

1. Position Code
ATTORNYE

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.)	8. Department/Agency ATTORNEY GENERAL
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) ENVIRONMENT AND GOVERNMENT OPERATIONS BUREAU
4. Civil Service Classification of Position ATTORNEY STAFF-E	10. Division REVENUE AND TAX
5. Working Title of Position (What the agency titles the position) ASSISTANT ATTORNEY GENERAL	11. Section SUBSTANTIVE TAX
6. Name and Classification of Direct Supervisor DAVID THOMPSON - ATTORNEY SECTION HEAD 18	12. Unit 6200
7. Name and Classification of Next Higher Level Supervisor STEVEN B. FLANCHER ATTORNEY FIRST ASSISTANT 19	13. Work Location (City and Address)/Hours of Work 525 W. OTTAWA STREET – 2 ND FLOOR LANSING, MI 48909

14. General Summary of Function/Purpose of Position

As a staff level attorney, the incumbent is expected to handle legal assignments that have significant impact on cases involving the defense, enforcement and collection of state taxes. The incumbent will routinely handle assignments of varying legal complexity. Under the supervision of the Assistant in Charge, the First Assistant or the Section Head, the incumbent, drafts formal and informal legal opinions, provides day to day legal representation for various state agencies, boards, commissions and officers and employees including representation in state and federal administration proceedings and courts. Further and specifically, the incumbent is expected to routinely handle sensitive, serious

and complex legal assignments that involve Revenue Act violations, tax evasion and tax avoidance crimes. The incumbent reviews Treasury audits and memos that provide the basis for criminal prosecution. Assists in warrant review, prepares pleadings, develops legal positions and strategies, prepares files for criminal prosecution, and prepares information and charging documents. The incumbent will require only general supervision and will assist with preliminary examinations, trials and pleas.

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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 70

Litigation – prepare for the prosecution of complex criminal cases reviewing evidence and assisting with the preparation of the case for ultimate prosecution. Assisting with warrant requests and review, working with Treasury and AG Investigators to review initial assertions and findings and obtaining sufficient evidence to support the initiation and prosecution of criminal charges, including investigatory and charging documents through trial as necessary to obtain a plea or conviction understanding the legal standard necessary to pursue charges through conviction.

Individual tasks related to the duty.

- Appears in state and federal courts as required.
- Evaluates respective legal positions; plans strategies; drafts pleadings, motions and briefs, and negotiates settlements with supervisor approval.
- Handles intake, review and investigation of tax cases referred by Treasury for criminal prosecution for Revenue Act and tax evasion and violations. The level of complexity will vary depending on level of experience.
- Reviews Treasury referrals which include audit reports or other memorandum and works with Treasury personnel to prepare the information for search warrant review and case development. Work includes the formation of search warrants, information and charging documents for use in the investigatory and initial development of the criminal case.
- Meets with witnesses, taking statements and using statements in development of the criminal case.

Duty 2

General Summary of Duty 2

% of Time 15_____

Administrative Practice

Individual tasks related to the duty.

- Appears at administrative hearings: Reviews agency actions; subject to review and approval, negotiates settlements; motion practice and drafts briefs and other pleadings.
- Attends preliminary examination conference, preliminary examinations and trials as necessary to support the pending criminal charges.
- Conducts legal research regarding legal issues applicable to the practice of tax law and tax prosecutions.
- Conducts witness interviews and works with Treasury personnel and investigators to obtain evidence necessary to move the criminal prosecution forward.
- Prepares for and argues motions in state and federal court.
- Assists with the presentation of trials and motions as necessary.

Duty 3

General Summary of Duty 3

% of Time 10_____

Prepare Legal Opinions and perform other duties as assigned by the Division Chief, First Assistant or Section Head.

Individual tasks related to the duty.

- Analyzes legal issues raised; researches the law; drafts informal legal opinions (for review).
- Responds to legal questions raised by client agency.
- Consults with investigators from this department and witnesses from Treasury to liaison and analyzes the strength of criminal complaint.

