



Deputy County Attorney

Job Description

Department: Attorney
Position: Career Service
Grade: 600
Supervisory: Varies by assignment
Reports to: Utah County Attorney or a Deputy County Attorney as assigned

Summary

Under general guidance and direction of the assigned supervisor and according to the Utah County Attorney Policies and Procedures, performs duties as assigned within the functional divisions of the Attorney's office. Duties may include prosecuting criminal offenses, providing legal counsel and advice on matters of civil law, negotiating for the Community Services Division, and may involve leadership assignments. Assignments are made at the sole discretion of the County Attorney and may be modified at any time.

Essential Functions

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Represent Utah County in court or before government agencies and judicial and administrative hearings, including but not limited to grand jury proceedings, pre-trial hearings, bench and jury trials, sentencing, and all post-conviction hearings.
2. Argue misdemeanor appeals before state appellate courts.
3. Negotiate case resolution with defendants and with defense counsel.
4. File legal actions and civil and criminal complaints against violators of county ordinances on behalf of Utah County.
5. Interpret laws, rulings, and regulations for individuals, businesses, and the county; review reports of cases decided by State and Federal courts of appeal; prepare legal briefs and memos.
6. Study Constitution, statutes, decisions, regulations, and ordinances of quasi-judicial bodies to determine ramifications for cases; monitor pending legislative and appellate court actions and inform law enforcement agencies of changes to criminal laws or procedures; research relevant legal materials to aid decision making; identify implications for cases from legal precedents or other legal information.
7. Perform legal research and prepare written pleadings and memoranda for assigned cases; provide legal counsel and advice to county departments, as assigned.
8. Provide accurate and timely legal memoranda and opinions to other governmental departments, agencies, officials, and the courts; conduct complex research, as needed.

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Job Title: Deputy County Attorney
FLSA: Exempt
Effective Date: 8/6/2021
Public Safety: No

Worker's Compensation: Clerical
Background Level: I
Safety Sensitive: No
DOT: No
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9. Gather evidence to formulate defense or initiate legal actions; interview clients and witnesses to ascertain facts of a case; interview claimants; review evidence; apply statutory, procedural, and case laws; make charging, referral, plea bargain, and other prosecution decisions based upon County Attorney Policies and Procedures and other guidance.
10. Analyze probable outcomes of cases using knowledge of legal precedents; identify implications for county cases from legal precedents or other legal information.
11. Review requests for search warrants, arrest warrants, wire taps, and subpoenas; prepare administrative and investigative subpoenas; approve requests for extraditions.
12. Meet with law enforcement officers, government agencies, the public, and other department staff; attend required meetings, trainings, and seminars.
13. Exemplify the desired culture and philosophy of the organization.
14. Work effectively as a team member with other members of management and the Utah County Attorney office staff.
15. May serve as the County Risk Management Officer; oversee all County risk management activities and advise County officials and employees on risk management issues.
16. May prepare, review, and oversee the preparation and review of contracts and financing documents for various County departments; review bonding and financing documents through closing.
17. May perform administrative, supervisory, and management functions related to the practice of law, as assigned.

May be assigned duties and responsibilities from one or more of the following functional areas:

Criminal Division

1. Prosecute criminal offenses in Utah State District and Juvenile Courts, the Utah County Justice Court, and Federal District Court; evaluate strengths and weaknesses of prosecution's case and prepare cases for presentation in court.
2. Represent the county and state at hearings, arraignments, entry of plea, orders to show cause, waiver hearings, pretrial conferences, preliminary hearings, trials, sentencing, misdemeanor appeals, and post-conviction hearings, as assigned; attend the same in the place of other attorneys.
3. Review files, screen police reports, provide legal advice to investigators at crime scenes, and interview law enforcement officers, victims, and witnesses.
4. Evaluate cases under investigation by police agencies regarding the existence, nature, and degree of offenses; consult with department attorneys and police officers regarding the charging of offenses and authorize the issuance of criminal charges.
5. Consult with, train, and provide legal advice and support to local, state, and federal law enforcement agencies on matters concerning criminal law and criminal investigations; provide legal advice and support to law enforcement agencies; attend law enforcement agency meetings and trainings, as assigned.

