

DUTY STATEMENT

State Compensation Insurance Fund

Employee's Name:	
Program: Legal Department	Work Unit: Subrogation Unit
Position's Authorized Classification (and Range): Attorney III	Report To: Attorney, Assistant Chief Counsel
Position Title: Attorney III	Position Serial #:
<i>This position is designated under the State Fund Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may have a material effect on personal financial interests. The selected candidate is required to complete the Statement of Economic Interest –Form 700 within 30 days of appointment and once per year thereafter.</i>	CBID: R02
	FLSA Status: ☐ Covered, Work Week Group 2 ☒ Not Covered, Exempt WWG ☐ E or ☒ SE

PURPOSE/SCOPE:

Under the general direction of the Attorney, Assistant Chief Counsel, the Attorney III will represent the State Fund in handling/litigating workers' compensation subrogation cases and assignments of above average complexity** before the DWC (Workers' Compensation Appeals Board), California Civil Courts, Federal Civil Courts and other administrative bodies. This position may advise any of State Fund's Program Managers or Programs regarding a broad variety of workers' compensation subrogation related issues.

** The Attorney III is expected to effectively work on legal matters of above average complexity, which consist of features including, but not limited to, the following:

- Above average to high impact to the California business environment (employers, employees, the workers' compensation system)
- Above average to high political and media impact, implications or sensitivity
- Above average to high potential dollar amount of the transaction or risk
- Handle the majority of individual cases with above average to high potential exposure to State Fund
- Potential to appear in multiple (number and variety) of forums and jurisdictions
- Participate on "project" type work
- Handle matters in which cases have been consolidated and coordination of multiple parties/issues is necessary
- Precedent setting exposure where there is a possibility of above average to high impact on State Fund

Supervisor's Statement: I have discussed the duties of the position with the employee		
Supervisor's Name (Print):	Supervisor's Signature:	Date:
Employee's Statement: I have discussed with my supervisor the duties of the position and have received a copy		
Employee's Name (Print):	Employee's Signature:	Date:

KEY RESULTS/ESSENTIAL FUNCTIONS:

In all aspects of performing the Key Results/Essential Functions, the incumbent will:

- Comply with the Code of Conduct
- Maintain regular and predictable attendance and/or communication availability during working hours.
- Maintain a safe working environment.
- Defend the State Fund against fraudulent activities.
- Maintain good customer relationships with internal and external business partners and stakeholders.
- Properly maintain assigned equipment
- Effectively and competently represent State Fund, its insureds, and the State Departments under the Master Agreement consistent with the law and State Fund's approved policies, procedures, and guidelines.
- Advise and counsel Claims and internal business partners.
- Provide quality customer service in a timely manner.
- Maintain a high level of professional standards and deportment with the State Fund, its insureds, its clients, and the legal community.

The statements contained in this duty statement reflect the general details as necessary to describe the principal results/functions of this job. It should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other or specific functional areas.

45%

1. Develop litigation strategy to represent the State Fund or the interests of the various State departments on workers' compensation subrogation cases of above average complexity before the DWC (Workers' Compensation Appeals Board), California Civil Courts, Federal Civil Courts and other administrative bodies.** (This is an essential function of the job)

- a. Conduct a wide variety of research
- b. Analyze applicable legal principles and precedents and apply them to assigned cases and assignments in an appropriate and effective manner
- c. Prepare and defend litigation including where appropriate the filing of lawsuits, liens, and motion pleadings, and conduct and complete necessary discovery through depositions, statements of witnesses, review of employment and medical records, and analysis of the medical status of a case, thereby consistently obtaining favorable results
- d. Review all court decisions and file appropriate and timely appeals as required
- e. Timely prepare and respond to discovery requests (including but not limited to subpoena for records or witnesses, interrogatories, requests for admissions and requests for production of documents)
- f. Timely prepare legal pleadings, communications with stakeholders and the courts,
- g. Prepares witnesses
- h. Provide advice and counsel to Claims and other internal business partners in making timely decisions under the law
- i. Under the direction and supervision of the Assistant Chief Counsel, may handle some of the more complex, sensitive and difficult**cases, projects and assignments.

