

STATE OF CALIFORNIA
CALIFORNIA VICTIM COMPENSATION BOARD
Rev. 04/22



DUTY STATEMENT

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| EMPLOYEE VACANT | | RPA # / JOB CONTROL # 26-005 / JC-487683 | |
| POSITION NUMBER 040-120-5780-001 | CLASSIFICATION Attorney IV | WORKING TITLE | |
| DIVISION Legal, Appeals, and Probate | SECTION/UNIT Legal | CBID R02 | WWG 2 |
| WORK DAYS Monday – Friday | WORK HOURS Supervisor Discretion | TENURE Permanent | TIME BASE Full-time |

CONFLICT OF INTEREST CLASSIFICATION

This position is designated under the Conflict-of-Interest Code and 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 a Form 700 within 30 days of appointment. Failure to comply with the Conflict-of-Interest Code requirements may void the appointment.

Conflict of Interest Classification? ☒ Yes ☐ No

DEPARTMENT OVERVIEW

The California Victim Compensation Board (CalVCB) is a state program dedicated to providing reimbursement for many crime-related expenses to eligible victims who suffer physical injury or the threat of physical injury as a direct result of a violation crime. CalVCB also awards compensation to erroneously convicted persons under Penal Code section 4900 following an informal hearing process. Our mission is to be a trusted partner in providing restorative financial assistance to victims of crime by providing compensation through a stable restitution fund. CalVCB is a specially funded department under the direction of the Government Operations Agency.

EMPLOYEE ACKNOWLEDGEMENT

I have read and understand the duties of this position and certify I possess essential personal qualifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above 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 Office of Civil Rights).

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| EMPLOYEE'S NAME (Print) VACANT | EMPLOYEE'S SIGNATURE | DATE |
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SUPERVISOR ACKNOWLEDGEMENT

I certify this duty statement represents a current and accurate description of the essential job functions of this position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement.

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| SUPERVISOR'S NAME (Print) | SUPERVISOR'S SIGNATURE | DATE |
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GENERAL STATEMENT

Under the general direction of the Attorney Supervisor, the Attorney IV advises on the most complex and sensitive legal matters affecting CalVCB and effectively performs the more difficult and complex litigation and investigations, hearings, negotiations, and legal research for CalVCB with minimal supervision, broad discretion, and independence. The Attorney IV utilizes appropriate oral and written advocacy skills, interpersonal skills, negotiation skills, personal knowledge, training, rules, laws, regulations, legal practices, and CalVCB policies and practices consistent with the direction of the Attorney Supervisor to perform essential functions, and act in a lead capacity to other attorneys when necessary.

**PERCENTAGE
OF TIME
SPENT****DUTIES****%****ESSENTIAL JOB FUNCTIONS**

The performance of duties will be accomplished in accordance with CalVCB policies and in compliance with the established rules and standards governing the program. Candidates must have the ability to perform the following essential functions with or without reasonable accommodation.

55%

ADMINISTRATIVE ADJUDICATION

Wrongful Conviction Claims: Works in a lead attorney capacity on the Penal Code section 4900 team processing wrongful conviction claims. Reviews incoming claims to ensure compliance with the statutory scheme and determines applicable procedures for resolution. Provides guidance to senior attorneys and staff on the rapidly changing law governing these claims. Conducts administrative hearings and receives evidence, often with experienced litigators on opposing sides. Drafts clear, well-reasoned, and well-researched proposed decisions addressing difficult and novel theories for presentation to the Board. Communicates with applicants, attorneys, and representatives throughout the administrative process to ensure fair and efficient proceedings, including the resolution of procedural and evidentiary issues in a timely manner. Maintains accurate records of claim status and calculates workload statistics upon request.

Victim Compensation Appeals: Conducts hearings and drafts proposed decisions with respect to the most complex issues presented to CalVCB involving claims for compensation under Government Code section 13952, including appeals from the denial of a claimant's benefit application or a service provider's ineligibility determination.

Restitution Refund Requests: Reviews incoming requests for restitution refunds and drafts proposed resolution detailing eligibility and amount due. Conducts independent research and investigation as necessary. Coordinates response with CalVCB's Restitution Recovery Unit and, when applicable, the Department of General Services.

