



# Eastern Band of Cherokee Indians

## Job Description

<b>Position ID Number:</b>	065-1700-012	<b>Last Revised:</b>	05/16/2016
<b>Position Title:</b>	Law Clerk	<b>Department:</b>	Civil Law Department
<b>Reports to:</b>	Senior Associate Attorney General	<b>Division:</b>	Office of the Attorney General

**Primary Function:** The Law Clerk is a law school graduate who assists the Legal Division in researching issues and drafting court and administrative documents, and ordinances and regulations. The Law Clerk performs such other legal duties as may be assigned by the Attorney General.

### Job Duties and Responsibilities:

These duties are not to be construed as conclusive, but rather are illustrative and indicative of the level and complexity of those responsibilities ascribed to this position.

- Must be a law school graduate, with strong written and oral communication skills.
- Assists the Attorney General and Associate Counsel of the Legal Division with legal research and analysis. Sits in on court arguments, prepares summary legal memoranda, assists with the drafting of documents, advises the Attorney General and Associate Counsel in their deliberations on complex legal matters.
- Learns and applies policies, procedures, rules, and regulations of tribal government and professional specialty to which assigned and assists staff by performing the following types of duties:
  - Collects, records, organizes, and analyzes data relative to research of legal issues.
  - Researches and verifies points of law cited by attorneys in memoranda.
  - Responds to request for legal opinion at the direction of attorneys.
  - Attends committee meetings, commission meetings, and council work sessions as assigned.
  - Researches and downloads data from the computer, reviewing and extracting information from technical materials, including correspondence, reports, procedural rights, and instructions.
  - Initiates and drafts complex research papers and projects for the Attorney General.
  - Contacts other tribes, private firms, local/state/federal and public agencies to collect data regarding policies, procedures, and other matters.
  - Researches federal regulatory issues impacting Tribal environmental and water/sewer services.
  - Develops a systematic record-keeping and data gathering process.
  - Applies pertinent laws and rules in assessing information.
  - Plans, organizes, and schedules work to meet deadlines.
  - Works effectively with the public and other employees.
  - Continues to further his/her education and attend training on the laws relevant to the Court and other agencies involved with orders of said Court.
  - Prepares written draft pleadings, correspondence, legal memoranda, opinions, briefs, and proposed ordinances which shall include legal analysis of all issues relevant to a particular matter.
  - Disqualifies himself/herself in all actions where there is a conflict of interest or when the Law Clerk feels he/she cannot be fair and impartial.
  - Researches the Codes and laws of the Eastern Band of Cherokee Indians, the Indian Civil Rights Act of 1968, the Indian Child Welfare Act of 1978 and applicable laws of the United States of America and the State of North Carolina. Refrain from inappropriate discussions of individual court cases or legal matters outside the confines of the Court or Legal Division setting.
  - Assists the Legal Division in abiding by the Code of Ethics as set forth by the North Carolina Bar

Association and the Federal Bar Association, and any applicable ethics code adopted by the Legal Division or the Cherokee Tribal Council.

- Guidelines consist of the Tribal Code and other Tribal customs and laws, rules of procedure established by the Cherokee Supreme Court or the Cherokee Tribal Council, applicable provisions of the United States Code, the Code of Federal Regulations, and other appropriate federal law, and pertinent laws of the State of North Carolina.
- Required to have and maintain a valid North Carolina driver's license.

**Education  
/Experience:**

Must hold a Juris Doctor (J.D.) Degree from an ABA accredited law school. Three to six months in the position would be necessary to learn most aspects of the job.

**Job Knowledge:**

- Requires development of a thorough knowledge of Legal Division and Judicial Branch policies, procedures and guidelines. Must be able to compile and analyze legal data and make verbal presentations and written decisions. A thorough knowledge of federal, state and tribal law must be developed. Must be able to work independently and have the ability to follow verbal or written instructions accurately. Ability to operate a facsimile, copy machine, and other related office equipment is required.
- Knowledge of computer operations and software programs typically used in a legal setting, including Microsoft Windows, Microsoft Word, Westlaw, Google, Microsoft Outlook, and other software commonly used by the legal profession.
- Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, etc.
- Ability to discern legal issues, define problems, collect data, establish facts, and draw valid legal conclusions. Ability to follow a variety of instructions furnished in written or oral form. Ability to exercise independent judgment and engage in civil debate for the purpose of resolving legal issues. Ability to think and write in clear, progressive, and logical terms.

**Complexity of  
Duties:**

Ability to analyze complex legal and factual issues, and to exercise skill and tact is essential. Accuracy is also essential. Ability to utilize resources effectively. Ability to use planning, scheduling, and status-evaluation techniques effectively to ensure timely completion of assignments. Ability to distinguish between critical and non-critical concerns and to prioritize tasks accordingly. Ability to manage multiple tasks while meeting all necessary work objectives. Must be able to work in a collegial environment giving and receiving critical analysis on the merits of each case or matter. The greater part of duties is performed independently with review. Guidance on problems is obtained from the Attorney General.

**Contact with  
Others:**

Contacts include other Attorneys, Justices and Judges, Tribal members, Tribal officials, BIA staff, law enforcement officers of Tribal, County, State and Federal agencies. Contacts are for the purpose of getting or giving information. Other contacts are for obtaining background administrative information for the Attorney General and Associate Counsel of the Legal Division.

**Confidential Data:**

Has access to court records, legal documents, and Tribal records and proceedings. Many such matters are likely to be confidential. Must adhere to all tribal confidentiality policies and procedures in performance of job duties. Must follow legal conduct rules described above.

**Mental /Visual  
/Physical Effort:**

High levels of concentration are required to handle multiple cases, projects, administrative matters and other demands. May be subject to frequent interruptions at times. While performing job duties, one is required to walk, sit, reach with arms and hands, speak, and hear.

**Environment:**

The work is usually performed in the Legal Division offices with some travel to various locations required.

**Extent of  
Supervision:**

**Scope of  
Supervision:**

**Supervision  
Received:** The Law Clerk is under the general supervision of the Attorney General concerning all work product, leave, pay, personnel matters, and other administrative matters.

**Responsibility for  
Accuracy:** Adherence to sound legal practices and accuracy is paramount. Results of work will be considered by the Attorney General in making important legal decisions.

**Resourcefulness &  
Initiative:**

**Responsibility for  
Safety /Equipment:**