



Eastern Band of Cherokee Indians

CLERK OF COURT/PROBATE JUDGE

Position Description

Program:	Tribal Court	Reports to:	Chief Justice
Division:	Judicial Branch	Position Number:	930015001
Classification:	Exempt	Revision Date:	02/08/2024
Pay Level:	15	Safety Sensitive:	No

PERFORMANCE EXPECTATIONS

In performance of their respective tasks and duties all employees of the Eastern Band of Cherokee Indians (EBCI) are expected to conform to the following:

- Uphold all principles of confidentiality to the fullest extent.
- Adhere to all professional and ethical behavior standards of the Tribal Government.
- Interact in an honest, trustworthy, and respectful manner with employees, Tribal members, visitors, and vendors.
- Participate in departmental staff meetings, quality management activities and educational programs.
- Embody respect and understanding of EBCI traditions and values.
- Display willingness, initiative, and teamwork, to perform other duties as requested.

POSITION PURPOSE

Directs the work of the Clerk of Court's Office; as Probate Judge, holds exclusive original jurisdiction over matters relating to probate of wills and administration of estates. Presides over competency and guardianship proceedings. Develops and implements protocol, policies, and procedures based on Tribal, state, and federal laws where applicable. Provides direction and oversight of all Clerk of Court's Office Staff, Wellness Court Staff, and administrative staff.

ESSENTIAL DUTIES, FUNCTIONS, & RESPONSIBILITIES

- Holds exclusive original jurisdiction over matters relating to the probate of wills and the administration of estates as Probate Judge. Presides over contested estate matters as well as competency and guardianship proceedings. Makes written findings of fact and orders in each case.
- Provides highly responsible management of the Clerk's Office through direct supervision of all Clerk of Court's Office Staff. Ensures that the office functions efficiently and effectively. This includes operational planning, employee training and development.
- Provides leadership and guidance to the Wellness Court staff through direct supervision.
- Responsible for ensuring that a member of the Clerk's staff attends all hearings on the record conducted by the Cherokee Court and that notices of such hearings are accurately prepared and distributed to necessary parties.
- Develops and implements internal policies and procedures for the Clerk's Office, in compliance with all applicable Tribal, state, and federal laws. Writes orders, judgments, and other legal documents in the absence of a judge or magistrate.
- Receives, invests, and disburses funds collected from court related activity. Works with Tribal departments or outside agencies to ensure that such funds are appropriately managed.
- Retains, manages, and ensures the integrity of each case filed with the Cherokee Courts; makes appropriate entries to files; file-stamps various documents; ensures the smooth flow of files through the court system. Also maintains electronic records of all actions filed with the Court.
- Provides updates on cases to attorneys, agencies, and the public in a professional and courteous manner; provides procedural information; answers inquiries not requiring technical legal advice; explains filing processes; explains fees and fines; assists individuals in locating material and information.
- Receives and examines legal documents for accuracy, completeness, and conformity to requirements; returns unacceptable documents; affixes seals and stamps to endorse, certify, and file documents.

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- Prepares professional, clear, concise correspondence concerning general information relative to the Court. Assists in the maintenance and updating of the Court's website.
- Responsible for all administrative duties involving the Clerk's Office staff. Often requires independent judgment to enhance efficient court operations, including assisting the Cherokee Indian Police Department, Cherokee Court Judges, Attorneys, and the public. Prepares documents in conformance with court orders, issues legal documents such as warrants, subpoenas, and other official documents on behalf of the court; recalls warrants; exonerates bail; prepares judgments and dismisses or seals cases in accordance with established codes and court procedures.

Scope of Supervision:

The Clerk of Court performs work solely under the supervision of the Chief Justice. The Clerk uses independent judgment in establishing priorities and work schedules. Successful performance is measured by overall accomplishments. Work is performed in accordance with established procedures and the Clerk must use judgment in deviating from procedures. The incumbent exercises a high level of autonomy in managing the day-to-day activities of the Clerk's Office. Nearly all duties are performed independently with only the most complex issues being referred to the Chief Justice or the trial court judges.

MINIMUM MANDATORY QUALIFICATIONS

Experience: Seven (7) years of related experience required. Experience to include three (3) years of management or supervision. Must have three (3) years in the Cherokee Court system

Education: Associate's Degree in related field required. Equivalent combination of education and experience may be in lieu of degree, with required related experience of an additional: 3 years with a High School Diploma/GED equivalent.

