Form **DS R-1**
State of California
Secretary of State

Duty Statement
Rank & File

☐**Proposed**
(Submit to HR for Review)
☒**Final**

Print or type.
See Specific Instructions on page 2.

A. Current Position Number	B. Probationary Period /JEP Period
785-400-5795-XXX	12 months

C. Incumbent Name	D. Classification/Job Title	E. Effective Date
	Attorney III/Litigation Lead	

F. Unit, Section, Division	G. Location
Legal, Business Programs Division	☒ Sacramento ☐ Los Angeles

H. Name of Immediate Supervisor/Manager	I. Classification/Title of Immediate Supervisor/Manager
Betsy Bogart	Chief, Business Programs Division

J. Bargaining Unit (CBID)	K. Time Base	L. Tenure
☒ BU 2	☒ Full Time ☐ Part Time ☐ Other	☒ Permanent ☐ Permanent Intermittent ☐ Limited Term ☐ Intermittent ☐ Other

M. Work Schedule	N. Work Hours
Monday – Friday	8:00 a.m. – 5:00 p.m.

O. Background Check Required	P. Job Requires Driving Automobile	Q. Certification Required
☐ Yes ☒ No	☒ Yes ☐ No	☐ Yes Click here to enter text. ☒ No

Section II JOB DESCRIPTION

Indicate the major functions and associated duties, and the percentage of time spent on each (list higher percentages first). Essential functions assigned less than 5% should be combined with other task statements. The total percentage of all functions, including marginal, must equal 100%.

DESCRIBE THE ORIGINAL SETTING AND MAJOR FUNCTIONS

Under the general direction of the Division Chief and/or Chief Counsel, the incumbent, working with broad discretion and independence, will perform sensitive and complex legal work of the Secretary of State (SOS) primarily in the Business Programs Division. Duties encompass the areas of legal and complex legal filing review relating to various Business Programs Division documents, filings, requests and services, administrative and civil litigation cases, legal advice, legislation/regulations, and other related work as it relates to Underrepresented Communities and Women on Boards programs as well as complex Business Entities, Notary Public, Trademarks, and Uniform Commercial Code related issues. Personally perform the most difficult; complex and sensitive legal work, litigation, legislative liaison, hearings, court appearances, legal research and writing, and legal opinion drafting.

Incumbent, under the direction of the Chief Counsel, will as needed, assist other SOS divisions and broader agency on a variety of legal and policy issues by providing research, consultation and advice, as needed.

ESSENTIAL FUNCTIONS

45% ☒ **Leadership, Legal Review and Litigation:**

Acts in a lead capacity to oversee all aspects and processes of the Underrepresented Communities and Women on Boards programs as well as legal aspects and issues related to numerous program areas including Business Entities Filings (Corporations Code, Civil Code, Food & Ag Code, B&P Code, H&S Code, etc.), Notary Public and Special Filings Section (Government Code, B&P Code etc.), Victims of Corporate Fraud Compensation Fund (Corporations Code), Trademarks (B&P Code and related Federal Laws), and Uniform Commercial Code (UCC Code Revised Article 9). This includes training SOS Attorneys; and reviewing staff work product; performing the most difficult and complex litigation; legal research and writing; responding to difficult legal correspondence and inquiries; responsible for administering the Underrepresented Communities and Women on Boards programs and representing the SOS in all courts regarding litigation for BPD and/or working with the Attorney General's office to advise and make recommendations on ongoing litigation.

In a lesser capacity, acts as a lead to provide oversight and support to SOS, Chief Counsel, SOS Attorneys, document examiners and other Business Programs Division staff; reviewing and offering legal expertise on potential legal problems regarding review, legal filings and work in the division/agency. Provides training to Attorneys and other staff in regards to the interpretation of statutes and regulations consistent with SOS' statutory responsibilities; and reviewing SOS Attorneys and staff work product for consistency and legal compliance; which includes ensuring web content and information provided to third parties complies with current law and is consistent. Incumbent may also prepare written or verbal comments for submission to the Legislature setting forth the position of the Secretary of State regarding proposed legislation.

35% ☒ **Complex Legal Filing Review, Administrative Hearings and Legal Support:**

Performs the most difficult and complex litigation, negotiation, legislative liaison, administrative hearings, legal research and writing, and legal opinion writing; manages litigation and workload relating to notary public disciplinary hearings; performs the legal review of the most complex documents submitted for filing in the Business Programs Division; responds to difficult legal correspondence; develops strategy and tactics in the most complex disputes and litigation; and provides legal consultation and support to the Executive Staff, Chief Counsel, Division Chief, management, supervisors, and program staff of the Business Programs Division. Some travel is required on an as needed basis.

15% ☒ **Substituted Service of Process and Subpoenas:**
Provides oversight, support and legal expertise with regard to the most complex and exceptionally difficult documentation submitted to the Secretary of State for substituted service of process and subpoenas. This includes identifying what regulations, requirements and laws will be needed for service, ensuring the documentation meets all legal requirements and is eligible for the service, and coordinating that effort with the division staff.

MARGINAL FUNCTIOS

5% ☒ **Management Representation and Assistance:**
On behalf of the Secretary of State (SOS), acts as the lead liaison with and point of contact for other licensing and taxing State and Local Government Agencies related to business entities. Engages in additional activities such as participation in activities of the committees of the Business Law Section of the State Bar of California and County Bar Associations, general administrative responsibilities, etc., and perform other duties as required.

Section III EMPLOYEE/SUPERVISOR STATEMENT

You are a valued member of the Secretary of State's office. You are expected to conduct yourself professionally and work cooperatively with team members and others during the course of your duties to enable the department to provide the highest level of service possible. You are to adhere to all applicable state and federal laws, rules and department policies; and exercise good judgment in assisting team members and the public. Your efforts to treat others fairly, honestly and with respect are critical to the organization's mission and values.

EMPLOYEE'S STATEMENT: I HAVE READ AND UNDERSTAND THE DUTIES, RESPONSIBILITIES, AND PERFORMANCE EXPECTATIONS OF THE POSITION AND DISCUSSED WITH MY SUPERVISOR. I HAVE RECEIVED A COPY OF THE DUTY STATEMENT.

I CAN PERFORM THE ESSENTIAL FUNCTIONS OF THE POSITION WITH OR WITHOUT REASONABLE ACCOMMODATION:

☐ YES

☐ NO (Notice HR to discuss possible reasonable accommodation)

EMPLOYEE NAME (PRINT FULL NAME)	EMPLOYEE SIGNATURE	DATE SIGNED
➧	➧	➧

SUPERVISOR'S STATEMENT: I HAVE DISCUSSED THE DUTIES OF THIS POSITION WITH THE EMPLOYEE.

SUPERVISOR NAME (PRINT FULL NAME)	SUPERVISOR SIGNATURE	DATE SIGNED
➧	➧	➧