

State of Michigan
Civil Service Commission

Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Position Code

1. ATTORNYA

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.

2. Employee's Name (Last, First, M.I.)	8. Department/Agency ATY GNRL CENTRAL OFFICE
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Criminal Justice Bureau
4. Civil Service Position Code Description Attorney Senior-A	10. Division Financial Crimes Division
5. Working Title (What the agency calls the position) Senior Attorney 16	11. Section White Collar Crime Section
6. Name and Position Code Description of Direct Supervisor STINEDURF, KRISTEN; ATTORNEY ADMINISTRATOR-2	12. Unit Cannabis Tax Unit
7. Name and Position Code Description of Second Level Supervisor TETER, SCOTT L; ATTORNEY ADMINISTRATOR-3	13. Work Location (City and Address)/Hours of Work 525 W Ottawa St., Williams Building, Lansing MI / Monday through Friday 8:00 a.m. to 5:00 p.m.

14. General Summary of Function/Purpose of Position

This position functions as a senior litigator in the Financial Crimes Division and routinely handles sensitive and complex legal assignments that pertain to criminal investigations and prosecutions of white-collar or financial crimes. This position will generally focus on prosecutions related to the recreational and medical marihuana industries within the state, although the incumbent may also be assigned to prosecute matters involving other types of financial crimes, including but not limited to insurance fraud, securities fraud, tax fraud, practicing as an unlicensed realtor, practicing as an unlicensed CPA, and elder financial exploitation. The incumbent may be required to navigate multiple legal/factual issues, provide novel interpretation of state and federal statutes, manage unique caselaw or constitutional challenges, and to handle matters with sophisticated proofs or serious financial or penal consequences. The incumbent reviews and provides guidance on criminal investigations being developed to support warrant requests, prepares pleadings, develops legal positions and strategies, and conducts both routine and complex criminal prosecutions in state courts, including but not limited to preliminary examinations, motion hearings, and trials, without assistance and only general supervision in carrying out these tasks. Under the supervision of the Division Chief or First Assistant, the incumbent authorizes investigative subpoenas and search warrants and drafts formal and informal legal opinions. This position also mentors and serves as a resource for less experienced Staff Attorneys.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary: **Percentage: 60**

Litigation – Prosecute Complex Criminal Cases in District and Circuit Courts throughout Michigan.

Individual tasks related to the duty:

- Handles all duties of a trial prosecutor in the more serious and complex cases, including responding to and drafting pleadings and briefs for complex litigation.
- Appears in court to handle complex hearings on behalf of the People of the State of Michigan, including motions, conferences, pleas, trials, and sentencings. Examines and cross-examines witnesses.
- Handles all stages of criminal prosecution of novel or unique financial crimes cases from the investigation through to trial and sentencing.
- Performs research and analysis required for the solution of complex legal issues that have broad ramifications to the state, the public, or a client agency's operations.
- Handles the most complex cases, involving multiple and/or significant legal and factual issues.
- Provides guidance to staff attorneys in conducting searches for applicable statutes, rulings, and precedents to be used in court and/or administrative proceedings, and as a basis for answering requests for legal opinions and preparing other legal documents.
- Provides guidance to staff attorneys on methods, strategies, and other aspects of conducting court litigation or administrative hearings.
- Negotiates complex settlements and plea agreements in complex criminal litigation (subject to supervisor review and approval).
- Provides written and verbal legal guidance to a state agency after conducting appropriate legal research on relevant issues pertaining to criminal investigation and prosecutions.

Duty 2

General Summary: **Percentage: 30**

Case Review – Coordination of Criminal Investigations

Individual tasks related to the duty:

- Reviews agency reports and/or police reports and consults with law enforcement agencies to ascertain facts sufficient to initiate criminal prosecution. Conducts legal research regarding the scope and viability of criminal charges. Exercises judgment (prosecutorial discretion), subject to supervisory review, to determine depth and scope of investigations and when such inquiries merit termination.

Duty 3

General Summary: **Percentage: 5**

Appellate Practice

Individual tasks related to the duty:

- In all appellate matters not handled by the Criminal Trials and Appeals Division, this position drafts appellate pleadings and appears at oral arguments before the various circuit courts and Court of Appeals, including cases involving novel or unique issues arising in the course of financial crimes prosecutions.

