



SUPERIOR COURT OF CALIFORNIA COUNTY OF MARIN



Announces an Opportunity for the Position of
RESEARCH ATTORNEY

Our Mission

*To ensure fair and equal access to justice and
serve the public with dignity and respect.*



The Community

Located in the North Bay across the Golden Gate Bridge from San Francisco, Marin County is a dynamic community of 252,000 residents known for its combination of rural and suburban lifestyles.

It is a recreation destination for the entire Bay Area, the Golden Gate National Recreation Area and Point Reyes National Seashore are just two destinations out of more than 140,000 acres of public lands within Marin. The County's active economy includes employers such as Lucas Films and Autodesk, as well as vibrant agriculture, aquaculture, light industry and tourism business sectors. Marin County residents enjoy an excellent public school system. Marin's post-secondary institutions include College of Marin and Dominican University.

The Court

The Court is considered small/medium sized among the State of California's 58 trial courts. The Court has 12 authorized judicial positions and approximately 107 staff. The Court's bench and staff are ethnically and racially diverse. The average age of staff in the Court's workforce is approximately 52. Approximately 75% of the staff are represented by SEIU 1021; all others are unrepresented.

The Court is located in the Marin County Civic Center, a facility and campus designed by famed architect Frank Lloyd Wright. The Administration building was opened in 1959, while the Hall of Justice, housing the Court and other criminal justice and law enforcement agencies, was completed in 1969. The Civic Center was designated a National Historic Landmark in 1991. Its unusual design makes it a destination for tourists.

Research Attorney

Under the general direction of the Supervising Research Attorney, the Research Attorney provides general legal support and advice to the Judges and Commissioners of the Superior Court; prepares timely, detailed legal memoranda on behalf of the judicial officers; analyzes civil motions and writs and civil and criminal appeals, and makes recommendations for judicial action; drafts proposed orders explaining the bases of the Court's ruling; and performs related work as required.

- Independently gathers information involving civil motions, writs and/or appellate division matters on the court's calendar by reviewing case files, legal briefs and exhibits, and conferring with other court staff.
- Identifies, researches and analyzes controlling facts and legal issues raised by the action; conducts independent legal research as needed to clarify issues, resolve conflicting legal authorities, and reach sound decisions.
- Prepares comprehensive legal memoranda for the judicial officers detailing the relevant facts and legal issues, assesses the strengths and weaknesses of the parties' arguments, and recommends judicial action.
- Drafts proposed and final orders and judgments for review by the court; indexes memos and legal research documents for future consultation.
- Consults with judicial officers, other Research Attorneys, support staff, volunteer attorneys, and law student externs on procedural and substantive legal issues.
- Brings errors in the filing of papers or scheduling of motions to the attention of appropriate Court staff; tracks case files using the Court's online file tracking system; reviews information regarding cases in the Court's civil case management system.



- Reviews and monitors changes in State statutes and rules to ensure the compliance of local rules; considers, recommends, and drafts new local rules which would ensure better functioning of the Law and Motion and the Appellate Divisions.
- Meets and confers with Research Attorneys from other Superior Courts, the Court of Appeals, and the Supreme Court.
- Participates in the selection process for new hires; may assist in the supervision of law student externs as required; and may perform some supervisory functions in the absence of the Supervising Research Attorney.

Qualifications

Education: Graduation from an accredited college or university with a Juris Doctor (J.D.) degree, and current active membership in the State Bar of California required.

Experience: Requires a minimum of four years working as a court research attorney at any court level; or four-years combined experience, with at least two years as a court research attorney and the remainder performing relevant legal research and writing with a law firm, non-profit organization, or a government agency.

Desirable Qualifications: Excellent writing and oral communication skills; prior experience as a judicial court attorney; strong legal research capability; experience with the California Environmental Quality Act (CEQA).

