

TRIAL COURT

Attorney Magistrate/Research Attorney (\$66,722 - \$89,415)

Required:

Graduation from ABA accredited law school; admission to practice law in the State of Michigan and in good standing with the State Bar. A minimum of three years paid, fulltime trial court experience in the practice of law or one year prior experience as an Attorney Magistrate or Attorney Referee in the Circuit, District or Probate Court and Juvenile Court.

Applicants for Attorney Magistrate may apply at a trainee level with less than the minimum experience. The successful trainee applicant will move, upon approval of the Chief Judge, from trainee salary level to full Attorney Magistrate salary level upon successful completion of the required one year minimum experience as an Attorney Magistrate or Attorney Referee.

Note:

A legal writing sample must accompany your application.

Special Requirements:

Successful completion of the Michigan Judicial Institute Magistrate Training Program within one year of employment. Establish and maintain voter registration in Berrien County. Possession of a valid motor vehicle operator's license. Must pass a pre-employment physical, including drug testing and criminal background check. Submit to random drug and alcohol testing per court policy. Regular, reliable and predictable attendance.

Desired:

Knowledge of the criminal justice system, courtroom operations and procedures, including ability to conduct specific hearings; familiarity with agencies within Berrien County that service court clients. Considerable knowledge of criminal law, statutes, court rules, case law, local ordinances, and the state Motor Vehicle Code. Ability to maintain records and reports, communicate clearly, conduct legal research, prepare succinct opinions for the judges.

Duties:

Under the direction of the Court Administrator and/or designee, exercises all jurisdiction, power and authority provided or allowed by law for a District Court Attorney Magistrate, including the jurisdiction, power and authority provided in Chapter 85 of the Michigan Judicature Act (MCL 600.8501 et seq.) and enters all orders and writs incidental to execution of the jurisdiction, power and authority granted, subject only to those limitations and restrictions imposed by the chief judge of the trial court by written order. Performs all related clerical, computer, recordkeeping and related functions. Advises and assists judges, attorney magistrates, probation officers, and clerical employees. Conducts

hearings related to civil infractions, misdemeanors and small claims; swears in and examines witnesses. Accepts pleas of guilty and sentences defendants. Exercises a high degree of independent judgment throughout each step of the court's legal process. Stays current on legislation and laws affecting the court and law enforcement. Conducts complex legal research and prepares memoranda for judges. Maintains a close relationship with all court divisions, judges, probation officers, local police agencies, social service agencies, schools, and others in the community. Provides afterhours, weekend and holiday search warrant/arraignment duty coverage assistance to police agencies, the court, Juvenile Center, and the Prosecuting Attorney's office. The duties stated are intended to describe the general nature and level of work being performed by a person so classified and are not to be construed as an exhaustive list of all duties and responsibilities.

Please apply at www.berriencounty.org.

Berrien County Trial Court Job Description

Title: Attorney Magistrate/Research Attorney **Class Code:** 0392

Department: Trial Court

General Summary:

Appointed by the Chief Judge of the Berrien County Trial Court, the Attorney Magistrate/Research Attorney (herein referred to as Attorney Magistrate) operates under the direct supervision of the Court Administrator and/or his/her designee. The Attorney Magistrate is responsible for conducting various hearings in accordance with the Court's statutory purpose, policies and procedures which require a high degree of independent judgment and knowledge of Michigan Statutory and Case Law. This includes hearings associated with civil infraction, misdemeanor, and small claims cases, determining probable cause, executing search warrants, conducting arraignments and performing marriages. The Attorney Magistrate conducts research and prepares memoranda for the Judge(s) and Administrator and/or his/her designee. The Attorney Magistrate uses discretion and judgment in applying the skills, advanced knowledge and insight obtained as an attorney:

- to analyze, interpret and make deductions and inferences from varying facts and circumstances while researching criminal motions and related legal matters
- to prepare memoranda regarding the facts of a case, the basis of motions, and legal analysis of issues involved
- to draft proposed opinions and orders
- to perform other duties as assigned

Further, the Attorney Magistrate shall perform any or all duties of the Berrien County Trial Court Attorney Referee as assigned.

Attorney Magistrate is an at will employee who shall serve at the pleasure of the Chief Judge. However, in no event shall their appointment exceed three (3) years unless specifically authorized by the Chief Judge not less than six (6) months prior to the third anniversary date of appointment. May be assigned to work at any of the Trial Court locations.

Typical Duties: (An employee in this class may be assigned any or all of the following tasks. These tasks are illustrative only and do not include all of the tasks which may be assigned.)

Under the direct supervision of the Court's Administrator and/or their designee, the Attorney Magistrate:

- Exercises all jurisdiction, power and authority provided or allowed by law for a District Court Attorney Magistrate, including, without limiting the foregoing, the jurisdiction, power and authority provided in Chapter 85 of the Michigan Judicature Act (MCL 600.8501 et seq.) and enters all orders and writs incidental to execution of the jurisdiction, power and authority granted, subject only to those limitations and restrictions imposed by the chief judge of the trial court by written order.

