



City of Phoenix ASSISTANT CITY ATTORNEY II (Non-classified)

JOB CODE 10120

Effective Date: 12/92

DISTINGUISHING FEATURES OF THE CLASS:

The fundamental reason this classification exists is to provide difficult civil or criminal professional legal work involving extensive legal research, precedent problems, solutions of enforcement problems, jury and court trials, appeals and contested cases. Some positions to work independently on all but the most complex cases and legal work in the department, although assignments are usually specialized as to type (i.e., criminal prosecution, tax work, building code violations or condemnation work). Trial work includes jury trials, contested cases, cases appealed to the Superior Court and on occasion, cases appealed to the Court of Appeals or the Supreme Court. Some positions are assigned to work with the Assistant City Attorney III on complex cases or legal work such as the development or revision of major ordinances and test cases involving major sums of money (\$500,000 or more). Employees within this class work independently within the guidelines of established office policies, court procedures and the rules of evidence and procedure. Assignments include mandatory coverage of custodial arraignment courts on a rotating basis involving weekend/or holiday duty approximately three times per year. Work is reviewed by the City Attorney or his designee through the review of plans and by the evaluation of completed assignments or trial results. Independent performance of the more difficult duties described above distinguish this class from the Assistant Attorney I.

ESSENTIAL FUNCTIONS:

- Prepares and tries cases in the City courts involving jury trials, test actions or contested actions;
- Evaluates cases and recommends whether or not the City should appeal;
- Prepares and tries code violation cases in which precedents must be established or in which the parties to the cases present public relations problems;
- Prepares and tries condemnation cases;
- Attends meetings to departmental officials and employees to advise on legal questions and impact of planning decisions, code enforcement policies and proposed action and the procedures which should be followed and evidence which must be obtained if actions are to stand up in court;
- Prepares legal opinions on proposals submitted to the City Attorney's Office by City departments;



City of Phoenix

- Represents the City at public hearings;
- Counsels City officials on the legal aspects of opposing proposals;
- Reviews City real estate transactions for completeness and legality;
- Approves legal forms for bids, contracts and bonds for City works and supplies;
- Prepares proposed changes to ordinances and administrative procedures to resolve impact or enforcement problems encountered;
- Reviews reports requesting criminal prosecution submitted by both police and non-police agencies;
- Reviews requests for revocation of probation petitions;
- Reviews cases to determine eligibility for diversion programs;
- Reviews cases for pretrial negotiation, attends pretrial disposition conferences;
- Prepares cases for trial, including the subpoenaing and interviewing of witnesses;
- Engages in pretrial motion practice;
- Prosecutes jury and nonjury cases, including major traffic and criminal matters;
- Tries minor traffic cases to the court;
- Handles probation revocation hearings;
- Provides statistical data concerning disposition of cases;
- Administers a police/prosecutor training program;
- Serves on an oral interview board for attorney vacancies;
- Reviews concluded case files for the compliance with office policy;
- Handles the research, writing and oral arguments of post-trial motions in the Phoenix Municipal Court;
- Initiates and defends appeals to the Superior Court;
- Researches, writes and argues appeals to upper level Appellate Court and Federal Court;
- Maintains regular and reliable attendance.
- Demonstrates superior seamless customer service, integrity, and commitment to innovation, efficiency, and fiscally responsible activity.
- Works more than forty hours in a workweek without additional compensation to perform assigned job duties, including weekends, evenings, early morning hours, and holidays as required.

Required Knowledge, Skills and Abilities:

Knowledge of:

- Judicial procedure and rules of evidence.
- City ordinances and State, Federal and general municipal laws including accepted legal or court interpretation.
- Organization, functions and legal limitations on the authority of the various City departments.
- Principles of civil law.



City of Phoenix

- Principles of criminal law.
- What can be accomplished by legal approaches, what must be done by administrative approaches and how the two must be balanced to achieve the intent of the City departments and to protect the public interest.

Ability to:

- Communicate orally in the English language with clients, judges, other agencies and members of the public by telephone or in a one-to-one or group setting.
- Analyze, appraise and organize facts, evidence and precedents and to present such materials effectively, orally and in writing.
- Determine the limits of action available to opponents and the probable course of action of the opponents in court cases.
- Present and argue cases in court.
- Work smoothly with unanticipated situations when these arise.
- Produce written documents in the English language with clearly-organized thoughts with proper sentence construction, punctuation, and grammar.
- Negotiate settlements.
- Demonstrate sound judgment.
- Observe and train new attorneys.
- Work evenings and weekends.
- Work cooperatively with others.
- Work safely without presenting a direct threat to self or others.

Additional Requirements:

- Admission to the bar of the State of Arizona.
- This position may require the use of personal or City vehicles on City business. Individuals must be physically capable of operating the vehicles safely, possess a valid driver's license and have an acceptable driving record. Use of a personal vehicle for City business will be prohibited if the employee is not authorized to drive a City vehicle or if the employee does not have personal insurance coverage.
- Some positions will require the performance of other essential or marginal functions depending upon work assignment, location, or shift.

ACCEPTABLE EXPERIENCE AND TRAINING:

One year of experience as an attorney, (comparable to the class of Assistant City Attorney I) including experience in legal research and the independent handling of trial work up to the jury trials, contested case or appeal level, and graduation from an accredited school of law. Other combinations of education and experience which meet the minimum requirements may be substituted.



City of Phoenix