage in the budgeting process and suggest needed line items, equipment or supplies;
J. Prepare billings for other agencies including the child support division;
K. Assist in the hiring of new employees both inside the County Attorneys Office and occasionally outside the County Attorney’s Office;
L. Administer and/or maintain compliance with requirements of the programs, databases or websites listed below.

XVI. CONTINUING EDUCATION AND REQUIRED ABILITIES FOR ASSISTANT COUNTY ATTORNEYS
A. Maintain Active Attorney Licensure by:
   Attending mandatory continuing legal education classes on legal issues, ethics, elimination of bias, and professional development and follow the ethical mandates set forth by the Minnesota Rules of Professional Responsibility; failure to abide by these rules can result in sanctions including license suspension and permanent disbarment.
B. Develop Legal Knowledge: in various specialized areas of law including:
   constitutional law, state and federal case law, state and federal statutes, state and federal administrative rules, judicial rules of procedure and evidence, ordinances, local and state policies, procedures, and protocols.
C. Operate Effectively Under Pressure: by effectively handling unanticipated complicated situations as they arise, prioritizing various tasks, and making important decisions in a limited time.
D. Develop Practical County Knowledge: by maintaining a working knowledge of the organization, functions, and legal, financial and practical limitations on the authority of various county departments.
E. Maintain Positive Relationships: by establishing and maintaining effective working relationships and a positive public image with judges, co-workers, law enforcement officers, other county personnel, defendants, parties, witnesses, victims, attorneys and the general public and by communicating effectively, both orally and in writing, in a variety of forums.
F. Maintain Updated Technological knowledge: by utilizing varied technologies and computer software programs, databases, and websites to maximize office efficiency, proficiency, and legal accuracy. Working knowledge of the following software, databases or websites is critical: Westlaw, Microsoft Word, MCAPS, Microsoft PowerPoint, MNCIS (Minnesota Courts Information System), Odyssey, Statewide Supervision System, BCA criminal history program, and other research sites.

Minimum Qualifications
- Juris Doctor (J.D.) Law Degree (3 year) Bachelor of Arts or Science Degree (4 year) High School Graduate
- Licensed to practice law in MN
- 2 years experience
Essential Job Duties and Primary Responsibilities
The essential job duties for this position are regular and timely work attendance, ability to develop respectful and cooperative working relationships, ability to use computer.

Extent of Supervision or Guidance Provided
Reports to the County Attorney.

Benefits:
This position will receive the following benefits:
- Insurance (Health, Dental, Life)
- Paid Time Off (PTO)
- Holiday Pay
- Pension
- Voluntary Retirement Plans

Salary
$37.01 per hour. (Range 18, Exempt, Non-union position)

Hours of Work
Monday – Friday, 8:00 a.m. – 4:30 p.m.

Pension
Minnesota Public Employee Retirement Association. Contribution rates are 6.5% by employee, 7.5% by employer.

INSURANCE
Coverage becomes effective the first of month following 45 days from hire date. We currently offer 3 health plans. Cost is per month:

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<th>Single Coverage</th>
<th>Family Coverage</th>
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<tr>
<td>$250 Deductible</td>
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The County also contributes an HRA plan for each employee. Amount of contribution: $1,272.00 yearly.

Dental insurance provider is Health Partners. It is a $50 deductible with a $1,000 annual maximum. Current rates:
Single: $37.98
Single plus one: $68.30
Family: $112.02

Life insurance provider is Sun Life Financial. County pays for a $10,000 policy.