Licenses & Certifications: Valid, insurable NC Driver's License required.

KNOWLEDGE, SKILLS, & ABILITIES

Key Job Knowledge:

- Requires working knowledge of legal terminology and a thorough understanding of the operations of the Criminal Justice System.
- Requires ability to analyze complex legal and factual issues to reach a sound and just conclusion in matters over which the Clerk of Court presides and/or has exclusive original jurisdiction.
- Must be able to independently perform research and develop internal policies, procedures, and controls.
- Incumbent must be able to work with the public, handle conflicts, and communicate effectively orally and in writing. Superior writing skills are essential.
- This position will require eighteen (18) to twenty-four (24) months on the job before becoming fully proficient.

Safety/Accuracy Focus:

Computer entries, database entries, records, documents and all other correspondence must be accurate and well maintained. Reviewing work following established practice is necessary to prevent most errors.

Key Relationships:

Contacts include Tribal members, members of the public, Tribal officials, Bureau of Indian Affairs staff and representatives, law enforcement officers, attorneys, judges, state agencies and courts. Must be able to communicate and interact effectively with the public, judges, clerks, attorneys, and others in a variety of situations. Represents the Cherokee Court and the Eastern Band of Cherokee Indians at various conferences, seminars, and committees.

Resourcefulness & Initiative:

Follows well defined Tribal procedures and guidelines. Initiative is required to maintain accuracy, establish work priorities, and meet scheduled timeframes.

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Discretion – Confidential Data:

Access to confidential and proprietary data and information which is not known by the public may occur during employment. Exercise excellent professional discretion regarding confidential and proprietary data and information, never disclosing or misusing such information. The Clerk's Office maintains public records as well as confidential information. Some court records and other legal documents may be deemed confidential by the Court. Must adhere to all Tribal confidentiality policies and procedures in the performance of job duties.

Complexity of Duties:

This position includes completing tasks of varying complexity levels. Must be able to engage in multiple tasks simultaneously and be able to use all applicable technology and software. Timeliness and accuracy are essential as is the ability to exercise independent judgment in a stressful environment. Must maintain a professional demeanor and self-control when subjected to highly emotional confrontations. Must be able to work in a collegial environment where critical analysis on the merits of each case is required. Guidance on problems is obtained from the Chief Justice and trial judges.

PREFERRED QUALIFICATIONS

Experience as a licensed attorney in estates and probate matters preferred. Experience in a legal setting is strongly preferred. Familiarity with Cherokee Tribal Laws, regulations, and policies governing the Tribal Court System is also preferred.

WORK ENVIRONMENT

Work Environment: Most work is performed in a normal office environment. Some overnight travel to various locations is required. Work outside of normal office hours may be required under certain circumstances.

**Mental/Visual/
Physical Effort:** Must be able to lift 25 pounds and carry 5 pounds on a repetitive basis. A high level of concentration is required. Subject to frequent interruptions, by phone and in person, this requires varied responses with each contact. The duties of the job routinely require standing, walking, sitting for long periods of time, kneeling, crouching, reaching, seeing, speaking, and hearing.

OTHER

Confidentiality: All employees must uphold all principles of confidentiality to the fullest extent. Sensitive information must be kept secure; a breach of these principles may be grounds for disciplinary action, up to and including immediate termination.

Background Investigation: All employees are required to complete a background investigation. Results of the background investigation will be evaluated against the requirements of the position, and as applicable to federal and state requirements. Candidates must be able to successfully pass all required background checks for data sensitive positions and for those positions subject to a 101-630 background check to ensure compliance with Public Law 101-630 "Indian Child Protection and Family Violence Prevention Act."

Drug Screening: All applicants must successfully pass a preemployment drug screening prior to beginning employment. Random drug testing will be carried out based upon position requirements.

***Disclaimer:** The information on this position description has been designed to indicate the general nature and level of work performance by employees in this position. It is not designed to contain, or be interpreted as, a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this position. Employees will be asked to perform other duties as needed.*

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ACKNOWLEDGMENT

I have reviewed the content of the **Clerk of Court/Probate Judge** position description and have been provided a copy of such position description. I certify that I am able to perform the essential functions of this position as outlined in this description.

Employee (printed name)

Employee (signature)

Date

Supervisor (printed name)

Supervisor (signature)

Date