

REPORT NO: 08-81
DATE: December 16, 2008
ANALYST: Betty J. Stanifer

CLASSIFICATION REPORT

PROPOSED TITLE: Supervising Attorney – Criminal (Appointed) (4 Positions)

CURRENT TITLE: New Position

INCUMBENT: Vacant

REASON FOR REQUEST: Evaluation to ensure proper placement of four proposed positions in the Appointed Service that will be responsible for supervision in the Criminal Division of the City Attorneys Office.

DATE QUESTIONNAIRE SUBMITTED: 12-04-08

DATE OF PREVIOUS STUDY: ---

DISPOSITION OF PREVIOUS STUDY: ---

PERSONS INTERVIEWED: Susan Segal; City Attorney
Archie Carlos; HRG

RECOMMENDATION: Establish four Supervising Attorney – Criminal (Appointed) positions at Grade 13 with 608 Total Points

The City Attorney envisions the creation of four positions to assist the Deputy City Attorney Criminal in running the Criminal Division of the City Attorneys Office. This will establish an additional layer of management between the Deputy City Attorney Criminal and other Criminal Division staff. The creation of the positions will address the issue of having a manageable span of control levels in the division.

The proposed positions will supervise trial teams composed of between nine and eleven members, including Assistant City Attorneys II, Assistant City Attorneys I, Paralegals, Victim-Witness Assistant, and Case Investigators. Currently the Deputy City Attorney Criminal supervises a group of forty plus individuals and among other duties conducts their annual performance appraisals. The net effect would be that the Deputy City Attorney Criminal would directly supervise the four proposed positions, a support services supervisor and an Office Support Specialist II. As proposed the position would be in the Appointed Service and would be responsible for, but not limited to the performance of the following specific job duties.

- Supervise a trial team providing direction on work activities:
 - Create the daily line-up and ensure that all court appearances are covered.
 - Assign charging of complaints and consult with attorneys making charging decisions, case preparations, and negotiations for resolution.
 - Take responsibility for the day to day performance management of team members.
 - Evaluate work performance of staff, identify performance concerns and consult with the Deputy City Attorney on concerns and coach staff toward desired performance.
 - Approve attorney requests to deviate from division negotiation guidelines.
 - Create and maintain training protocol for new attorneys.
 - Consult with Deputy City Attorney and the City Attorney on matters of team supervision as necessary.
 - Monitor and ensure compliance with office policies and procedures and with charging and negotiation guidelines.
- Responsibility for high profile or complex cases and other criminal cases referred to the division.
- Provide operational support to the Deputy City Attorney and the City Attorney as part of the management team:
 - Participate in policy-making and policy implementation by identifying areas of concern and recommending appropriate responses and by maintaining and developing statistics on various department and division initiatives in support of policy making.
 - Assist with department planning and in the development and implementation of initiatives.
 - Represent the department in dealings with policy-making and law-making bodies as requested.
 - Take responsibility for communications with interested parties regarding specific cases or issues as requested.
 - Prepare materials for and present continuing legal education topics when assigned.
 - Support the implementation of information technology initiatives in the department.
 - Attend meetings on behalf of or with the Deputy City Attorney and other criminal justice partners.
 - Approve team members' requests to remove a Judge when the Deputy City Attorney is unavailable.
 - Investigate complaints from various sources and report information to the Deputy City Attorney with a recommendation on resolution as requested.

POSITION ANALYSIS

In researching Classification files staff found that over thirty years ago the City Attorneys Office had a position that functioned much like the position that is being proposed. The abolished position was classified as First City Attorney and performed professional work of a high degree of difficulty and complexity in supervising the legal and administrative work of the City Attorneys Office. The position gave advice, guidance and opinions on legal questions to the Mayor, City Council and department heads, etc; assigned and advised subordinates on legal matters; and supervised subordinates in the performance of assigned legal work.

In 1998, the Criminal Division's had a projected caseload of over 71,000 and the City Attorney requested that two positions be established in the classified service to provide better service to elected officials, department heads and the community at large; and more efficient management of staff and caseloads. This evaluation was to lay the ground work for both the Criminal and Civil Divisions. The position was eventually established Managing Attorney at Grade 14 in the Classified Service.