Duty 4

General Summary of Duty 4

% of Time 5

Miscellaneous Duties

Individual tasks related to the duty.

- Attends and participates in training as necessitated by the demands of the client and the position. Attends staff meetings. Reviews current legal periodicals and case law updates as required by the position so as to remain current in the area of legal practice. Participates and assists other divisions and their staff in areas of particular law you are performing. Assists in inquiries from the public as they relate to the client agency that is represented and prepares written responses to inquiries to the Attorney General on behalf of the Attorney General and the client.

Duty 5

% of Time _____

General Summary of Duty 5

Individual tasks related to the duty.

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General Summary of Duty 6

Individual tasks related to the duty.

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- 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.**

EXERCISES SUBSTANTIAL DISCRETION IN HANDLING ORAL INQUIRIES FOR ADVICE AND IN NEGOTIATING WITH OPPOSING COUNSEL ON MATTERS SHORT OF ULTIMATE SETTLEMENT ISSUES. IN GENERAL, THE DEGREE OF INDEPENDENCE WILL VARY WITH THE COMPLEXITY OF THE CASE.

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

MATTERS REQUIRING REVIEW BY THE SUPERVISOR INCLUDE: FINAL VERSIONS OF PLEADINGS, MOTIONS, BRIEFS AND SETTLEMENT AGREEMENTS; FINAL DRAFTS OF FORMAL WRITTEN MEMORANDA OF ADVICE TO CLIENTS; FINAL DRAFTS OF PROPOSED ATTORNEY GENERAL OPINIONS.

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.

JOB DUTIES ARE PERFORMED PRIMARILY IN AN OFFICE SETTING WHICH MAY REQUIRE LONG PERIODS OF COMPUTER AND OFFICE EQUIPMENT USAGE. TRAVEL MAY BE INVOLVED. LIFTING OF HEAVY AND/OR LARGE CASE FILES OR BRIEF CASES.

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.)

NAME

CLASS TITLE

NAME

CLASS TITLE

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

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

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?

N/A

23. What are the essential duties of this position?

Thoroughly understand the statutory and administrative authority of the Division's client agencies. Provide oral or written legal guidance to client agencies. Represent the agencies in civil or administrative proceedings.

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

N/A

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

The incumbent serving in this position is a staff attorney providing legal services to client agencies serviced by the Revenue and Collections Division of the Department of Attorney General. The attorney handles legal assignments as required by the Assistant in Charge and the First Assistant.

26. In your opinion, what are the minimum education and experience qualifications needed to perform the essential functions of this position.

EDUCATION:

GRADUATION FROM AN ACCREDITED LAW SCHOOL.

EXPERIENCE:

AS DESCRIBED IN APPLICABLE CIVIL SERVICE JOB SPECIFICATIONS.

KNOWLEDGE, SKILLS, AND ABILITIES:

KNOWLEDGE OF FUNDAMENTAL SUBJECTS OF LAW. KNOWLEDGE OF RESEARCH PROCEDURES. ABILITY TO PREPARE BRIEFS AND ARGUE CASES BEFORE STATE AND/OR FEDERAL COURTS AND AGENCIES. KNOWLEDGE OF COURT PROCEDURES. KNOWLEDGE OF PRACTICES AND PROCEDURES OF THE DEPARTMENT OF ATTORNEY GENERAL. ABILITY TO COMMUNICATE EFFECTIVELY, BOTH VERBALLY AND IN WRITING. ABILITY TO USE JUDGEMENT, TACT AND DISCRETION. ABILITY TO ANALYZE FACTS AND DRAW LOGICAL CONCLUSIONS. ABILITY TO MAINTAIN ACCURATE RECORDS.

CERTIFICATES, LICENSES, REGISTRATIONS:

MEMBERSHIP IN GOOD STANDING WITH 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