

**POSITION DUTY STATEMENT**

DFPI-HR0 203 (Rev. 08-21)



<b>NAME</b> Vacant	<b>EFFECTIVE DATE</b> [Date position filled]
<b>CLASSIFICATION TITLE</b> Attorney III	<b>POSITION NUMBER</b> 410-103-5795-XXX
<b>WORKING TITLE</b> Senior Counsel	<b>DIVISION/OFFICE/UNIT/SECTION</b> Legal
<b>BARGAINING UNIT</b> R02	<b>GEOGRAPHIC LOCATION</b> Sacramento, San Francisco, Los Angeles, San Diego

**General Statement:** Under the general direction of the Assistant Chief Counsel of the Legal Division, the Attorney III is responsible for providing legal and policy analysis, services, and advice by drafting internal and external legal opinions, drafting regulations, and performing related work for the Legal Division. An Attorney III operates with broad discretion, independence, and minimal supervision. Duties include, but are not limited to, the following:

**A. Specific Assignments [Essential (E) / Marginal (M) Functions]:**

**35%(E)** Performs legal research and analysis and drafts legal opinions regarding all laws under the Department's jurisdiction such as the Consumer Financial Protection Law and the Department's licensing laws. Identifies potential legal and policy problems and proposes solutions relating to legislation, statutes, regulations, policies and court rulings affecting Department licensing programs, and the Department's duties, functions and responsibilities. Advises internal and external parties regarding issues surrounding registration, licensing, and enforcement. Advises Department staff regarding crypto assets and related technology. Prepares interpretive opinions for external parties. Consults with and advises the Deputy Commissioner and Assistant Chief Counsel on legal and policy issues. Provides legal advice to the Department's program staff.

**35%(E)** Drafts regulations to implement newly enacted legislation and update current laws pursuant to the California Administrative Procedure Act rulemaking process. Researches and analyzes legislation to advise the Commissioner and the Governor's Office. Proposes updates and revisions for all laws and regulations affecting the Department and its licensees.

**10%(E)** Reviews proposed administrative decisions and makes recommendations to the Commissioner. Conducts administrative hearings on behalf of the Department.

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**15%(E)** Assists with fulfilling the DFPI’s responsibilities under the Public Records Act, subpoenas, and other legal process. Responsible for representing the Department in sensitive negotiations with outside counsel and attorneys representing other government agencies. Responds to critical and time-sensitive legal and policy issues for the Commissioner and program management. Acts a liaison to attorneys representing the Department in matters that require outside counsel; advises and makes recommendations to the Commissioner and Deputy Commissioner concerning litigation objectives.

**5%(M)** Performs other job-related duties as required.

**B. Supervision Received**

The Attorney III reports directly to and receives most assignments from the Assistant Chief Counsel; however, direction and assignments may also come from the Deputy Commissioner of the Legal Division and the Attorney III may receive direction and/or guidance from an Attorney IV or Attorney V lead.

**C. Supervision Exercised**

None

**D. Administrative Responsibility**

The Attorney III is responsible for managing professional deadlines, keeping work-related files up-to-date, and occasional administrative tasks when staff support is unavailable or impractical.

**E. Personal Contacts**

The Attorney III interacts with staff and management of all levels throughout the Department, trade industry representatives, consumer advocates, licensees, prospective licensees, stakeholders and other interested parties, other governmental agencies, staff and members of the Legislature, and staff of the Governor’s office. The interactions may involve highly sensitive material and communications and may be frequent and continuous in nature.

**F. Actions and Consequences**

Inadequate performance of duties includes but is not limited to duties that are performed untimely, incomplete (including omitting material information), inaccurate (including errors), or in a manner lacking sound judgment or sound consideration of the consequences and risks of the recommended course of action. The consequences of failing to perform duties adequately include potential direct and indirect economic harm

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to impacted persons including, but not limited to, vulnerable populations and small businesses, the Department, licensees, and other impacted parties; reputational harm to the Department and potentially the Administration; and other harm to the Department such as lost time and resources for the inadequate performance and the lost time and resources to remedy the inadequate performance, both within and outside the division and the Department.

**G. Functional Requirements**

The Attorney III is expected to work all hours necessary to fulfill their responsibilities. The Attorney III will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary. The Attorney III will work in an office at least four days per week, with artificial light and temperature control. The use of a personal computer, telephone, copier and fax machine is essential to the duties of this position. The position requires bending and stooping to retrieve files, sitting and standing consistent with office work, and light lifting of no more than 25 lbs.

**H. Other Information**

The position requires active membership in the California State Bar. Occasional Travel may be required.

In performing the duties herein, the Attorney III does all of the following:

Exercises good judgment in decision-making, exercises creativity and flexibility in problem identification and resolution, and manages time and resources effectively. Works well with others, under changing priorities, and works irregular hours when workload dictates. Regular attendance and punctuality are essential. Possesses strong written and verbal communication skills.

Possesses knowledge of legal research methods and performing research; legal principles and their application; scope and character of California statutory law; principles of administrative and constitutional law; trial and hearing procedure; rules of evidence; court procedures; the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered, enforced, or applicable to the Department's jurisdiction.

Possesses the ability to research, analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate

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effectively and conduct crucial litigation (through outside counsel); work cooperatively with a variety of individuals and organizations while maintaining the confidence and respect of others; and work effectively under pressure.

**CONFLICT OF INTEREST**

This position is subject to Title 10, § 250.30 of the California Code of Regulations, the Department of Financial Protection and Innovation’s Conflict of Interest Regulations, the incumbent is required to submit a Statements of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st and within 30 days of leaving office.

**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.)

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Employee Signature

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Date

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Employee’s Printed Name, Classification

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

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Supervisor Signature

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Date

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Supervisor’s Printed Name, Classification