

1. Position Code
ATTORNYA

State of Michigan
Department of Civil Service
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Federal privacy laws and/or state
confidentiality requirements protect
a portion of this information.

POSITION DESCRIPTION

This form is to be completed by the person that occupies the position being described and reviewed by the supervisor and appointing authority to ensure its accuracy. It is important that each of the parties sign and date the form. If the position is vacant, the supervisor and appointing authority should complete the form.

This form will serve as the official classification document of record for this position. Please take the time to complete this form as accurately as you can since the information in this form is used to determine the proper classification of the position. **THE SUPERVISOR AND/OR APPOINTING AUTHORITY SHOULD COMPLETE THIS PAGE.**

2. Employee's Name (Last, First, M.I.) Vacant	8. Department/Agency Department of Attorney General
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Criminal Justice Bureau
4. Civil Service Classification of Position Attorney Senior-A	10. Division Financial Crimes Division
5. Working Title of Position (What the agency titles the position) Attorney Senior-16	11. Section White-Collar Section
6. Name and Classification of Direct Supervisor Kristen Stinedurf – Attorney Administrator 19	12. Unit MSHDA Unit
7. Name and Classification of Next Higher-Level Supervisor Scott L. Teter – Attorney Administrator 20	13. Work Location (City and Address)/Hours of Work 525 W. Ottawa Street, Lansing, MI 48933 Monday – Friday 8:00 a.m. to 5:00 p.m.

14. General Summary of Function/Purpose of Position

This is a two-year limited term position which 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 MSHDA program 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 your assigned duties, percent of time spent performing each duty, and explain what is done to complete each duty.

List your duties in the order of importance, from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary of Duty 1

% of Time 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 legal research and analysis to ascertain applicable statutes, rulings, and precedents, evaluating respective legal positions, and develops legal strategies for criminal prosecutions with only minimal supervision.
- Negotiates settlements and plea agreements in complex criminal litigation (subject to supervisor review and approval).
- Provides guidance and assistance to less experienced Staff Attorneys in the performance of their duties.
- 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 of Duty 2

% of Time 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 of Duty 3

% of Time 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 of Duty 4

% of Time 5

Perform Other Duties as Assigned by the Division Chief or First Assistant

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.

Duty 5

General Summary of Duty 5

% of Time

Individual tasks related to the duty.

- 16. Describe the types of decisions you make independently in your position and tell who and/or what is affected by those decisions. Use additional sheets, if necessary.**

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 MSHDA, 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 your 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 do you use in your position? What environmental conditions are you physically exposed to in your position? Indicate the amount of time and intensity of each activity and condition. Refer to instructions on page 2.

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 classification titles of classified employees whom you immediately supervise or oversee on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)

<u>NAME</u>	<u>CLASS TITLE</u>	<u>NAME</u>	<u>CLASS TITLE</u>
N/A			

20. My responsibility for the above-listed employees includes the following (check as many as apply):

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

21. I certify that the above answers are my own and are accurate and complete.

Signature

Date

NOTE: Make a copy of this form for your records.

TO BE COMPLETED BY DIRECT SUPERVISOR

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

New position.

23. What are the essential duties 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. In your opinion, 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:

Four years of post-bar admission legal experience is required. Five years of prosecution experience is preferred.

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 of this position does not constitute agreement with or acceptance of the desirable qualifications for this position.

27. 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's Signature

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

28. Indicate any exceptions or additions to the statements of the employee(s) or supervisor.

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

Appointing Authority's Signature

Date