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Civil Division

1. Represent county and assigned departments in civil litigation in state and federal trial courts, courts of appeal, and judicial and administrative hearings, including but not limited to pre-trial hearings, bench and jury trials, and post-conviction hearings.
2. Prepare county defense and advise county officials in settlement of claims.
3. Review documents and issue written legal opinions to advise county departments and officials.
4. Represent county and state agencies in enforcement and collection matters, when requested.

Community Services Division

1. Identify cases where the deferral of charging criminal offenses and inclusion in the case deferral program is an appropriate course of action.
2. Negotiate case deferral assignments with defendants and their counsel.
3. Manage deferred cases, assuring that each proceeds, and is managed appropriately and ethically.
4. Coordinate ongoing efforts with the defendant's counsel and community-based entities and volunteers who provide services in the case deferral program.
5. Receive and evaluate reports regarding case deferral participants; identify, evaluate, and resolve concerns, as needed.
6. Consult with, train, and provide legal advice and support to community-based entities and volunteers on matters concerning criminal law and policies and procedures related to the case deferral program.
7. Conduct performance appraisals of community-based entities and volunteers providing services in the case deferral program; provide feedback to determine the use and retention of community-based entities and volunteers.
8. Monitor participant progress in the case deferral program; consult with department attorneys regarding continuation of a case and/or filing of criminal offenses.
9. Act to remove the deferred case from the case deferral program, when appropriate; prepare case file for prosecution of criminal charges; file necessary documentation with the appropriate court to initiate criminal charges.

Supervisory and Management Assignments

1. Supervise, plan, schedule, coordinate, and assign the workload of assigned personnel; oversee training and ensure work is completed accurately and efficiently; attend team meetings.
2. Identify, evaluate, and resolve personnel concerns; evaluate performance and provide input for performance appraisals; administer disciplinary action in accordance with County policy and procedure.
3. Assist with making staffing decisions related to the hiring and retention of assigned personnel; interview, evaluate, and make recommendations of candidates for employment.
4. Act as a liaison, advisor, and legal trainer to police agencies; supervise other attorneys as they perform the same with their assigned police agencies.

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5. Advise and assist the County Attorney in matters of office administration pertaining to assignment, including the development, implementation, and enforcement of policies and procedures.
6. Advise the County Attorney on legal and procedural issues pertaining to proceedings in the assigned area of responsibility; assist with the correction of defects in the operation of law pertaining to assignment.
7. Assist with preparation of assigned division budget.
8. Conduct and/or coordinate continuing legal education for assigned attorneys, support staff, and for County departments, officers, and employees.
9. Represent the County Attorney in the absence of the County Attorney and the Chief Deputy, as assigned and requested.
10. Provide and oversee the provision of legal advice and opinions to the County Commission and other County officials and employees on all aspects of County government and business.
11. Oversee litigation involving Utah County; advise the Commission on litigation matters; oversee the coordination of outside litigation counsel; ensure County compliance with litigation discovery, trial, and appellate requirements.

Knowledge, Skills, and Abilities

- Knowledge of litigation proceedings, including Rules of Evidence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Juvenile Procedure, Rules of Appellate Procedure, and the Criminal Code
- Knowledge of the Utah State Code and the Code of Federal Regulations
- Skilled in litigation and trial advocacy
- Skilled in conducting legal research
- Skilled in document composition
- Skilled in legal writing, including legal briefs, memos, ordinances, and agreements
- Skilled in analytical problem solving
- Skilled in decision making under adversarial circumstances
- Skilled in negotiations
- Ability to maintain cooperative working relationships with those contacted in the course of work activities
- Ability to maintain knowledge and skills relevant to current case decisions and legislation
- Ability to communicate effectively verbally and in writing
- Ability to accurately and timely maintain files, records, and reports
- Ability to coordinate multiple tasks efficiently
- Ability to effectively use case management, presentation, spreadsheet, word processing, and research software programs