- Performs all required or related clerical, computer, record keeping and related functions.
- Advises and assists Judges, Attorney Magistrates, Probation Officers and clerical employees.
- Conducts various hearings in accordance with Court's statutory purpose, policies and procedures.
- Conducts hearings relating to civil infractions, misdemeanors, and small claims, swears in and examines witnesses.
- Accepts pleas of guilty and sentences defendants based on seriousness of offense, defendant's record, and other appropriate factors. Insures that the defendants entering not guilty pleas are scheduled to appear before the Court.
- Exercises a high degree of independent judgment throughout each step of the court's legal process.
- Assists in coordination and regularly meets with the non-attorney magistrate to address legal and administrative matters.
- Stays current on legislation and laws affecting the court and law enforcement and recommends to Chief Judge or Administrator proper legal procedures relating to same.
- Conducts complex legal research for the Judge(s); keeps abreast of case law and legal issues affecting the Courts and prepares legal memorandum. Conducts legal research and prepares memoranda on criminal motions, outlining issues and arguments of both parties involved, and the proposed dispositions with stated reasons.
- Responds to inquiries and requests for legal information from Judges, Court Administrators, attorneys, agencies and the public.
- Answers correspondence and complaints regarding cases processed which may entail explaining the violation of the appropriate law.
- Trains, assists and coordinates in-service training with the court's staff as requested or needed.
- May be assigned to assist in the supervision of volunteers and student interns assigned to the court.
- Maintains a close relationship with all the court's divisions, Judges, Probations Officers, local police agencies, social service agencies, schools and others in the community.
- Exempt employee who may work flexible hours as needed to ensure duties are current.
- Provides after-hours, weekend, and holiday search warrant/arraignment duty coverage assistance to police agencies, the court, Juvenile Center and the Prosecuting Attorney's office.
- Assists in the preparation and maintenance of a manual and appropriate forms for Magistrate procedures.
- Assists the Court Administrator(s) or their designees with special projects and assignments as they relate to the court's matters; assists in implementing new statutes, rules and procedures dictated by the Legislature, Appellate Courts, and Court Rules in accordance with the decisions of the Supreme Court, and/or the State Court Administrative Office.
- Performs other related duties within the Trial Court as directed and assigned by the Court Administrator, his/her designee, the presiding judge of the Criminal Division, and/or the Chief Judge of the Court.

Minimum Education and Experience Requirements:

Graduation from ABA accredited law school; admission to the practice of law in the State of Michigan and in good standing with the State Bar. A minimum of three (3) years paid full time trial court experience in the practice of law or one (1) year prior

experience as an Attorney Magistrate or Attorney Referee in the Circuit, District or Probate Court and Juvenile Court.

Applicants for Attorney Magistrate may apply at a trainee level with less than the minimum experience. The successful trainee applicant will move upon approval of the Chief Judge from trainee salary level to full Attorney-Magistrate salary level upon successful completion of the required minimum one (1) year experience as an Attorney Magistrate or Attorney Referee.

NOTE: A legal written sample must accompany application for the position.

In accordance with statutory requirements, the District Court Attorney Magistrate must be a Registered Voter in Berrien County.

Desirable Knowledge, Skills and Abilities:

Knowledge of the criminal justice system, courtroom operations and procedures, including ability to conduct specific hearings; and familiarity with agencies within Berrien County that serve the Court's clients.

Considerable knowledge of criminal, law, statutes, court rules, case law, local ordinances and the state Motor Vehicle Code.

Ability to maintain records and reports; communicate clearly both orally and in writing; conduct legal research and prepare succinct opinions for the Judge(s); provide in-service training for non-attorney magistrates and non-attorney referees and other staff in the Courts.

Special Employment Conditions:

Successful completion of the Michigan Judicial Institute's Magistrate Training Program within one year of employment. Establish and maintain registration as a voter in Berrien County. Possession of a valid motor vehicle operator's license. Must pass pre-employment physical, including drug testing, criminal record, before employment. Employees will be fingerprinted. Appropriate speech, dress and a high level of personal and professional conduct for work in a court setting must be maintained in accordance with the standards established by the Judicial Council. Ability to maintain confidentiality, effective working relationships with other employees, and interact effectively with the general public. Submit to random drug and alcohol testing per the Court's policy. Regular, reliable, and predictable attendance is required.

Working Conditions:

Normal office environment, lifting of up to 25 lbs. is expected and some reaching and bending for file manipulation is required. Exposure to people charged or convicted of criminal offenses.

This description is intended to describe the type and level of work being performed by a person assigned to this job. It is not an exhaustive list of all duties and responsibilities required by a person so classified.

Approved:


Hon. Gary J. Bruce, Trial Court Chief Judge

5-21-18
Date

May 2018
Status: Non-Union
Grade: 13