

DUTY STATEMENT

ASD/HRB-12 (REV. 03/2020) PAGE 1 OF 4

DUTY STATEMENT

Employee Name: TBD	Current Date: TBD
Classification: Attorney V	Position #: 673-110-5781-001
Division/Office: Executive Office	CBID: R02
Section: Legal Office	
Supervisor Name: David Hults	Supervisor Classification: Assistant Chief Counsel

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

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

SPECIAL REQUIREMENTS OF POSITION (IF ANY):

- ☒ Designated under Conflict of Interest Code.
- ☐ Duties performed may require pre-employment physical.
- ☐ Duties performed may require drug testing.
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Requires the utilization of a 32-pound self-contained breathing apparatus.
- ☐ Operates heavy motorized vehicles.
- ☐ Requires repetitive movement of heavy objects.
- ☐ Works at elevated heights or near fast moving machinery or traffic.
- ☐ Performs other duties requiring high physical demand. (Explain below):
- ☐ Duties require use of hearing protection and annual hearing examinations.

SUPERVISION EXERCISED

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Lead Person
<input type="checkbox"/> Supervisor	<input type="checkbox"/> Team Leader

DUTY STATEMENT

ASD/HRB-12 (REV. 03/2020) PAGE 2 OF 4

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

Total number of positions in Section/Branch/Office for which this position is responsible: N/A

FOR LEADPERSONS OR TEAM LEADERS ONLY:

Indicate the number of positions by classification that this position **LEADS**: May act as a lead for lesser experienced attorneys, as needed.

MISSION OF SECTION: The California Air Resources Board (CARB) is a global leader in protecting air quality, fighting climate change, and furthering environmental justice. CARB's Executive Office plans, organizes, and directs the activities of staff to further the Board's mission to protect and preserve California's air quality while considering the effects on the State's economy. The Legal Office is part of the Executive Office. Its mission is to provide the highest quality legal advice and representation to the Board and staff to support programmatic efforts to improve air quality to protect public health and the environment and to ensure that all legal obligations of CARB are met in carrying out these efforts. The Legal Office provides legal support to the agency on a variety of complex topics related to the control of air pollution (criteria pollutants, toxic air contaminants, and greenhouse gases), including, but not limited to: adoption, interpretation, implementation, and enforcement of State and federal environmental and administrative laws and regulations, litigation in conjunction with the Attorney General's Office, personnel matters, contracts, grants, conflicts of interest, hearing procedures, and proposed legislation. The Legal Office maintains the primary responsibility for assisting CARB staff in the development of regulations and the documentation necessary to support their adoption. The Legal Office also provides legal assistance to California's 35 Air Pollution Control and Air Quality Management Districts.

CONCEPT OF POSITION: Under general direction of an Assistant Chief Counsel, the Deputy Counsel, and the Chief Counsel, the Attorney V in this position is responsible for independently providing expert written and oral legal advice to CARB's Chair, Board, Executive Officer, management, and staff on handling the most difficult and complex legal work and litigation requiring the highest level of expertise; many of which relates to California's climate change programs, working on innovative theories, practices of law, specialization in an area of law overseen by or involving the department. With CARB's litigation portfolio increasing both as plaintiff and as a defendant/third party, the attorney will provide strategic advice to guide this litigation.

The Attorney V will work with officials from federal and State government agencies, local air district officers/staff, county and city government officials, and others on the most complex, technical, and difficult CARB regulations and programs, including providing legal advice on possible complex litigation involving CARB. The Attorney V will be an expert in one or more relevant legal authorities to CARB, which would include expertise in the federal Clean Air Act, California Health and Safety Code, California Environmental Quality Act, California Administrative Procedure Act, California Public Records Act, or other state or federal administrative laws. The attorney must be able to act independently within compressed timelines to perform a variety of the most complex legal tasks. Travel between CARB headquarters (Sacramento and Riverside locations) other offices, and occasionally out of state, as required to complete duties (see duties below).

DUTY STATEMENT

ASD/HRB-12 (REV. 03/2020) PAGE 3 OF 4

<u>% OF TIME</u>	<u>RESPONSIBILITIES OF POSITION</u>
30%-E	Provides expert legal counsel directly (i.e., without the necessity of working through or being accompanied by the Chief Counsel or Assistant Chief Counsel) to the Chair, Executive Officer, deputies, and division chiefs on the most complex and controversial issues before CARB. This includes advice on the interpretation and analysis of laws, court decisions, rules, and regulations affecting the duties and responsibilities of CARB staff and Board members.
25%-E	Ability to guide complex litigation in all courts. CARB is involved in litigation both as a plaintiff in enforcement cases and as a defendant or third-party in other cases; ability to work with lawyers in other states, handle cases in conjunction with the California Attorney General Office, coordinating litigation with other states and other California agencies on key legal issues, reviewing pleadings and briefs, developing discovery strategies in non-record cases, participating in moot courts before oral arguments, and managing cases in trial and appellate courts in California and around the country. Attorney V will also lead teams of CARB attorneys and others to achieve CARB's policy objectives.
25%-E	Prepares written and oral responses to the most complex and controversial advice and opinion requests, involving complex fact patterns, legal issues of first impression, and important policy determinations. These requests often involve highly charged and sensitive political situations of interest to the California Environmental Protection Agency, the Governor's staff, state legislators, constitutional officers or their designee, state agency heads, local air district officers/staff, county supervisors, city council members, and mayors throughout the state. Because of the extreme time constraints, the Attorney V must perform these tasks with great efficiency and effectiveness within very short deadlines.
10%-E	Formulates and drafts the most complex and controversial regulations for presentation to the Board.
5%-E	Handles public speaking assignments and conducts training on legal and enforcement aspects of CARB's programs. Stands in for the Chief Counsel, Deputy Counsel, or Assistant Chief Counsel in their absence.
5%-M	Performs other duties and assignments within the scope of the classification as directed by the Chief Counsel, Deputy Counsel, or an Assistant Chief Counsel. May act as lead to lesser experienced Legal Office attorneys.

DUTY STATEMENT

ASD/HRB-12 (REV. 03/2020) PAGE 4 OF 4

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