

The Lewistown City Attorney is, a half-time position with the City of Lewistown. In 1997, the Lewistown City Attorney combined offices with the Fergus County Attorney. At that time, Fergus County hired the City Attorney as a half-time Deputy County Attorney to assist with prosecution services. This combined position has continued to the present. The combined office, as currently staffed, includes the Fergus County Attorney, the combined City Attorney/Chief Deputy County Attorney, two full-time Deputy County Attorneys, a Victim/Witness Coordinator and two staff. The office uses Lexis and FastCase research software and is in the process of converting from the FullCase case management system to Prosecutor by Karpel case management. The office also uses SecureWarrant software to assist law enforcement.

The City Attorney is the chief legal counsel and advisor for the City of Lewistown and is directly responsible to the Lewistown City Manager. A job description accompanies these materials.

The Chief Deputy County Attorney's primary responsibilities include complex felony and misdemeanor prosecutions as well as civil prosecutions relating to child abuse and neglect, youth court, guardianships and commitments. The Chief Deputy also has supervisory responsibilities. A job description accompanies these materials.

This combined position offers prorated benefits offer by both the City of Lewistown and Fergus County, with the City of Lewistown providing full health insurance.

The Position requires a minimum of 5 years of practicing experience as a licensed attorney, preferably in a local government setting, or similar criminal/public law experience. Must possess a license to practice law in Montana and be a member in good standing. Salary of \$85,000 to \$92,000 is negotiable depending on qualifications.

Applications will be considered beginning on November 16, 2020 and continue until position is filled. The start date for the position is as soon as.

Questions regarding this position should be directed to Nikki Brummond at the City of Lewistown, 406-535-1760 or nbrummond@ci.lewistown.mt.us.

**City of Lewistown and Fergus County
Joint Application for Employment
To be used for the City Attorney/ Chief Deputy County Attorney position**

Return to:
305 W. Watson
Lewistown MT 59457
406 535 – 1760

We are an Equal Opportunity Employer.
We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status or disability.

POSITION APPLYING FOR

Job Title: _____ **Department:** _____

PERSONAL DATA

Name: _____ **Phone:** _____

Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Message Phone: _____

Mailing Address (if different): _____

EDUCATION:

<u>Name & Location</u>	<u>Course of Study/Training Length</u>	<u>Degree/Certificate</u>
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High School: _____

**College or
Technical School:** _____

Post Graduate: _____

Related Career Education (Additional Courses, Seminars, etc.) _____

PREVIOUS EMPLOYMENT: (list most recent position first)

1. Name of Employer: _____

Address: _____

Phone #: _____ **Who to Contact:** _____

Position: _____ **Dates: (Month & Year) From:** _____ **To:** _____

Description of duties, skills, equipment and programs used): _____

Reason for Leaving: _____

2. Name of Employer: _____

Address: _____

Phone #: _____ Who to Contact: _____

Position: _____ Dates: (Month & Year) From: _____ To: _____

Description of duties, skills, equipment and programs used): _____

Reason for Leaving: _____

3. Name of Employer: _____

Address: _____

Phone #: _____ Who to Contact: _____

Position: _____ Dates: (Month & Year) From: _____ To: _____

Description of duties, skills, equipment and programs used): _____

Reason for Leaving: _____

PERSONAL REFERENCES (Give the names, addresses and phone numbers of at least three persons, not employers or relatives, who have knowledge of your character, experience and ability and represent a good cross-section of your employment record within the past five years. The applicant hereby gives the City of Lewistown and Fergus County permission to contact these persons.)

Name: _____ Address: _____ Phone#: _____

Date of Application: ____/____/____ Signature: _____

Notice to applicants: Information that you provide on this application is subject to verification, previous employers may be contacted as references. Your signature above indicates that the information provided above is true and accurate. Failing to provide true information would be grounds for termination for cause. This application is only good for 90 days beyond date of application. Criminal Background checks are required on final interviewees.

Additional sheets describing more work experience or a resume may be attached, if available.

