

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

CLASSIFICATION:

Attorney III

POSITION NUMBER:

800-310-5795-126

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

Legal Division/Enforcement Branch

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

Monterey Park II Unit

SUPERVISOR'S NAME:

Julie Kurian

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)*

Fingerprint Criminal Record Clearance required 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 Legal Division's CCL Enforcement Unit is dedicated to providing legal advice and services regarding enforcement issues to the Community Care Licensing Division (CCLD) of the Department.

CONCEPT OF POSITION:

As one of the more experienced practicing attorneys, and under the general direction of an Assistant Chief Counsel, the Attorney III has broad discretion and independence in the performance of a variety of the more difficult and complex assignments in the Legal Division. As an expert in the laws relating to the community care licensing program, rules of evidence and the trial skills necessary to represent the department in formal hearings, he/she consults with and advises department managers, employees and agents and works with Deputy Attorney Generals in regard to litigation to which the department is a party.

A. RESPONSIBILITIES OF POSITION:

40% Analyzes and prepares pleadings and legal briefs for Community Care Licensing Division (CCLD) enforcement administrative hearings; develops evidence, strategies, and tactics in the application of evidentiary rules, hearsay exception statutes, and other trial-related theory, in order to litigate a wide range of the more complex cases referred by the CCLD to take legal administrative actions before the Office of Administrative Hearings. Works closely with assigned paralegals and legal support staff in the preparation of legal files in advance of hearings. May provide training services to new Attorney hires.

30% Regularly appears and represents the Department before Administrative Law Judges in formal hearings throughout the state representing the interests of those being cared for in or residing in community care facilities such as foster homes, group homes, child care centers, family child care homes, residential facilities for the elderly and adult residential facilities. Prosecutes cases that jeopardize the health and safety of children, the elderly and dependent adults in community care facilities. Negotiates settlement and stipulation resolutions in lieu of hearings when appropriate.

15% Provides legal advice to CCLD investigators, licensing analysts, and managers, public officials and other employees of the Department's CCLD on licensing enforcement regulations.

10% Works cooperatively with the Attorney General's Office with regard to writs and other civil actions involving the Department. May appear in Superior Court.

5% Provides written responses to public inquiries including public record requests and other outside entity correspondence, and performs other duties as appropriate.

B. SUPERVISION RECEIVED:

The Attorney III works under the general supervision of an Assistant Chief Counsel, and has independence and broad discretion to perform his/her duties without routine review.

C. ADMINISTRATIVE RESPONSIBILITY:

None.

D. PERSONAL CONTACTS:

The Attorney III has extensive contacts within and outside the Department and must work cooperatively with a variety of individuals and organizations and maintain the confidence and respect of others.

E. ACTIONS AND CONSEQUENCES:

Failure to provide sound legal advice and exercise good judgment could result in civil liability against the Department, an adverse decision in the administrative matter and failure to adequately protect clients in care of licensed facilities.

F. OTHER INFORMATION:

Frequent travel (which may be out of town and/or overnight) for hearings and to meet with clients and other witnesses is required. The position is located in a high rise state building, and office space is standard in a smoke-free environment. Employees assigned to the Legal Division are subject to a criminal record background check clearance by the Department of Justice and the Federal Bureau of Investigation.