20%

2. Competently represent State Fund, its insureds and State departments before the DWC/WCAB, Superior and Federal courts and other tribunals such as State administrative tribunals as may be required throughout California (This is an essential function of the job)

- a. Conduct negotiations with opposing attorneys, hearing representatives, and outside counsel
- b. Work cooperatively with a variety of individuals and organizations, and maintain the confidence and respect of others

- c. Draft settlements and other documents to protect the interests of State Fund, its insureds and/or State agencies.

15%

3. Legal Liaison/Lead Attorney. (This is an essential function of the job)

- a. Implement and carry out responsibilities necessary for effective and efficient administration of assigned functions. Formulate expert legal opinions in a broad variety of advice matters concerning subrogation cases of above average complexity**. Lead and work with other attorneys and internal business partners as needed.
- b. Assist Legal Management in implementing uniform Legal Management procedures, case processing, electronic or digital legal business processes, and case handling metrics.
- c. Assist or lead projects/initiatives at the request of Legal Management.
- d. Serve as Legal's representative on various committees such as, but not limited to those addressing analysis and implementation of legislation and regulation mandates.
- e. Review, analyze, and advise Legal Management and other State Fund business units on new and existing legislation impacting State Fund and its policies and operations.

10%

4. Training. (This is an essential function of the job)

- a. Conduct training for Legal Management and other business partners and stakeholders at the direction of Legal Management in areas such as but not limited to subrogation law, and workers' compensation law.
- b. Through group and individual training of attorney staff, assist in developing their expertise; present seminar materials on specific subjects of expertise; provide direct and continuous training of legal support personnel.

10%

5. Administrative Duties as Assigned. (This is an essential function of the job)

- a. Report transactions, accurately track time spent on duties, and prepare reports and desired metrics as required and when requested by the Assistant Chief Counsel.
- b. Conduct inventory control, including but not limited to case audits, case counts, reviews of files for destruction, and closure of files at the direction of the Assistant Chief Counsel.
- c. Maintain user mastery over State Fund's computer based technology.
- d. Provide coverage for Assistant Chief Counsel as needed.

100%

REQUIRED QUALIFICATIONS/COMPETENCIES (KNOWLEDGE, SKILLS/ABILITIES):

KNOWLEDGE AREAS:

- This practice requires expert knowledge in California worker's compensation and subrogation laws including those applicable to State employees; and working knowledge of evidence, civil procedure, insurance law and the Government Code.
- Working knowledge of State Fund's computer-based technology.

SKILLS/ABILITIES:

- Ability to analyze legal principles and precedents and to apply them to assigned cases that are of above average complexity.

- Ability to write effective and persuasive correspondence, legal memoranda, petitions, pleadings and appeals in matters of above average complexity.
- Ability to effectively advocate for State Fund verbally and in writing.
- Ability to communicate professionally and effectively, verbally and in writing, with all customers and stakeholders.
- Ability to prioritize and effectively work in a fast-paced work environment.
- Ability to work independently and collaboratively as a team member with co-workers, management and other business partners.
- Ability to provide training to internal and external customers and stakeholders.
- Skill to work effectively with State Fund software applications and computer systems.

WORK ENVIRONMENT

PHYSICAL REQUIREMENTS:

- Computer data entry, frequent light lifting, bending, reaching, carrying, and telephone work; mobility to various working areas.
- Occasional lifting up to 20lbs.

TRAVEL

- Travel as necessary to fulfill duties as described.
- Travel may occasionally be from overnight to five days in duration.

EMERGENCY CALLS

- N/A

WORK HOURS

- Employees are expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. Employees will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary. Employees are responsible for keeping management reasonably apprised of their schedules and whereabouts.