Under the direction of the Deputy City Attorney Criminal, the position under evaluation will supervise and direct the work of Assistant City Attorneys, Paralegals, Victim Witness Assistants, and Case Investigators assigned to a specific team. A factor analysis is being conducted to ensure proper placement of the position in the hierarchy.

PRE-REQUISITE KNOWLEDGE

Candidates applying for the position are required to have a Jurist Doctorate Degree from an accredited law school, be licensed to practice law in the State of Minnesota, and admission to practice law in Federal District Court along with a minimum of five years of experience in practicing criminal law and demonstrated ability to lead a work team or significant project. As with all Attorneys forty-five continuing education credits are required every three years to practice law. For successful performance in the position, the incumbent hired would need comprehensive functional/technical knowledge of municipal law, criminal law, procedures and court processes; comprehensive knowledge of law enforcement practices; knowledge of legal research; and of planning and presentation of effective court cases. The incumbent must be skilled in negotiating, especially in negotiating complex criminal law cases; have excellent analytical skills and decision making skills; excellent oral and written communication skills; good planning and organizational skills; good computer skills; and good interpersonal skills. He/she must have the ability to supervise lead and motivate others; ability to manage and measure work by setting clear objectives; ability to work under pressure and with short deadlines; the ability to research complex criminal law cases and clearly and persuasively communicate legal analysis; the ability to anticipate problems and recommend and implement solutions.

The pre-requisites would be higher than what would be required for positions under its direction that will receive consultation and guidance from him/her. A broader, more in-depth knowledge based would be required; however, it would not be as high as that of the Deputy City Attorney that functioning in the capacity as an assistant to the City Attorney and is required to be more knowledgeable of all matters in his/her area of expertise. The pre-requisites being required of the

proposed position are comparable to those required of the Assistant City Attorney III in the Classified Service and a like rating would be appropriate. A rating of 75 is being assigned on this factor.

DECISIONS AND ACTIONS

The incumbent will review and evaluate work products, mentor and coach staff, monitor work, etc. making decisions and taking action on all but the most highly complex or unusual matters that fall within the sphere of his/her functional area. This would include determining assignments on a daily basis for attorneys in the team, which is critical as there are several mandatory court assignments which attorneys in the Criminal Division must staff each day; provide immediate legal advice to law enforcement personnel and other City employees as needed; and direct non-courtroom related work activities of attorneys, paralegals, investigators and support staff. Problems handled most frequently include providing attorneys advice and direction on how to handle cases; suggestions and solutions on issues and problems with technology systems; and problems encountered in providing leadership in the absence of the Deputy Director.

The Deputy Director reviews or approves the evaluation of employee performance and recommended disciplinary actions; the determining of long-term functions and assignments of trial team members; response to requests from District Court personnel on changes in procedures and processes; response to requests from law enforcement regarding cases, charging decisions, etc.; and representation of department management in interactions with the courts. The creation of policies, procedures and programs related to the division; strategy to be used on critical matters, including complex or high profile cases and the development of legislative initiatives are also reviewed or approved by the Deputy Director. In the Criminal area the favorable or unfavorable resolution of criminal cases impacts directly on the City, its neighborhoods and individual citizens. Public safety is typically at stake in criminal prosecutions and affects perceptions of neighborhood livability and the quality of life in the City. Here again the independence of action would be comparable to that of the Assistant City Attorney III classification. A rating of 65 is being assigned.

SUPERVISORY RESPONSIBILITY

The four positions proposed will supervise seventeen Assistant City Attorneys I, fourteen Assistant City Attorneys II, thirteen Paralegals, three Case Investigators, and one Victim Witness Assistant for a total of forty-eight subordinates. Each incumbent would supervise an average of twelve subordinates. A rating of 15 is being applied in accordance with the Supervisory Rating Guide.