Knowledge, Skills and Abilities

Knowledge of: Legal research methods, practices and techniques; California and Federal case law; law and legal principles and practices for the conduct of pre-trial, trial, and appellate proceedings; rules of evidence and rules of court; judicial ethics; case management, processing and calendaring practices within the local courts.

Skill in: Operating a computer, word processing, using Word and utilizing legal research software (Westlaw).

Ability to: Perform legal research, works independently and with limited direction; identify, analyze and apply legal principles and precedents to the case facts and make decisions; present statements of law, fact and argument clearly and logically in written and oral form;



conduct comprehensive research work quickly under strict time constraints; organize a large volume of work and prioritize work of unit as required; coordinate work with others; deal tactfully and courteously with the public; uphold judicial ethics; establish and maintain effective work relationships with judicial officers, court personnel, other governmental agencies and members of the public.

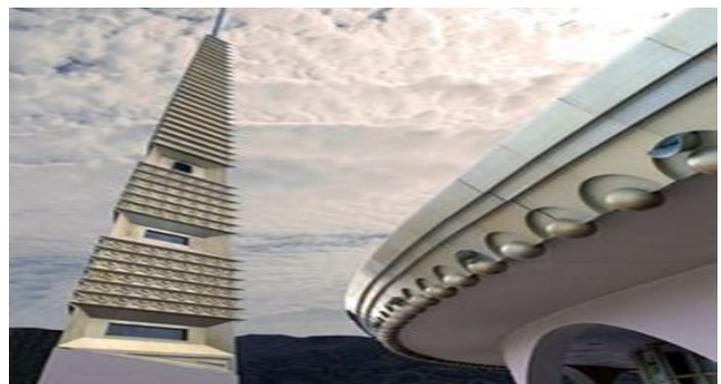
Compensation & Benefits

The annual salary range for the Research Attorney is \$103,230.54 to \$130,769.37 per year. In addition, the salary is supplemented by a generous benefit package that includes the following elements.

Retirement

For new employees, the Court's retirement system is authorized by the County Employees Retirement Law of 1937 with a plan of 2% @ 62. This system has a reciprocity relationship with CalPERS and other 1937 Law entities.

Note: Court employees do not contribute to Social Security other than mandatory Medicare tax.



Insurance

The Court offers a cafeteria-style benefits plan that allows employees to choose from a variety of health, dental, vision, life, and long-term disability insurance plans. The Court also offers flexible spending accounts.

In addition, the Court provides generous paid leave allowances (paid time off and sick leave).

Other Benefits

Deferred Compensation Plan

All court employees may participate in a voluntary Internal Revenue Code Section 457 deferred compensation plan paid 100% by the employee.

Tuition Reimbursement Program

The Court offers a Tuition Reimbursement Program to employees who enroll in approved training courses or classes that directly relate to their present positions with the Court, or which may make employees more upwardly mobile in the Court. The Court's reimbursement program pays up to 50% of registration fees and materials, provided employees are pre-approved for their educational expenses and there are sufficient funds available in the Court's budget.

Employee Training and Development Program

The Court is committed to a continuous learning environment where employees are encouraged to improve their knowledge and skills throughout their careers with the Court. The Court is involved in regional and statewide training networks with other courts and professional organizations and also offers onsite programs.

The Court also offers (2) Professional Development Days per year that may be prorated based on date of hire.

Free Parking

The Civic Center offers free all-day parking for all employees and visitors.

Carpool /Bike Incentive

Join a carpool to go further, or jump on a bike to boost your health and your wallet. You can receive a \$240

taxable carpool/bike incentive once every 6 months for carpooling or biking to work **at least 60 days within each 6-month reporting period**. This incentive is paid out twice a year if you meet all requirements. That's up to \$480 a year! The 60 days can be achieved through a combination of biking and/or carpooling.



Farmers Market

The Thursday Marin Farmers Market is located at walking distance and features 100 local farmers, specialty food purveyors and a handful of artisans. It makes for a great lunch destination as well.

