

<b>Classification Title:</b>  Attorney III	<b>Branch/Division/Bureau:</b>  Legal Branch/Litigation Division/Enforcement Bureau I
<b>Working Title:</b>  Attorney III	<b>Office/Unit/Section/Geographic Location:</b>  OAKLAND or SACRAMENTO
<b>Position Number (13 Digit):</b> 413-235-5795-012	<b>Conflict of Interest Position:</b>  <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
<b>Employee Name:</b>	<b>Effective Date:</b>

**BASIC FUNCTION:**

Under the general direction of the Assistant Chief Counsel, the Attorney III exercises broad discretion and independently, or as a lead over other Attorneys, effectively performs more sensitive and complex attorney work within the department. The incumbent provides legal services to the various divisions and bureaus in reviewing files and complaints related to all lines of insurance submitted by the Investigations Bureau, the Market Conduct Bureau, the Claims Services Bureau, Licensing, and other units of the department.

The incumbent files and litigates actions against insurance producers and insurers, for licensing, unfair insurance claims practices, and other violations affecting insurance regulation. With minimal supervision, the incumbent independently conducts negotiations, reviews and analyzes insurance related legislation, prepares and conducts administrative and investigatory hearings against insurers and licensees, confers and corresponds with other departmental personnel and members of the public as necessary, and issues legal opinions.

The incumbent works closely with the attorney assigned to oversee and coordinate all departmental rulemaking activities when drafting and/or carrying through to promulgation rules and regulations on issues related to the Bureau's area of responsibility and when consulting with the bureaus affected.

The incumbent provides legal guidance to departmental staff and may be called on to represent the Department and the commissioner in venues outside the organization, in meetings, and other activities. The incumbent works with and coordinates legal services provided to/by the Office of the Attorney General and/or other counsel regarding insurance regulatory issues.

Occasional travel will be required within and/or outside the state of California via private or public transportation (i.e., automobile, airplane, etc.). Travel may include overnight stay.

This position is designated under the Conflict of Interest Code. The position is responsible for making or participating in governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete a Statement of Economic Interest (Form 700), which includes an Assuming Office filing within 30 days of

**ESSENTIAL FUNCTIONS DUTY STATEMENT**HRM-025

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appointment, annual filings, and a Leaving Office filing within 30 days of physical separation. Non-compliance with the Conflict of Interest Code requirements may result in the voiding of appointment, financial penalties, or enforcement actions.

**ESSENTIAL FUNCTIONS**

40% Analyzes more complex cases referred by the License Services Bureau, Investigation Division, Market Conduct Bureau, Claims Services Bureau, and other units of the Department regarding licensees, applicants, or unlicensed persons alleged to be transacting insurance. Analyzes compliance of producers and insurance companies with the requirements of the Insurance Code.

Prepares administrative litigation pleadings, including cease and desist orders, orders to show cause under the Unfair Practices Act, accusations and statements of issues. Independently handles Fair Claims Practices Act matters, including claims issues, market conduct oversight, market conduct exams, and litigation. Receive and review referrals for legal opinions. Propounds and responds to discovery in matters subject to the Administrative Procedures Act. Drafts legal research memoranda regarding insurance regulatory issues, both formally and ad hoc and provide consultation to Department staff.

35% Conducts administrative litigation in various locations throughout the state before the Office of Administrative Hearings or hearing officers, including examination and cross-examination of witnesses, introduction into evidence of documentary or other demonstrative evidence. Conducts settlement negotiations, including preparation of settlement proposals, settlement approval memoranda, and final settlement agreements and orders.

15% Responds to general/legal inquiries from the public regarding insurance rules and regulations; amend regulations where required. Prepares written legal opinions regarding insurance regulatory matters, briefs, digests, summaries and reports. Draft regulations and handle related rulemaking requirements before the Office of Administrative Law. Conduct quasi-adjudicatory rulemaking under the Administrative Procedures Act regarding complex rulemakings.

**MARGINAL FUNCTIONS**

5% In coordination with or under the lead of the attorney assigned to oversee all departmental rulemaking activities, draft and carry through to promulgation rules and insurance regulations on issues related to the Bureau's area of responsibility and consults with the bureaus affected.

5% Reviews complex proposed legislation impacting bureau program area. Prepares legislative analysis and suggest edits to proposed legislation. Consults with Legislative and Budget Offices regarding the impact on CDI of proposed legislation.

**WORK ENVIRONMENT OR PHYSICAL ABILITIES**

Work Environment:

- Work in a high-rise office environment
- Eligible for telework in accordance with CDIs Telework policy. Teleworking employees may be required to report to their headquarters office location on designated telework days. Travel expenses are not reimbursed, however other authorized transit subsidies do exist for those who qualify.

**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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Printed Name

**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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Printed Name