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| 35% | <p>LEGAL ADVICE/SUPPORT</p> <p>Litigation Oversight: Provides technical legal assistance and strategic advice to the assigned Deputy Attorney General representing CalVCB in litigation matters, including petitions for writ of mandate challenging adjudications of wrongful conviction claims and issues involving subpoenas and the disclosure of CalVCB records. Coordinates preparation of the administrative record with CalVCB's Custodian of Records. Reviews and revises draft pleadings as needed, in coordination with the Attorney Supervisor. Monitors litigation developments and provides regular updates to the Attorney Supervisor.</p> <p>Regulations: Drafts regulations and proposes modifications as needed to maintain consistency with the current law, particularly as applied to wrongful conviction claims. Reviews public comments and conducts public hearings upon request. Prepares all related documents for formal approval by the Office of Administrative Law.</p> <p>Legislation: Analyzes proposed legislation related to CalVCB programs, including wrongful conviction claims. May provide technical advice in discussions with external stakeholders.</p> <p>Respond to PRA's, IPA's, and Subpoenas for Confidential Information: Research issues and make recommendations pertaining to the disclosure of information and CalVCB constraints under the Public Records Act and the Information Practices Act. Responds to subpoenas requesting victim information in accordance with the law's complex and sensitive balance between victim confidentiality and a prosecutor's obligation to disclose exculpatory evidence.</p> <p>Information Technology: Provides technical legal advice to information technology staff and management, identifies potential legal issues/risks, and suggest solutions to prevent or mitigate risk in information security, confidentiality/data protection, and contracts for IT services. Provides legal support during any online or system modification projects.</p> <p>Restitution Projects: Acts as CalVCB's expert on the imposition of Restitution fines and direct restitution orders and provides technical legal advice and training to deputy district attorneys, probation departments, and county officials on restitution.</p> <p>Lien Overpayment Recovery Section: Provides advice and guidance on liens and recovery of overpayments from victims who have obtained compensation through probate or from a third party in an amount sufficient to repay CalVCB. Attends bankruptcy or other proceedings when necessary to protect CalVCB's interests.</p> |
| % | <u>MARGINAL JOB FUNCTIONS</u> |
| 10% | Other: Provide assistance in all other matters falling within Chief Counsel duties. |

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DESIRABLE QUALIFICATIONS

- Excellent written and oral communication skills.
- Experience in criminal law, civil litigation, and/or administrative law.
- Effectively operate a computer using the following software programs: Microsoft Word, Excel, Outlook, and Access.
- Ability to develop statistical data and evaluate results.
- Ability to apply and interpret policies, regulations, and laws.
- Ability to take and follow verbal or written direction from supervisors/managers.
- General knowledge of the VCP program to be able to establish program goals/objectives, identify/resolve program issues, etc.
- General knowledge of the formal and informal aspects of the legislative process in order to analyze proposed legislation impacting the department.
- General knowledge of the department's mission, goals and policies to ensure that the progress and completion of work assignments and tasks conform to the overall objectives of the unit and/or division.
- General knowledge of governmental functions and organization at the State and local level to maintain and foster a good working relationship with our clients.

PERSONAL CHARACTERISTICS AND EXPECTATIONS

- Demonstrated ability to act independently and as a member of a team with open-mindedness, flexibility, and tact.
- Ability to effectively handle stress and deadlines in a fast-paced work environment.
- Ability to problem-solve and use critical and creative thinking to effectively perform work.
- Display good interaction skills and the ability to deal professionally, congenially and in a personable manner with the public, other governmental entities, and staff at all levels.
- Communicate successfully in a diverse community as well as with individuals from varied backgrounds.
- Understand, follow and enforce all safety rules and procedures.
- Be supportive of management and coworkers.
- Maintain the confidence and cooperation of others.
- Ensure deadlines are met.
- Manage multiple & changing priorities.
- Maintain acceptable, consistent, and regular attendance.
- Develop and maintain knowledge and skill related to the job.
- Complete assignments in a timely and efficient manner.

PHYSICAL ABILITIES

- Typical work requires prolonged sitting using a computer and telephone.
- Common eye, hand, and finger dexterity is required for most essential functions.
- Grasping and making repetitive hand movements in the performance of daily duties.
- Some carrying/moving of objects up to thirty pounds.