



Eastern Band of Cherokee Indians Job Description

Position ID Number: 931017004, 931017005	Last Revised: 07/09/2018
Position Title: Tribal Prosecutor II	Department: Criminal Law Department
Reports to: Lead Tribal Prosecutor	Division: Office of the Attorney General

Primary Function: Prosecutes criminal and juvenile charges in Cherokee Court. Provides assistance and advice to investigators in the field at crime scenes and during investigations. Assists in training Cherokee Police Department in the investigation techniques and the development of criminal cases for successful prosecution. Engage in quality control measures to ensure criminal justice system is operating for successful prosecutions. Prosecutes criminal cases in Federal Court as a Special Assistant United States Attorney (SAUSA). Communicates and coordinates assistance on a regular basis with Federal and state officials who have concurrent jurisdiction over criminal and juvenile matters on Cherokee land.

Job Duties and Responsibilities: Develop and prosecute criminal cases occurring within the jurisdiction of the Eastern Band of Cherokee Indians (EBCI), including delinquency.

Pursues and maintains SAUSA cross-deputization in the Federal courts.

Maintains good community relations by providing efficient and comprehensive quality of service for the Tribe.

Assists in drafting legislation affecting criminal and juvenile law for consideration by Tribal Council, as directed by the Lead Tribal Prosecutor.

Ensures successful Prosecution of criminal cases by engaging in continuous quality improvement methodologies to improve the overall criminal justice system. Is aware and identifies the causes or barriers to successful prosecution. Takes action to address and remedy system failures to successful prosecutions.

Assists the Lead Tribal Prosecutor with training of Cherokee Police Department regarding investigation and prosecution of both criminal and juvenile matters. Works closely with Chief of Police to develop training modules and locate outside trainers as necessary.

Confers with the Lead Tribal Prosecutor, Cherokee Attorney General and United States (U.S.) Attorney in making referrals and developing cases that must be prosecuted in Federal or State Court.

Complies with all applicable rules of legal ethics including the North Carolina Rules of Professional Conduct as they relate to criminal prosecutions.

Attends and provides leadership at multi-disciplinary team meetings, Advisory Committee meetings, and other community based meetings as directed by the Lead Tribal Prosecutor. Performs job duties according to established safety guidelines and tribal policies. Performs other duties as assigned.

Education /Experience:

A Juris Doctor (J.D.) degree from an American Bar Association (ABA) accredited law school, in addition to being a member in good standing of the North Carolina State Bar, are required to qualify for this position. A minimum of five years' experience litigating criminal law cases in North Carolina state court or federal court, or 5 years' experience litigating civil cases in North Carolina state court or federal court, are necessary to provide adequate work background, and are required for this position. Experience representing clients in Cherokee Court is strongly preferred. Experience as a state or federal prosecutor is preferred. Experience preparing and presenting appeals to the North Carolina Court of Appeals or North Carolina Supreme Court, the North Carolina Office of Administrative Hearings or to any federal court, are also preferred. Approximately one year in the job for which this description applies will be required to become proficient in most phases of the job.

Job Knowledge:

Requires a thorough knowledge of the laws, policies, procedures, and guidelines of the Eastern Band of Cherokee and the Cherokee Court. Must be able to compile and analyze legal data. A thorough knowledge of tribal, federal, and state criminal law and procedure and Indian law as it relates to criminal jurisdiction is required. Requires knowledge of, and compliance with, the Code of Ethics and Rules of Professional Responsibility of the North Carolina State Bar. Good communication skills, both verbal and written, are required. Must be able to work independently but also must be able to work collaboratively with two other prosecutors, staff, the court and law enforcement. Requires ability to operate a computer, facsimile, copy machine, and other related office equipment is required. Must have the ability to plan, organize, take initiative to ensure the tribal criminal justice system operates to provide justice to tribal members and residents of the EBCI. Must possess a valid North Carolina driver's license.

Complexity of Duties:

Ability to analyze complex legal and factual issues and to exercise skill and tact is essential. The greater parts of duties are performed independently. Requires the ability to solve problems, assess situations, and develop appropriate legal opinions. Must use judgment and initiative to maintain accuracy of work. Must be resourceful when responding to changing circumstances. Must be able to work well with law enforcement officials to maintain open lines of communication in an effort to assist with any and all necessary education and training required for successful investigations and prosecutions with both tribal and federal courts.

Contact with Others:

Contacts include Tribal members, Tribal officials, Bureau of Indian Affairs (BIA) staff, law enforcement officers of Tribal, County, State and Federal agencies; attorneys; judges; state courts; state agencies; and the general public. Contacts are made to exchange ideas and information and a high degree of tact, courtesy, and professional decorum are required. Ensuring public respect for the Court is paramount at all times.

Confidential Data:

Has access to police investigation records, court records, legal documents, records and proceedings. All such matters are likely to be confidential until a final public decision is made by the Court. Must adhere to all tribal confidentiality policies and procedures in performance of job duties. Must follow North Carolina State Bar Rules.

Mental /Visual /Physical Effort:

High levels of concentration and attention to detail are required along with general observation necessary for problem solving. Job duties requires physical efforts of sitting, standing, walking,

bending, reaching with arms and hands, good eye/hand/foot coordination, manual dexterity, and visual acuity. Must be able to hear and speak.

Environment:

Unusual work schedule may be required to coordinate with police department in prosecution of criminal cases and juvenile cases, including nights and weekends as required. May be required to work long or difficult shifts to coordinate with enforcement officers and make necessary appearance before Courts or Council. May be required to travel beyond business office to scenes of current or recent criminal activities, in all conditions and at irregular times and will be required to travel to Asheville for federal court. May be required to conduct "ride-alongs" with law enforcement officers to provide legal advice in the enforcement of criminal offenses. Must occasionally travel to meetings, seminars, and other public events within the reservation, in Western North Carolina, and in other parts of the state and country.

Extent of Supervision:

Assist in supervision as requested by the Lead Tribal Prosecutor.

Scope of Supervision:

As directed by the Lead Tribal Prosecutor.

Supervision Received:

Works under the direct supervision of the Lead Tribal Prosecutor and concurrent supervision of the U.S. Assistant Attorney General when prosecuting federal crimes in federal district court. The U.S. Attorney will update the Lead Tribal Prosecutor on performance of duties as a SAUSA.

Responsibility for Accuracy:

Timeliness and accuracy are essential, and adherence to sound legal practices is paramount. Results of work have a great impact on the administration of justice in the Cherokee Court, Federal Court and on the lives of victims of crime and those who are charged with crimes.