

Wells County, North Dakota

Wells County Courthouse
Office of States Attorney
700 Railway ST N #325
Fessenden, ND 58438
(701) 547-3885

Job Description

Job Title: State's Attorney	Job Status: Full-Time
Department: State's Attorney	FLSA Status: N/A (Elected)
Reports To: Electorate	Effective Date: October 2019

❖ Nature of Work:

As a duly elected official, States Attorneys are responsible for the duties outlined in North Dakota Century Code 11-16. State's Attorneys serve as legal counsel and advisor to the county. They represent the state in criminal cases acting as prosecutor. State's Attorneys provide guidance to county commissioners, law enforcement, and officials in interpreting the meaning of the N.D. Century Code and legislation.

❖ Essential Functions of Work:

- Attend the district court and conduct on behalf of the state all prosecutions for public offenses, including preparation of law enforcement to testify.
- Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses when the state's attorney has information that such offenses have been committed, and for that purpose, when the state's attorney is not engaged in criminal proceedings in the district court, the state's attorney shall attend upon the magistrates in cases of arrests when required by them except in cases of assault and battery and petit larceny.
- Attend before, and give advice to, the grand jury whenever cases are presented to it for consideration.
- Draw all indictments and informations.
- Defend all suits brought against the state or against the county.
- Prosecute all bonds forfeited in the courts of record of the county and prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or the county.
- Deliver duplicate receipts for money or property received in the state's attorney's official capacity and file copies thereof with the county auditor.
- On the first Monday of January, April, July, and October in each year, file with the county auditor an account, verified by the state's attorney's oath, of all money received by the state's attorney in an official capacity in the preceding three months, and at the same time, pay it over to the county treasurer.

- Give, when required and without fee, the state's attorney's opinion in writing to the county, district, township, and school district officers on matters relating to the duties of their respective offices.
- Keep a register of all official business in which must be entered a note of each action, whether civil or criminal, prosecuted officially, and of the proceedings therein.
- Act as legal advisor of the board of county commissioners, attend the meetings thereof when required, and oppose all claims and actions presented against the county which are unjust or illegal.
- Institute an action in the name of the county to recover any money paid upon the order of the board of county commissioners without authority of law as salary, fee, or for any other purpose, or any money paid on a warrant drawn by any officer to that officer's own order or in favor of any other person without authorization by the board of county commissioners or by law. The State's Attorney shall not require any order of the Board of County Commissioners for this action.
- Assist the district court in behalf of the recipient of payments for child support or spousal support combined with child support in all proceedings instituted to enforce compliance with a decree or order of the court requiring such payments.
- Institute proceedings under chapter 25-03.1 if there is probable cause to believe that the subject of a petition for involuntary commitment is a person requiring treatment.
- Institute and defend proceedings under sections 14-09-12 and 14-09-19 and chapters 14-15, 27-20, and 50-01 upon consultation with the human service zone director or the executive director of the department of human services.
- Act as the legal advisor and represent a human service zone as set forth in a plan approved under section 50-01.1-03. The state's attorney within the human service zone, by way of agreement, shall designate a singular state's attorney's office, within or outside the human service zone, to act as legal advisor of the human service zone. The host county state's attorney shall serve as the legal advisor if no agreement is reached. The agreement may not limit a state's attorney's individual discretion in court filings and representation.
- Act as the legal advisor and represent the human service zone regarding employer actions, including grievances and appeals, taken against the human service zone team member. The state's attorney of the county by which the human service zone team member is employed shall act as the legal advisor of the human service zone, unless a different agreement is established by the affected state's attorney.
- The state's attorney may appoint assistant state's attorneys, who, when qualified by filing the required oath of office, shall have the same powers as, and shall perform any and all duties required of, the state's attorney. The state's attorney is responsible, under the state's attorney's official bond, for any and all acts of such assistant. The work of an assistant state's attorney must be assigned by the state's attorney.

❖ **Requirements of Work:**

- As an elected official, must reside in Wells County or be a State's Attorney in a contiguous county with a joint agreement.
- Ability to use and understand a personal computer, with knowledge of word processing and spreadsheet packages.
- Excellent prioritization, time management, and organizational skills.
- Conduct legal research and preparation of complaint, contracts, briefs, and other legal documents.

- Contact witnesses by telephone, email, mail, and subpoenas.
- Opening, maintaining, and filing files.
- Maintaining calendars.
- Overseeing the serving of copies of legal documents on appropriate parties.
- Supervise a legal assistant in the office.
- Assist in the training of law enforcement, and court preparation.
- Ability to establish, display, and maintain interpersonal skills for effective working relationships with co-workers, supervisors, and the general public. Utilize appropriate telephone etiquette, demonstrate appropriate written and verbal communication skills, and demonstrate ability to perform standard office tasks and operate standard office equipment.
- Substantial knowledge of office procedures, practices, methods and equipment and software.
- Requires a high degree of confidentiality and a high degree of communication skills to deal with employees, law enforcement, juvenile courts, district courts, clerks, defendants, attorneys, and the general public.
- Ability to perform light physical work and to carry up to 20 pounds; the ability to stand, walk, sit, bend, twist, kneel, and reach; the possession of hand/eye coordination sufficient to operate a personal computer and traditional office equipment; ability to talk and hear in person or by telephone; and the ability to see and read instructions and reports.

❖ **Desired Minimum Training and Experience :**

- Must be duly licensed to practice as an attorney and counselor at law in the courts of this state.
- Must be able to pass criminal background check and attain access to secure websites such as Odyssey and CJIS.

❖ **OTHER SKILLS AND ABILITIES:**

- Ability to work on a time line basis, concentrating on three or more functions at one time, prioritizing daily needs, define problems, and be resourceful.
- Ability to maintain strict confidentiality.

❖ **Clarification Clause**

This job description is not intended and should not be construed to be a complete list of all skills, duties, responsibilities, or working conditions associated with the job. It is intended to be a reasonable outline of those principle job elements essential in maintaining State's Attorney related positions. The job description is not a contract. As an elected official, the State's Attorney is subject to removal as stated in Title 44 and required to meet the eligibility and qualifications associated with the statutory elected official. The County reserves the right to modify job descriptions at any time.

Wells County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the county will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.