

**MARIN COUNTY SUPERIOR COURT HUMAN RESOURCES DEPARTMENT INVITES APPLICATIONS FOR:**



**Research Attorney**

*An Equal Opportunity Employer*

**SALARY RANGE**

\$54.10 - \$68.53 Hourly \$9,376.65 - \$11,878.05 Monthly \$112,519.74 - \$142,536.65 Annually

**POSITION INFORMATION**

**Final filing date:** March 17, 2023. This posting is for the Marin County Superior Court Legal Support; vacancy location is San Rafael.

**DEFINITION**

Under the general direction of the Supervising Research Attorney, the Research Attorney provides general legal support and advice to the Judges and Commissioners of the Superior Court; prepares timely, detailed legal memoranda on behalf of the judicial officers. Analyzes civil motions and writs and civil and criminal appeals, and makes recommendations for judicial action; drafts proposed orders explaining the bases of the Court's ruling, and performs related work as required.

**DISTINGUISHING CHARACTERISTICS**

The Research Attorney provides a broad spectrum of legal services to the judicial officers, but is not required to appear in court to attend or to conduct trials. The Research Attorney is further distinguished from the Supervising Research Attorney in that the latter supervises this class.

**DUTIES:**

*The duties listed below are examples of the work typically performed by employees in this class. The list is not exhaustive. The Research Attorney may perform any or all of the listed duties, and may be assigned related duties that are not listed below.*

1. Independently gathers information involving civil motions, writs and/or appellate division matters on the court's calendar by reviewing case files, legal briefs and exhibits, and conferring with other court staff.
2. Identifies, researches and analyzes controlling facts and legal issues raised by the action; conducts independent legal research as needed to clarify issues, resolve conflicting legal authorities, and reach sound decisions.
3. Prepares comprehensive legal memoranda for the judicial officers detailing the relevant facts and legal issues, assess the strength and weaknesses of the parties' arguments, and recommends judicial action.
4. Drafts proposed and final orders and judgments for review by the court; indexes memos and legal research documents for future consultation.
5. Consults with judicial officers other Research Attorneys, support staff, volunteer attorneys, and law student externs on procedural and substantive legal issues.
6. Brings errors in the filing of papers or scheduling of motions to the attention of appropriate

- Court staff. Tracks case files using the Court's online file tracking system. Reviews information regarding cases in the Court's civil case management system.
7. Reviews and monitors changes in State statutes and rules to ensure the compliance of local rules; considers, recommends, and drafts new local rules which would ensure better functioning of the Law and Motion and the Appellate Divisions.
  8. Meets and confers with Research Attorneys from other Superior Courts, the Court of Appeals, and the Supreme Court.
  9. Participates in the selection process for new hires; may assist in the supervision of law student externs as required, and may perform some supervisory functions in the absence of the Supervising Research Attorney.

### **DESIRABLE QUALIFICATIONS**

#### **QUALIFICATIONS:**

*Any combination of education and experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the knowledge, skills and abilities would be the equivalent of:*

#### **Education:**

Graduation from an accredited college or university with a Juris Doctor (J.D.) degree, and current active membership in the State Bar of California required.

#### **Experience:**

Requires a minimum of four years working as a court research attorney at any court level; or four-years combined experience, with at least two years as a court research attorney and the remainder performing relevant legal research and writing with a law firm, non-profit organization, or a government agency.

#### **DESIRABLE QUALIFICATIONS:**

Excellent writing and oral communication skills; Prior experience as a judicial court attorney; Strong legal research capability; Experience with the California Environmental Quality Act (CEQA).

### **OTHER REQUIREMENTS**

#### **KNOWLEDGE OF:**

Legal research methods, practices and techniques; California and Federal case law; law and legal principles and practices for the conduct of pre-trial, trial, and appellate proceedings; rules of evidence and rules of court; judicial ethics; case management, processing and calendaring practices within the local courts.

#### **SKILL IN:**

Operating a computer, word processing, using Word and utilizing legal research software (Westlaw).

#### **ABILITY TO:**

Perform legal research, works independently and with limited direction; identify, analyze and apply legal principles and precedents to the case facts and make decisions; present statements of law, fact and argument clearly and logically in written and oral form; conduct comprehensive research work quickly under strict time constraints; organize a large volume of work and prioritize work of unit as required; coordinate work with others; deal tactfully and courteously with the public; uphold judicial ethics; establish and maintain effective work relationships with judicial officers, court personnel, other governmental agencies and members of the public.

