

ESSENTIAL FUNCTIONS DUTY STATEMENT

HRM-025

Classification Title: ATTORNEY III	Branch/Division/Bureau: LEGAL BRANCH / LITIGATION DIVISION / FRAUD LIAISON BUREAU
Working Title:	Office/Unit/Section/Geographic Location: OAKLAND/SACRAMENTO/LA
Position Number (13 Digit): 413-236-5795-007	Conflict of Interest Position: YES
Employee Name:	Effective Date:

BASIC FUNCTION:

The Fraud Liaison Bureau (FLB) investigates and litigates allegations of insurance fraud and related misconduct under the Insurance Frauds Prevention Act ("IFPA"), Insurance Code section 1871.7, with a considerable emphasis on qui tam litigation and investigation of healthcare fraud matters. FLB also provides legal representation to the Fraud Division of the Department. Under the general direction of the Assistant Chief Counsel of FLB, the Attorney III, with minimal supervision, exercises broad discretion and independently, or as a lead, effectively performs more sensitive and complex attorney work within the department. The Attorney III works as part of a team (including attorneys and legal analysts) to represent the Insurance Commissioner in all phases of the investigation and civil prosecution of persons and business entities who commit insurance fraud in the state of California. The incumbent interacts with state and federal agencies, consumer advocacy groups, whistleblower counsel, and the state and federal judiciary and is responsible for investigating and prosecuting complex civil suits brought by the Insurance Commissioner authorized by the IFPA."

Some travel is required within and/or outside the state of California via private or public transportation (i.e., automobile, airplane, etc.) Travel may include overnight stay. This is a full-time position that may require to working more than 40 hours per week.

This position is designated under the Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete Form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment.

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- 40% **Investigation and Fact Development:** As lead or support counsel, investigate insurance fraud allegations through informal investigative techniques (e.g., review of publicly-available information or information voluntarily disclosed to the Department), administrative investigative techniques (e.g., data calls to insurers or administrative subpoenas/civil investigative demands), or during discovery in civil litigation. Prepare and support discovery plans to develop the facts necessary to prove the elements of violations of the IFPA. Draft and negotiate responses to informal requests for information, insurer data calls, administrative subpoenas, and civil discovery. Review and analyze evidence obtained through these means. Review and analyze documents using eDiscovery platforms. Interview witnesses and conduct/defend percipient and expert witness depositions.
- 25% **Strategy and Liaison:** Evaluate cases brought under the IFPA. Liaise with state and federal law enforcement agencies in joint jurisdiction matters. Perform legal research and draft legal memoranda analyzing law and/ or applying law to facts. Formulate recommendations to Department management regarding intervention or declination of *qui tam* matters. Develop settlement strategy and negotiate resolutions with relevant parties. Prepare recommendations regarding settlements to Department management.
- 20% **Litigation:** Litigate intervened or original matters brought under the IFPA. Represent Fraud Division and its employees in civil litigation and/or coordinate legal representation provided to the Department by the Office of the Attorney General and/or other counsel. Bring petitions to enforce administrative subpoenas. Develop and draft civil pleadings. Prepare, appear and argue law and motion proceedings and pre-trial motions. Represent Insurance Commissioner at trial. Handle post-judgment proceedings and appeals.

MARGINAL FUNCTIONS

- 5% Provide legal opinions requested by the Fraud Division, respond to general/legal inquiries from the public and other branches of the Department, analyze proposed legislation, draft reports, conduct community outreach, and perform such other related duties as required. Analyze, draft, and develop regulations related to the subject matter of the program.
- 5% Develop training materials and help conduct legal training for the Legal Division, the Fraud Division, relators' counsel, District Attorneys, and other business partners and stakeholders at the direction of Legal Management.
- 5% Assist with more complex cases or special assignments/projects for the Deputy General Counsel or Assistant Chief Counsel.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

Work Environment:

- Work in a high-rise office building

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- Eligible for telework in accordance with CDIs Telework policy. Teleworking employees may be required to report to their headquarters office location on designated telework days. Travel expenses are not reimbursed, however other authorized transit subsidies do exist for those who qualify

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety Analyst.)

Employee Signature

Date

Printed Name

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Supervisor Signature

Date

Printed Name