Duty 4

General Summary: **Percentage: 5**

Perform Other Duties as Assigned by the Division Chief

Individual tasks related to the duty:

- Provide assistance and guidance to local prosecutors and law enforcement officers upon request by the First Assistant or Division Chief.
- Prepare legal memoranda as assigned on issues relevant to criminal law.
- Maintain professional competency by taking various classes and presentations offered or approved by the department.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Generally responsible for the day-to-day decisions and case management related to criminal litigation, pending investigations, appeals, and legal strategies to employ and maximize public safety and law enforcement interests. Reviews information provided by Michigan State Police, Attorney General Investigators and/or local police, and makes a charging decision which is then reviewed by supervisors. Makes plea recommendations in the more serious cases, which are then reviewed by supervisors for final approval. Makes recommendations with respect to sentencing and whether a case goes to trial, which are then reviewed by supervisors for final approval. Conducts multi-day jury trials in the more serious and complex cases and makes independent decisions with respect to which witnesses to call for trial and what evidence to present; generally, conducts jury trials independently with only general input from supervisor.

17. Describe the types of decisions that require the supervisor's review.

Decisions that require review include recommendations of the initiation of any criminal complaint, charging decisions, plea offers, investigation subpoenas, resolution of any filed criminal litigation or open investigations, including matters which may significantly affect the future operations of the Division or Department or otherwise have far reaching impact on the issue of criminal law or law enforcement.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Must be able to drive to various courts across the State of Michigan, including during winter months, and carry associated case files or trial materials into court. Work is typically performed in an office setting and requires attending meetings, court proceedings, depositions, etc. Work also requires long periods of computer and office equipment usage.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

- | | | | |
|----------------------------|------------------------------------|----------------------------|-----------------------------------|
| <input type="checkbox"/> N | Complete and sign service ratings. | <input type="checkbox"/> N | Assign work. |
| <input type="checkbox"/> N | Provide formal written counseling. | <input type="checkbox"/> N | Approve work. |
| <input type="checkbox"/> N | Approve leave requests. | <input type="checkbox"/> N | Review work. |
| <input type="checkbox"/> N | Approve time and attendance. | <input type="checkbox"/> N | Provide guidance on work methods. |
| <input type="checkbox"/> N | Orally reprimand. | <input type="checkbox"/> N | Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Yes

23. What are the essential functions of this position?

Representing the People of the State of Michigan by litigating a variety of criminal prosecutions in the state court setting as an Assistant Attorney General. The position functions as a courtroom prosecutor in the more serious and complex cases. He or she must have command of the rules of evidence and a good working knowledge of the substantive criminal law. He or she must be able to develop and execute a strategy for the effective presentation of evidence at various types of hearings and trials. It is essential that he or she be able to effectively examine and cross-examine witnesses, make and argue appropriate objections, present arguments of law to a judge, and present opening and closing arguments to a jury.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

New Position

25. What is the function of the work area and how does this position fit into that function?

The Senior Attorney serving in this position engages in the development of criminal investigations and prosecutions that are referred to the Division. The attorney handles legal assignments as required by the Division First Assistant and Division Chief.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

Possession of a Juris Doctorate degree from an accredited school of law.

EXPERIENCE:

Attorney-Senior 16

Four years of post-bar admission legal experience.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge and skill in litigation. Knowledge of court procedures. Highly developed research and writing skills. Ability to prepare briefs and argue cases before state courts and agencies. Ability to work well with others. Ability to communicate effectively, both verbally and in writing at a level appropriate to the "target audience(s)." Skill and ability in multi-tasking and setting priorities. Knowledge of fundamental subjects of law. Ability to use judgment, tact, and discretion. Ability to analyze facts and draw logical conclusions. Ability to maintain accurate records.

CERTIFICATES, LICENSES, REGISTRATIONS:

Membership in good standing in the Michigan State Bar.

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

None

I certify that the entries on these pages are accurate and complete.

LALENA VANDEUSEN

8/9/2023

Appointing Authority

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date