TITLE: City Attorney

ACCOUNTABLE TO: City Manager

PRIMARY OBJECTIVE OF POSITION: Work is performed under the general direction of the City Manager. The City Attorney serves as Legal Counsel for the City. Provides comprehensive legal services to the City Manager, City Commission, all City departments. Also serves as City Prosecutor.

ESSENTIAL JOB FUNCTIONS: (May not include all duties performed)

- Reviews City ordinances, policies and procedures with regard to legal content and legal standing.
- Proactively works with department heads to reduce/eliminate legal exposure in personnel matters or City services.
- Advises the City Manager, City Commission, department heads and City employees on the implications and courses of action on a myriad of legal issues.
- Prepares formal written opinions on issues of major concern for City management where legal interpretation of a law is required.
- Drafts City ordinances and resolutions, for submittal to the City Commission for adoption.
- Investigates or directs the investigation of cases before the City. Prosecutes misdemeanor criminal cases.
- Handles litigation that involves labor law, contract claims, land use actions, civil rights, discrimination claims and negligence actions. Represents the City in civil litigation, in other courts, boards, commissions and other administrative agencies of county, state or federal jurisdictions.
- Oversees and directs professional legal staff in the prosecution of misdemeanor violations in Municipal Court.
- Thorough knowledge of state law relative to local government and its operations.
- Extensive knowledge of rules of evidence, court procedures and practices.
- Thorough knowledge of legal research methods and principles.
- Ability to prepare and conduct effective litigation actions on behalf of the city.
- Ability to analyze and interpret complex legal issues and communicate those issues effectively to the City Manager and Commission.
- Ability to communicate effectively, both orally and in writing.
- Ability to establish and maintain effective working relationships with city officials, department heads, other public agencies and the general public.

SUPERVISION – RESPONSIBILITY FOR WORK OF OTHERS: Generally, none

REQUIREMENT OF WORK:

- Employee must perform light physical work and needs to lift and carry up to 25 pounds; must have the ability to stand, walk, sit, bend, twist, reach, kneel, ride and perform similar body movements; possess hand/eye coordination sufficient to operate a personal computer, office equipment and a motor vehicle; must have the ability to talk and hear in person or by telephone; and have the ability to see and read instructions and reports.
- While the hours of work are typically between 8 am and 5 pm Monday through Friday. The employee will on occasion receive after hours calls, and must be available to provide assistance.
- The employee will also be expected to attend Commission meetings.

EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS:

Graduation from an accredited college of law with an LLB or Juris Doctorate degree. Five years of practical experience as a licensed attorney, municipal experience and trial litigation experience desired. Experience with municipal law and familiarity with local government is preferred. License to practice law in the state of Montana. Must be a member of the Montana Bar Association. Possession of a valid Montana driver's license.



Fergus County

Job Description

The County is an equal opportunity employer. The County shall, upon request, provide reasonable accommodations to otherwise qualified individuals with disabilities.

This job description is intended to reflect core areas of responsibility and an incumbent employee's knowledge and skill set needed to complete those functions. This document is not intended to catalog each individual duty; employees are routinely called upon to address emerging employer requirements in alignment with individual work units and assignments of jobs. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer change.

Job Title: Chief Deputy County Attorney
Department: County Attorney's Office

FLSA Status: ☐ Non-Exempt ☒ Exempt
Reports to: County Attorney

Work Unit Overview: The County Attorney's Office is responsible for the prosecution of criminal offenses committed within the County and for serving as the attorney for County government, including all agencies and boards.

Job Summary: Under the general direction of the County Attorney, performs a variety of professional duties involved in providing a full range of legal services; prepares and prosecutes criminal cases in Justice and District Court; prepares and prosecutes civil cases involving child abuse and neglect, youth court cases, and mental commitments. Incumbent has a high degree of understanding of department and functional operations and is able to work with considerable initiative. Working with senior management guidance, incumbent applies professional and managerial principles that can affect the entire department with the potential to have a major effect on the County. Incumbent's decisions can have a moderate to major financial impact on the overall organization. Incumbent solves complex technical problems, which can have significant impact on the entire organization. Incumbent must have the ability to exercise discretion regarding confidential matters.

