

DUTY STATEMENT

Job Classification: Attorney
Position Number: 024-054-5778-001
Scheme and Class Codes: OA72:5778
Reports To: Assistant Chief Counsel
FLSA Status: Exempt
Divisions: Legal
Location: Headquarters (Sacramento)
Prepared By/Date: Legal Division – 7/2025

DEPARTMENT STATEMENT

The Department of Alcoholic Beverage Control (ABC) is committed to providing the highest level of service and public safety to the people of the State through licensing, education, and enforcement. ABC values diversity at all levels of the organization and is committed to fostering an environment in which employees are welcome and can thrive. Employees at ABC are required to provide exceptional customer service, maintain regular attendance, act with integrity, and be professional and responsive.

SUMMARY

Under general direction of an Assistant Chief Counsel, incumbents in the Attorney classification represent the Department in litigation, negotiation, and hearings. Incumbents respond orally and in written format, to Department personnel, outside agencies, licensees, and members of the public regarding licensing and enforcement matters. Additionally, incumbents advise Divisions, District offices, and other Department personnel on pending administrative disciplinary, licensing and protest matters, as well as assist in drafting accusations and other legal documents in such cases. Duties also include providing advice to Department regarding legal matters. Incumbents assigned to Range A perform the least difficult professional legal work of the Department and, as they advance to Range B, are assigned progressively more difficult legal work and finally perform legal work of average difficulty independently.

ESSENTIAL DUTIES AND RESPONSIBILITIES

<u>%</u>	<u>Function</u>	
70%	Litigation	Provide legal services to the Department in the preparation, hearing, trial and appeal of administrative matters related to Alcoholic Beverage Control laws, including disciplinary actions against alcoholic beverage licensees, applications for license hearings, and protest hearings; review protests, accusations, and other documents for sufficiency; perform legal research related to litigation matters; develop litigation strategy; draft, review, and amend legal pleadings, accusations and statements of issues; interact closely with members of law enforcement agencies, Department personnel, and other witnesses; secure, interview, prepare, and examine witnesses; research, draft, prepare, file, and argue motions, briefs, and other legal issues; prepare and provide legal opinions for litigation matters; advise Divisions and Districts regarding legal issues arising from cases, settlement options, appeals, and other matters related to pending administrative matters; and negotiate and prepare stipulations and waivers and settlement agreements. The Attorney does not advise the Director regarding adoption or rejection of Proposed Decisions received from administrative law judges in ABC Act administrative proceedings. Upon request, represent the Department in non-ABC Act legal matters, such as requests or subpoenas for records or testimony, non-ABC Act administrative proceedings, criminal and civil cases, and other legal proceedings.
20%	Advisement	Interpret, explain, and advise members of the public, licensees, Department personnel, and government agencies regarding Alcoholic Beverage Control laws, Department procedures, and legal obligations; work with and advise Divisions, District Offices, and other Department personnel regarding legal matters, including legal strategy in handling investigations, penalty levels, evidence, pleadings, and related issues; review investigative reports, licensing applications, disciplinary requests, and related documents, and advise Divisions, District Offices, and other

Department personnel regarding such; prepare legal opinions; assist and advise the Department regarding legislative matters and policy analyses of bills pending before the Legislature for impact on the Department; assist with and participate in rulemaking procedures and legislative proposals; provide advice, review, and draft policies for the Department; provide advice related to and respond to public records act requests and subpoenas.

MARGINAL DUTIES AND RESPONSIBILITIES

5%	Training	Assist in the legal training of Department personnel and law enforcement agencies; and participate in training related to duties.
5%	Misc.	Perform other duties as assigned.

Supervisory Responsibilities: This job has no supervisory responsibilities.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to outdoor weather conditions. Position requires travel, which may be extensive. The noise level in the work environment is usually moderate.

If the employee is working at an alternate work location during telework, they are required to maintain a safe working condition at the approved site, abide by the Departments Telework Policy and Ergonomic Policy, and agree to maintain a distraction-free remote work environment. Further, employees are required to be available through various forms of communication during work hours.

Physical Demands:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and talk or hear. The employee is frequently required to use hands to finger, handle, or feel. The employee is occasionally required to stand; walk; reach with hands and arms; climb or balance and stoop, kneel, crouch, or crawl. The employee may occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and ability to adjust focus. Employees are required to use a computer and to travel, most frequently by vehicle.

I have read and understand the duties and requirements listed above and am able to perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation may be necessary, or if unsure of a need for reasonable accommodation, inform the hiring supervisor.)

The essential and marginal job duties have been discussed with the employee and a copy has been provided to the employee.

<i>SUPERVISOR</i>	<i>DATE</i>	<i>EMPLOYEE</i>	<i>DATE</i>
<i>PRINT NAME</i>		<i>PRINT NAME</i>	

COMPETENCIES

To perform the job successfully, an individual should demonstrate the following competencies:

Analytical – Synthesizes complex or diverse information; collects and researches data; performs legal research; and uses intuition and experience to complement data.

Design – Demonstrates attention to detail.