RELATIONSHIPS RESPONSIBILITY

The incumbents will have a wide variety of contacts that they will experience on a daily basis; both internally and externally. Internally, daily contacts will be with subordinate staff to discuss assignments, coverage, legal issues, case investigations, case preparation, and other issues of concern; with other Supervising Attorneys to coordinate assignments, coverage, handling of legal issues; with the Deputy City Attorney to discuss/update related critical issues; with file room personnel for

preparation of case materials/scheduling; and with police officers to discuss matters related to cases. Other internal contacts are on an as needed basis with co-workers in the Civil Division to consult or discuss issues that may cross the two divisions; with Communications on cases receiving media attention; with elected officials to discuss cases, policies and legislation; and with the Police department to discuss policies and other issues.

Daily external contacts are with District Court personnel ranging from judges to court clerks regarding issues related to caseload, operations, and staffing of courtrooms; with Attorneys representing defendants, and citizens of Minneapolis and other communities regarding cases, issues, etc.; and with community representatives, advocacy groups, business groups, neighborhood groups and other criminal justice partners with inquiries about specific cases or issues.

Whether daily or as needed there are a wide variety of diverse contacts on matters that require tact and persuasion and in many instances are controversial in nature. In researching this factor it appears that all of the Attorneys and supervisors have similar levels of contact with the impact being slightly different. The positions under evaluations contact would be less than those of the Deputy City Attorney Criminal; but, more than those of the Assistant City Attorney II. It would be more comparable to the rating assigned the Assistant City Attorney III. A rating of 65 is being applied to this factor.

WORKING CONDITIONS

The incumbents will work in a normal setting with no unusual exposure to noise, dirt, hazards and no significant personal inconvenience. Historically, the rating assigned all positions that work in an office setting with daily exposure to computers is 20. A rating of 20 is being assigned to this position.

EFFORT

The proposed position will often be required to take action and respond to inquiries from any number of people including judges, police personnel, City elected officials, Assistant City Attorneys, the media, etc. within very short timelines. The need to pay close attention to detail and experiencing mental stress and strain caused by trials, hearings and meeting due to the adversarial process of legal work are constant. The question is to what degree; the Assistant City Attorney I is rated at 50 on this factor with the Assistant City Attorney II and Assistant City Attorney III rated at 60. The position under evaluation will be responsible for the supervising and directing the actions of Assistant City Attorneys I and Assistant City Attorneys II in the Criminal Division giving the proposed positions ultimate responsibility for those positions. Shouldering the responsibility for the actions of subordinates is justification for a slightly higher rating on this factor. A rating of 65 is being applied.

RECOMMENDATION

Establish four Supervising Attorney - Criminal (Appointed) positions at Grade 13 with 608 Total Points.

CONCLUSION

The City Attorney will be the Appointing Authority for the four positions, which will report to the Deputy City Attorney – Criminal. According to the City Attorney the positions meet the criteria for Appointed Positions according to the Criteria under the Minneapolis Code of Ordinance. Section 20.1010 as follows:

- 1. The person occupying the position must report to the Head of the designated City Department or the designated City Department Head's Deputy.**

The incumbents appointed to the four proposed positions will report to the Deputy City Attorney of the Criminal Division; who reports to the City Attorney.

- 2. The person occupying the position must be a part of the designated Department Head's Management Team.**

The four positions will be part of the City Attorney's Management Team.

- 3. The duties of the position must involve significant discretion and substantial involvement in the development, interpretation or implementation of City or department policy.**

As members of the City Attorney's Management Team the individuals will participate in policy making, interpretation and implementation.

- 4. The duties of the position must not primarily require technical expertise where continuity in the position would be significant.**

The positions are required to have legal expertise and experience in order to supervise members of trial teams in the Criminal Division the duties are not primarily technical in nature.

- 5. There is a need for the person occupying the position to be accountable to, loyal to, and compatible with the Mayor, City Council and the Department Head.**

The incumbents hired in the positions must be accountable to, compatible to, and loyal to the Deputy City Attorneys and the City Attorney; who in turn are accountable, compatible, and loyal to the Mayor and City Council.