**WORKING CONDITIONS/PHYSICAL REQUIREMENTS**

On a continuous basis, standing or sitting at a desk for long periods of time in front of a computer screen; intermittently bending to reach equipment or supplies surrounding desk; perform simple grasping and fine manipulation; occasional lifting of files weighing up to 25 pounds; use of telephone and computer keyboard on a daily basis.

**OTHER REQUIREMENTS**

Possession of a valid Class C California driver's license and a satisfactory driving record. Must pass background investigation to access the Criminal Information Systems.

This is a full-time, exempt unrepresented position. The position also includes a one-year probationary period.

**Application Process**

Please submit a complete application, cover letter, and writing sample by the application deadline March 17th, 2023 at 11:59pm.

Interviews are tentatively scheduled for Friday, March 24th via Zoom.

***The Superior Court of California, County of Marin is an Equal Opportunity Employer.***

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\* <http://www.marincourt.org>

2023-0004

## Research Attorney Supplemental Questionnaire

- \* 1. The information you provide on this questionnaire will be evaluated and used to determine your eligibility to participate in the next phase of the selection process and may also be used in a competitive evaluation. If you do not have experience in an area, please answer "N/A". Statements such as "see application," will not be accepted in lieu of a response. All employers referenced on this questionnaire must be listed on your application. Do you understand these instructions?
- Yes    No
- \* 2. In order to assess your application you will need to provide a cover letter and a writing sample not to exceed 5 pages. Have you attached a cover letter and a writing sample?
- Yes    No
- \* 3. Describe your job-related experience and training that best qualifies you for the position of Research Attorney.
- \* 4. After the trial court sustained, with leave to amend, a demurrer to plaintiff's First Am. Complaint alleging breach of contract, plaintiff filed a Second Amended Complaint (SAC). Defendant again demurred asserting plaintiff did not cure the defects in the prior complaint. Upon reviewing the demurrer, plaintiff's counsel concluded it was correct in several instances and he intended to clear up those deficiencies instead of opposing the demurrer. Plaintiff's counsel construed Code Civ. Proc. § 472 to allow him to file an amended complaint without leave of court so long as he did it before the hearing on the demurrer. Without notifying opposing counsel and two months after receiving the demurrer, plaintiff's counsel filed a Third Amended Complaint (TAC) on the day before the hearing. Because plaintiff's counsel did not appear at the hearing on the demurrer, the court adopted its tentative ruling sustaining the demurrer without leave to amend as its final order and dismissed the SAC. (See Cal. Rules of Court, rule 3.1308(a)(1).) The court also granted defendant's later motion to strike the entire TAC as not filed in conformity with the laws of this state. (Code Civ. Proc. § 436(b).) Five and one-half months after entry of the orders dismissing the SAC and striking the TAC, plaintiff filed a motion for discretionary and mandatory relief to vacate the court's prior orders pursuant to Code Civ. Proc. § 473(b). A) In support of this motion, plaintiff's counsel filed an attorney's declaration of fault explaining he reasonably construed Code Civ. Proc. § 472 to allow him to file an amended complaint without a court order so long as this was done prior to the hearing on the demurrer to the SAC. Discuss whether plaintiff is entitled to "mandatory" relief under § 473(b) based on the attorney's declaration. B) Discuss whether plaintiff is entitled to "discretionary" relief under § 473(b) based on attorney error.
- \* 5. Plaintiff has sued her attorney for legal malpractice. In a single cause of action, plaintiff alleges her attorney committed negligent acts of omissions on two separate occasions, involving two distinct matters. Defendant attorney files a motion for summary judgment, arguing that plaintiff cannot prove his actions breached the standard of care or that the alleged misconduct caused plaintiff to suffer any damages. Defendant is successful in proving that plaintiff cannot establish all the elements of a legal malpractice action as to one of the matters, but there exists a triable issue of material fact as to the other. A) Is defendant attorney entitled to summary judgment as to the complaint? Explain. B) If not entitled to summary judgment, is defendant attorney entitled to summary adjudication of the conduct which he has shown has no merit? Explain.

\* Required Question