Problem Solving – Identifies and resolves problems in a timely manner; gathers and analyzes information skillfully; develops alternative solutions; works well in group problem solving situations; and uses reason even when dealing with emotional topics.

Technical Skills – Assesses own strengths and weaknesses; pursues training and development opportunities; strives to continuously build knowledge and skills; and shares expertise with others.

Customer Service – Manages difficult or emotional customer situations; responds promptly to customer needs; solicits customer feedback to improve service; responds to requests for service and assistance; and meets commitments.

Interpersonal – Focuses on solving conflict, not blaming; maintains confidentiality; listens to others without interrupting; keeps emotions under control; and remains open to others' ideas and tries new things.

Oral Communication – Speaks clearly and persuasively in positive or negative situations; listens and gets clarification; responds well to questions; and participates in meetings.

Teamwork – Balances team and individual responsibilities; exhibits objectivity and openness to others' views; gives and welcomes feedback; contributes to building a positive team spirit; puts success of team above own interests; able to build morale and group commitments to goals and objectives; supports everyone's efforts to succeed; and recognizes accomplishments of other team members.

Written Communication – Writes clearly and informatively; edits work for spelling and grammar; presents numerical data effectively; provides logically reasoned and well researched arguments, and is able to read and interpret written information.

Quality Management – Looks for ways to improve and promote quality; and demonstrates accuracy and thoroughness.

Cost Consciousness – Conserves organizational resources.

Diversity – Shows respect and sensitivity for cultural differences; and promotes a harassment-free environment.

Ethics – Treats people with respect; keeps commitments; inspires the trust of others; works with integrity and ethically; and upholds organizational values.

Organizational Support – Follows policies and procedures; completes administrative tasks correctly and on time; supports organization's goals and values; benefits organization through outside activities; and supports equal employment opportunities and respects diversity.

Adaptability – Adapts to changes in the work environment; manages competing demands; changes approach or method to best fit the situation; and able to deal with frequent change, delays, or unexpected events.

Attendance/Punctuality – Is consistently at work and on time; ensures work responsibilities are covered when absent; and arrives at meetings and appointments on time.

Dependability – Follows instructions; responds to management direction; takes responsibility for own actions; keeps commitments; commits to long hours of work when necessary to reach goals; and completes tasks on time or notifies appropriate person with an alternate plan.

Initiative – Volunteers readily; undertakes self-development activities; seeks increased responsibilities; takes independent actions and calculated risks; looks for and takes advantage of opportunities; and asks for and offers help when needed.

Innovation – Generates suggestions for improving work; and presents ideas and information in a manner that gets others' attention.

Judgment – Displays willingness to make decisions; exhibits sound and accurate judgment; supports and explains reasoning for decisions; includes appropriate people in decision-making process; and makes timely decisions.

Motivation – Sets and achieves challenging goals; demonstrates persistence and overcomes obstacles; measures self against standard of excellence; and takes calculated risks to accomplish goals.

Planning/Organizing – Prioritizes and plans work activities; uses time efficiently; plans for additional resources; sets goals and objectives; and develops realistic action plans.

Professionalism – Approaches others in a tactful manner; reacts well under pressure; treats others with respect and consideration regardless of their status or position; accepts responsibility for own actions; and follows through on commitments.

Quality – Demonstrates accuracy and thoroughness; looks for ways to improve and promote quality; applies feedback to improve performance; and monitors own work to ensure quality.

Quantity – Meets productivity standards; completes work in timely manner; strives to increase productivity; and works quickly.

Safety and Security – Observes safety and security procedures; determines appropriate action beyond guidelines; reports potentially unsafe conditions; and uses equipment and materials properly.

Language Ability – Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write detailed reports and correspondence. Ability to speak effectively before groups of customers or employees of organizations.

Math Ability – Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume, and distance.

Reasoning Ability – Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

Computer Skills – To perform this job successfully, an individual should have knowledge of Microsoft Word processing software; Excel spreadsheet software; PowerPoint presentation software; Internet Explorer; Microsoft Edge; Microsoft Teams; Zoom, and be able to learn Department database and other software.

KNOWLEDGE AND ABILITIES, ETC.

Knowledge of: Legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; federal and state statutes and rules; rules of professional conduct; principles of administrative trial and hearing procedure and rules of evidence; court procedures; legal terms and forms in common use; statutory and case law literature and authorities; professional and ethical rules as they relate to the practice of law; appellate proceedings; rules of evidence and conduct of proceedings in trial and appellate courts of California and the United States and before administrative bodies; and provisions of laws and Government Code sections administered or enforced.

Ability to: Research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence and memoranda involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; independently present difficult and complex cases before Administrative Law Judges; prepare, present, and handle legal cases; direct the work of clerical and professional assistants; edit written documents written by oneself, as well as those produced by others, for accuracy and effectiveness; analyze situations accurately and adopt an effective course of action; reason logically; exercise good judgment; effectively plan and engage in discovery, including depositions and interrogatories, and to compel production or attendance of/at same; independently prepare and present difficult and complex cases before boards, commissions, trial courts, and appellate courts; independently present difficult and complex cases before administrative bodies.

Certificates and Licenses: Active membership in The State Bar of California is required.