For purposes of this position, "County Attorney's Office" includes all matters relating to Fergus County, Petroleum County, and other counties/entities the County Attorney's Office is assisting. Reports to and provides support to all attorneys in the office; County Attorney has ultimate disciplinary authority. Intermediary supervisor of Deputy County Attorneys and staff.

Essential Functions (Major Duties or Responsibilities): *These duties are the essential functions and are not all-inclusive of all duties that the incumbent performs.*

- Represents the County and State by prosecuting various misdemeanor and felony criminal offenses, abuse and neglect cases, youth court cases, mental commitments and guardianships, and civil cases connected to criminal cases; initiates prosecutions; prepares cases for prosecution; reviews reports and conducts legal research; prepares court orders, petitions, affidavits, and briefs; tries cases; determines and recommends appropriate sentences.
- Represents the County and State in criminal legal proceedings before courts, administrative agencies and boards (including Equal Employment Opportunity Commission, Montana Human Rights Commission, Board of Personnel Appeals), arbitrators, and other administrative agencies.
- Prepares pleadings, conducts legal research, prepares briefs and memoranda, appears in court, and negotiates with other parties.
- Prosecutes, negotiates, and settles misdemeanor and felony criminal cases as assigned by the County Attorney.
- Provides legal advice/opinions as requested by the County Attorney to County employees on a variety of legal issues pertaining to County business; advises staff and officials on the legal requirements and consequences of proposed actions; provides training to County staff, law enforcement, and others on current laws and effective enforcement procedures; conducts ongoing legal research in connection with criminal legal issues pertaining to the County.
- Participates in the development, planning, and implementation of criminal policies and procedures for the County Attorney's Office; devises and implements systems and forms for most efficient operations as assigned
- Other duties as assigned.

Physical Demands and Working Conditions: *The demands and conditions described here are representative of those the employee must meet to perform the essential functions of the job.*

- Work is performed in a normal office environment. Work requires high attention to detail and deadlines between 45% and 70% of the time. Office is fast-paced and caseload varies, but is frequently high volume.

- The employee is constantly required to use hands to handle or feel office supplies, evidence, documents, and to utilize a computer and keyboard.
- Frequently required to sit, stand, talk, write, listen and read.
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision and depth perception.
- The employee is intermittently required to lift amounts between 5 and 25 pounds; infrequently required to lift and/or move up to 50 pounds.
- The noise level of the office is usually moderate.
- May involve occasional travel by auto to attend meetings with community partners.
- Employee is assigned to the County Attorney's Office; Incumbent may be exposed to disagreeable elements on an intermittent basis including, dealing with angry people, threats of injury or assault, violence, or offensive language.

Supervision Exercised: Intermediary supervisor of Deputy County Attorneys and Office Staff.

Knowledge, Skills, and Abilities:

- Knowledge of Montana statutes, state supreme court decisions, attorneys general opinions and Montana case law; Montana Code Annotated; and Fergus and Petroleum County regulations; federal laws and standards for civil and criminal procedures; County Attorney's Office policies and procedures; state and federal criminal justice system; court procedures; State of Montana civil and criminal law.
- Ability to use common office machines; operate computer systems and related software, including word processing and spreadsheet programs; analyze and interpret legal documents; conduct legal research; make defensible judgments relative to complex and sensitive factual situations; determine when an issue becomes a matter of public policy; communicate effectively orally and in writing; follow verbal and written instructions;
- Excellent organization skills; ability to prioritize and handle multiple tasks at one time.
- Ability to establish effective working relationships with judges, attorneys, fellow employees, county agencies and citizens; and work with individuals from a variety of social, economic and racial backgrounds.

Education and Experience:

- Qualifications include a juris doctorate from an American Bar Association approved law school. Minimum of five (5) years of increasingly responsible professional legal experience in criminal law and/or municipal or other government law, or the equivalent, is preferred. Member in good standing with the Montana State Bar and license to practice law in the state and federal courts in Montana is required. Prosecutorial experience is preferred. Must be able to successfully pass a Federal and State background check and a pre-employment drug test.