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Incumbents may be required to possess or acquire additional knowledge, skills, and abilities specific to functional areas of assignment and/or specialty assignments. Said knowledge, skills, and abilities may include, but are not limited to the following:

- Considerable knowledge of local government law
- Considerable knowledge of criminal statutes, all phases of civil substantive law, civil procedure, and federal and state court rules of practice
- Considerable knowledge of civil statutes specific to assignment
- Knowledge of public financing, bonding, and legislation
- Knowledge of principles and practices of budgeting
- Knowledge of supervisory techniques
- Skilled in leadership and management
- Skilled in effective time management
- Ability to effectively supervise

Supervisory Responsibility

The supervisory responsibility for this position depends on individual assignment and may change at the discretion of the County Attorney. An incumbent assigned to function as a supervisor or division director has direct supervisory responsibility; an incumbent without such assignment has no direct supervisory responsibility but may serve as a coach or mentor for other positions in the department.

Work Environment

Work is typically performed in a professional office environment. Work routinely requires the use of standard office equipment such as a laptop, desktop, smartphone, photocopiers, shredders, and filing cabinets. The noise level in the work environment is usually moderate. Work occasionally exposes the incumbent to high-stress situations, including contact with clients and/or the public in uncomfortable, confrontational, and emotionally charged circumstances. Work may expose the incumbent to unknown, dangerous, or hostile conditions. The incumbent may be required to drive Utah County owned vehicles in the course of conducting County business and must abide by the Utah County Vehicle Policy.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

While performing the duties of this job, the employee is required to use manual dexterity to handle, feel, and operate objects, tools and controls, and reach with hands and arms. The employee is frequently required to sit, stand, talk, and hear. Specific vision abilities required by this job include close vision, ability to adjust focus, and ability to distinguish between shades of color and patterns. The employee works for sustained periods of time maintaining concentration and attention to detail. The

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employee is required to type, file, and lift or move supplies up to twenty (20) pounds. The employee regularly drives a motor vehicle.

Position Type / Expected Hours of Work

Incumbent must work eighty (80) hours each pay period to maintain full-time status. There may be availability to work out a flex schedule ahead of time that works for both the County and the employee. Occasional to frequent evening and weekend work may be required as job duties and assignments demand.

Travel

Travel is primarily local during the business day, although some out-of-area and overnight travel may be expected, up to twenty-five (25) percent.

Required Education and Experience

1. Juris Doctor degree from an accredited law school.

Additional Eligibility Qualifications

1. Applicants must possess and maintain valid membership in the Utah State Bar Association.
OR
Applicants must possess valid licensure in an out-of-state Bar Association with rights to practice in Utah per the Judicial Council Code of the Judicial Administration, and if selected, must obtain valid membership in the Utah State Bar Association during the probationary period for new hires or during the trial period for promoted County employees. Incumbents must maintain valid licensure during employment duration.
2. Applicants must possess a valid driver's license and obtain a valid State of Utah driver's license within sixty (60) days of employment.
3. Selected applicants will be required to submit to a pre-employment drug screen and background check.

AAP/EEO Statement

It is the policy of Utah County Government to assure equal employment opportunity to its employees and applicants for employment without regard to race, color, religion, national origin, disability, age, sex, sexual orientation, genetic status or gender identity.

Other Duties

Please note this job description is not designed to cover or contain a comprehensive listing of activities, duties, or responsibilities that are required of the employee of this job. Duties, responsibilities, and activities may change at any time.

Utah County Government is a drug-free workplace.

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Acknowledgement below to be completed after an offer has been extended and accepted.

This job description has been approved by the Office of Human Resource Management in consultation with the Department Head.

Signature below constitutes an understanding of the requirements, essential functions and duties of the position.

Candidate / Employee _____ Date _____

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