

## State of California - Department of Social Services

**DUTY STATEMENT**

EMPLOYEE NAME:

CLASSIFICATION:

Attorney III

POSITION NUMBER:

800-310-5795-013

DIVISION/BRANCH/REGION: *(UNDERLINE ALL THAT APPLY)*

Legal / Children's &amp; CCL Policy &amp; Litigation Branch

BUREAU/SECTION/UNIT: *(UNDERLINE ALL THAT APPLY)*

CCL Policy - Residential Unit

SUPERVISOR'S NAME:

Rachel Raymond

SUPERVISOR'S CLASS:

Assistant Chief Counsel

SPECIAL REQUIREMENTS OF POSITION *(CHECK ALL THAT APPLY)*:

- ☒ Designated under Conflict of Interest Code.
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Requires repetitive movement of heavy objects.
- ☐ Performs other duties requiring high physical demand. *(Explain below)*
- ☐ None
- ☒ Other *(Explain below)*

Employees assigned to work in the Legal Division are required to obtain a criminal record background clearance by the Department of Justice and the Federal Bureau of Investigation.

I certify that this duty statement represents an accurate description of the essential functions of this position.

I have read this duty statement and agree that it represents the duties I am assigned.

SUPERVISOR'S SIGNATURE

DATE

EMPLOYEE'S SIGNATURE

DATE

**SUPERVISION EXERCISED** *(Check one)*:

- ☒ None ☐ Supervisor ☐ Lead Person ☐ Team Leader

**FOR SUPERVISORY POSITIONS ONLY:** Indicate the number of positions by classification that this position DIRECTLY supervises.

Total number of positions for which this position is responsible:

**FOR LEADPERSONS OR TEAM LEADERS ONLY:** Indicate the number of positions by classification that this position LEADS.

MISSION OF ORGANIZATIONAL UNIT:

The mission of the CDSS Legal Division is to provide CDSS with professional and ethical legal advice and zealous representation to enable the Department to develop, implement, operate and enforce its mission, goals, and program policies. The CDSS Legal Division has two Policy and Litigation Branches that are dedicated to providing legal advice and services to the various Programs and Divisions within CDSS. The Legal Division's Children's and Community Care Licensing Policy and Litigation Branch (CAL) is dedicated to providing legal advice and services to the Children and Family Services Division (CFSD) and the Community Care Licensing Division (CCLD).

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**CONCEPT OF POSITION:**

An Attorney III in the CAL Branch performs the more complex and sensitive legal work in the Department, producing consistent favorable results with minimal supervision. As one of the more experienced practicing attorneys, the Attorney III is an expert in the laws, regulations, and policies relating to the programs administered by CDSS. In addition to the duties outlined below, the Attorney III may be required to prepare legal pleadings and represent CDSS before the Department of Health Care Services Office of Administrative Hearings and Appeals.

**A. RESPONSIBILITIES OF POSITION:**

40% - Provides legal advice and counsel to department officials on the more difficult and complex legal matters. Performs legal research, analysis, and prepares legal opinions and policy positions. Prepares responses to inquiries from the Health and Human Services Agency, Executive staff, advocates, and the public.

20% - Makes recommendations and reviews proposed departmental legal actions (such as audits, rate actions, and program oversight) for compliance with statutes and regulations. Drafts legal pleadings and represents the Department in hearings before an administrative agency.

20% - Analyzes, drafts, and reviews existing and proposed legislation, regulations packages, and written instructions. Reviews, analyzes, and assists with drafting implementation plans, training, and official forms, publications, Provider Information Notices (PINs), All County Letters (ACLs), and All County Information Notices (ACINs).

10% - Provides pre-litigation support to CDSS programs and management, including assessing potential legal issues, strategic planning to avoid litigation, and responding to advocate concerns and demand letters. Provides litigation support to the Attorney General's Office, including reviewing and assisting with litigation documents and discovery, and preparation for hearings, pretrial, settlement and/or trials. Regularly assists the Attorney General's Office in the preparation and prosecution of difficult litigation.

5% - Reviews and prepares responses to requests made pursuant to the California Public Records Act, including providing advice, preparing letters, and reviewing and redacting documents. Drafts or reviews other documents such as responses to public inquiries and media requests.

5% - Provides ongoing training to other attorneys, paralegals, and CCL staff.

The above percentages of time are estimates only. The above duties and/or assigned percentages of time for the duties are subject to change and may incur other duties not listed above as directed by the Legal Division or other CDSS management.

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B. SUPERVISION RECEIVED:

The Attorney III reports to and works under the direction of an Assistant Chief Counsel, Senior Assistant Chief Counsel, and Chief Counsel. The Attorney III has broad discretion and independence in the performance of their duties.

C. ADMINISTRATIVE RESPONSIBILITY:

None.

D. PERSONAL CONTACTS:

The Attorney III has contacts within and outside of CDSS. As an expert in the laws relating Programs administered by CDSS, the Attorney III consults and advises CDSS managers, including the Director, Chief Deputy Directors, and Deputy Directors on complex legal matters. The Attorney III is in continuous contact with Deputy Attorney Generals (DAGs) related to litigation to which the CDSS is a party and assists in the preparation, prosecution, and defense of difficult and complex litigation. The Attorney III may also be required to consult with county staff and participate in negotiations with other departments including, but not limited to: the Department of General Services, Health and Human Services Agency, Department of Public Health, and Department of Health Care Services.

E. ACTIONS AND CONSEQUENCES:

The Attorney III deals with sensitive and complex issues and litigation concerning Programs administered by CDSS, in which tens of millions of dollars are frequently involved. Failure to provide sound legal advice and exercise good judgment could subject CDSS to costly litigation or compliance action, with significant adverse fiscal and policy consequences.

F. OTHER INFORMATION:

Occasional travel, usually to assist a Deputy Attorney General on matters involving litigation, or to provide advice, training, guidance etc. to Agency, Department, or county staff is required. Employees assigned to the Legal Division are subject to a criminal background check clearance by the Department of Justice and the Federal Bureau of Investigation. Office space is standard in a smoke-free environment and is subject to an alternative telework agreement.