Marin Civic Center Café

Byte Foods offers automated refrigerated food kiosks restocked daily with a variety of fresh, nutritious and locally sourced foods and beverages. These items include various sandwiches, salads, burritos and specialty entrees, as well as coffee, kombucha, and juices. There is also an assortment of snacks and treats.

Marin County Library

The Frank Lloyd Wright Civic Center Building offers an on-site library located on the fourth floor. It features free wifi, public computers and a large inventory of books and audio books.

Beautiful Scenery

Across the street from the Civic Center is the Marin Center which includes walking paths around a beautiful pond with a wide variety of wild birds. The Marin Center is also the location for the yearly Marin County Fair and various shows.



To Be Considered

Applications must be completed electronically at http://www.marincourt.org/human_resources.htm. Click on the link for Career Opportunities. The deadline is Sunday, July 26, 2020 at 11:00 p.m. Candidates are responsible for submitting an online application, a cover letter, a writing sample not to exceed 5 pages and answers to the supplemental questions in order to be considered.

Those candidates deemed most qualified will be invited to one or more virtual oral interviews via zoom, tentatively scheduled the week of August 3rd or August 10, 2020.

This is a full-time, exempt unrepresented position. This position also includes a one-year probationary period.

EQUAL OPPORTUNITY/ADA EMPLOYER

Supplemental Questions

◆ Describe your job-related experience and training that best qualifies you for the position of Research Attorney.

◆ After the trial court sustained, with leave to amend, a demurrer to plaintiff's First Am. Complaint alleging breach of contract, plaintiff filed a Second Amended Complaint (SAC). Defendant again demurred asserting plaintiff did not cure the defects in the prior complaint. Upon reviewing the demurrer, plaintiff's counsel concluded it was correct in several instances and he intended to clear up those deficiencies instead of opposing the demurrer.

Plaintiff's counsel construed Code Civ. Proc. § 472 to allow him to file an amended complaint without leave of court so long as he did it before the hearing on the demurrer. Without notifying opposing counsel and two months after receiving the demurrer, plaintiff's counsel filed a Third Amended Complaint (TAC) on the day before the hearing.

Because plaintiff's counsel did not appear at the hearing on the demurrer, the court adopted its tentative ruling sustaining the demurrer without leave to amend as its final order and dismissed the SAC. (See Cal. Rules of Court, rule 3.1308 (a)(1).) The court also granted defendant's later motion to strike the entire TAC as not filed in conformity with the laws of this state. (Code Civ. Proc. § 436(b).)

Five and one-half months after entry of the orders dismissing the SAC and striking the TAC, plaintiff filed a motion for discretionary and mandatory relief to vacate the court's prior orders pursuant to Code Civ. Proc. § 473(b).

A) In support of this motion, plaintiff's counsel filed an attorney's declaration of fault explaining he reasonably construed Code Civ. Proc. § 472 to allow him to file an amended complaint without a court order so long as this was done prior to the hearing on the demurrer to the SAC. Discuss whether plaintiff is entitled to "mandatory" relief under § 473(b) based on the attorney's declaration.

B) Discuss whether plaintiff is entitled to "discretionary" relief under § 473(b) based on attorney error.

◆ Plaintiff has sued her attorney for legal malpractice. In a single cause of action, plaintiff alleges her attorney committed negligent acts of omissions on two separate occasions, involving two distinct matters. Defendant attorney files a notice of motion for summary judgment, arguing that plaintiff cannot prove his actions breached the standard of care or that the alleged misconduct caused plaintiff to suffer any damages. Defendant is successful in proving that plaintiff cannot establish all the elements of a legal malpractice action as to one of the matters, but there exists a triable issue of material fact as to the other.

A) Is defendant attorney entitled to summary judgment as to the complaint? Explain.

B) If not entitled to summary judgment, is defendant attorney entitled to summary adjudication of the conduct which he has shown has no merit? Explain.