Some requirements in this job description may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees. All requirements are subject to modification to reasonably accommodate individuals with disabilities.

Requirements are representative of minimum levels of knowledge, skills, and experience required. To perform this job successfully, the worker must possess the abilities and aptitudes to perform each duty proficiently.

This document does not create an employment contract, implied or otherwise. The City retains the discretion to add duties or change the duties of this position at any time.

I have read the above job description, I understand the requirements of the job as listed, and I feel I have the necessary knowledge, mental and physical abilities to do the job as outlined, with or without reasonable accommodation.

Employee Signature

Date

Board of Commissioners Presiding Officer

Date

Fergus County Attorney

Date

EMPLOYMENT PREFERENCE FORM

Name

Position Applied For

Job Title

Position No.

Department Name

The Montana Veterans' Public Employment Preference Act and Persons with Disabilities Public Employment Preference Act allow eligible applicants to request a hiring preference when applying for a position with a public employer. Applying for a preference is **voluntary**, and all information related to a preference will be **kept confidential**. Public Employers will only use this information during the hiring process and will maintain the information in a separate confidential file. Applicants who wish to claim an employment preference must complete and return this form along with their completed employment application.

Applicants requesting preference must provide the appropriate documentation along with their application to verify eligibility.

Contact the local Job Service Workforce Center for details on veterans' preference or the local Montana Vocational Rehabilitation Services Office for details on obtaining a disability preference certification.

1. To claim **Veterans' Employment Preference** you must be a U.S. Citizen and (check one of the boxes below):

☐ **A Veteran, if**

1. you were separated under honorable conditions, **AND**
you served more than 180 consecutive days of active federal military duty other than for training in the Army, Air Force, Navy, Marines, or Coast Guard or were a member of the reserves who served on federal military duty during a period of war or in a campaign or expedition for which a campaign badge is authorized.
2. You are or were a member of the Montana Army or Air National Guard who satisfactorily completed a minimum of 6 years service in armed forces, the last 3 of which have been served in the Montana Army or Air National Guard.

☐ **A Disabled Veteran, if**

1. you were separated under honorable conditions from military duty, **AND**
2. you have an established Armed Forces service-connected disability **OR** are receiving compensation, disability retirement benefits, or pension from the U.S. Department of Veterans Affairs or military department, **OR** you have received a Purple Heart.

☐ **The spouse of a disabled veteran** if the veteran's disability prevents him or her from working.

☐ **The unremarried surviving spouse of a veteran or disabled veteran.**

☐ **The mother of a veteran, if**

1. the veteran died under honorable conditions while serving in the Armed Forces, or the veteran has a service-connected, permanent, and total disability, **AND**
2. your spouse is totally and permanently disabled, **OR** you are the unremarried widow of the father of the veteran.

2. To claim **Montana Persons with Disabilities Employment Preference**, you must be (check one of the boxes below):

☐ **A person with a disability** certified by DPHHS, **OR**

☐ **The spouse** of a totally (100%) disabled person certified by DPHHS **AND** have resided continuously in Montana for at least 1 year immediately before applying for employment.

3. **In the box below, check the attachment you have included to document your eligibility for employment preference.**

☐ DD-214 showing the character of discharge

☐ Service-connected disability letter

☐ DPHHS Disability Certification

☐ A document issued by the Office of the Adjutant General of the Montana National Guard certifying service

SIGNATURE (typed or written):

DATE SIGNED:

AUTHORIZATION TO RELEASE INFORMATION

TO

CITY OF LEWISTOWN, MONTANA

I am an applicant for a position with the City of Lewistown. I am required to furnish information which the City of Lewistown may use in determining my moral, physical and mental qualifications. In this connection, I hereby expressly authorize release of any and all information which you may have concerning me, including information of a confidential or privileged nature.

I hereby release the City of Lewistown with which I am seeking employment and any organization, company, institutions or person furnishing information to the City of Lewistown as expressly authorized above, from any liability for damage which may result from furnishing the information requested.

Date: _____ 20 _____

Signature

Print Full Name: _____

Present Address: _____
(Street)

(City) (State) (Zip)