

**DEPARTMENT OF DEVELOPMENTAL SERVICES
OPERATIONS
LEGAL AFFAIRS DIVISION**

DUTY STATEMENT

JOB TITLE: Attorney III
WORKING TITLE: Senior Staff Counsel

POSITION # 472-543-5795-005
EMPLOYEE:

POSITION DESCRIPTION: Under general direction of the Chief Counsel and Assistant Chief Counsels, the Attorney III performs complex and sensitive legal work in the Legal Affairs Division, including, but not limited to probate conservatorships, personnel matters, statutory and regulatory interpretation, programmatic legal advice, administrative appeals, transactional matters, including housing and contract issues, criminal placement proceedings, civil and administrative litigation matters, and legislative analysis. The Attorney III represents the Department in proceedings before courts and administrative bodies throughout the state. The Attorney III must possess the ability to interact independently, professionally, and courteously with Department managers and staff while performing multiple tasks that often require stringent deadlines. The position requires moderate to frequent travel. The Attorney III may be asked to assist an Attorney IV with more complex and sensitive legal matters. The Attorney III must consistently perform outstanding legal work.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel and Assistant Chief Counsels.

SUPERVISION EXERCISED: The Attorney III does not directly supervise any staff but may act in a lead capacity with an Attorney.

WORKING CONDITIONS: The office is located in a newly constructed, multi-story building in downtown Sacramento. In-person and telework hybrid option available. Work requires the use of a computer up to 85% of the time. Moderate to occasional daytime and overnight statewide travel may be required. Transport legal files and documents, as needed, to locations inside and outside the normal worksite for hearings and meetings. File boxes of documents may weigh up to 20 lbs. each and a file may constitute more than one box.

EXAMPLES OF DUTIES:

Essential Job Functions:

40% Acts in a representative capacity in advocacy/litigation matters, including but not limited to, the following:

Represents and advocates for the Department in the Superior Courts in conservatorship matters, civil commitment proceedings, and hearings related to

commitment of criminal defendants for competency treatment and evaluations to Department facility.

Represents and advocates for the Department in administrative matters before administrative bodies such as the State Personnel Board and Office of Administrative Hearings.

Assists outside counsel in civil and administrative litigation matters where the Department is a party and represents and advocates for the Department at settlement conferences and mediations.

Collaboratively works with and assists Department attorneys, executives, administrators, managers, supervisors, investigators and employees, and those at other State agencies, including the Office of the Attorney General as appropriate.

Prepares a variety of different legal documents, including, but not limited to, legal briefs, opinions, and policies.

Assembles and evaluates evidence and secures and interviews witnesses for judicial and administrative proceedings.

Coordinates with outside counsel relating to discovery and other pre-trial and trial preparation.

35% Acts in a representative capacity in transactional matters, including but not limited to, the following:

Provide direct in-house counsel support and legal advice to Department programs in a wide variety of complex legal areas, including but not limited to matters involving the Lanterman Developmental Disabilities Services Act and Medicaid compliance.

Review and revise loan documents for the development of community housing consistent with the Department's Community Placement Plan (CPP) Housing Guidelines. Loan documents may include: Deeds of Trust, Restrictive Covenants, Department Profit Participation Agreements, escrow instructions, Promissory Notes, Owner's Title Insurance Policies and other documents submitted to the Department for review or approval. Facilitate resolution of issues related to Department real estate agreements and documents and negotiate alternative real estate documents proposed by regional centers (RC) and Housing Developer Organizations (HDO). Participate in regularly scheduled loan closing meetings for single and multi-family housing transactions. Conduct legal review of recorded Department loan documents for consistency with the CPP Housing Guidelines. Review HDO organizational documents and proposed ownership structure (including limited partnership, limited liability company, and corporation), and provide recommendations minimizing risk to the Department's interests. Review contracts between RCs and HDO to ensure compliance with the CPP Housing Guidelines. Provide recommendations to Department

Management regarding any language specified in a RC contract that is inconsistent with the Guidelines. Review preliminary title reports and title policies connected to each Department funded property and provide recommendations minimizing risk to Department interest resulting from liens and encumbrances. Review lender real estate and transactional documents to ensure that Department's interest in real property is protected. Review and modify refinancing documents from RCs, HDOs and other entities.

Review and revise contracts between the Department and third parties. Analyze contracts and provide recommendations to minimize risk to the Department.

Evaluate and respond to requests made pursuant to the California Public Records Act.

Review, evaluate, and draft proposed legislation affecting the Department.

- 5% Reviews and drafts opinions in administrative appellate reviews filed under the Lanterman Developmental Disabilities Services Act.
- 5% Reviews Department audits and responses related to complaints related to Regional Centers and vendors pursuant to the Lanterman Developmental Disabilities Services Act.
- 5% Serve as the Attorney of the Week (AOW) on a rotating basis. The AOW is responsible for handling subpoenas and other legal documents served on the Department, its Director, managers, and employees acting in their official capacity. The AOW also responds to phone inquiries from other government agencies, attorneys, and members of the public.
- 5% Additional assignments as deemed necessary by the Chief Counsel or Assistant Chief Counsels.

Marginal Job Functions:

- 5% Perform various administrative functions as directed by the Chief Counsel or Assistant Chief Counsels and attend legal training courses on complex legal topics.

Other Job Requirements

While the Attorney III will perform increasingly difficult assignments, the incumbent must be able to adhere to the following job requirements, which do not vary based upon experience:

Maintain normal and consistent work hours, averaging 40 hours per week. Work in excess of 40 hours is expected when necessary to complete assignments in a timely manner. Attorneys are expected to be in the office or teleworking and available to clients between the core working hours of 9 a.m. to 5 p.m., unless official state business requires them to be elsewhere. If unavailable during core working hours, attorneys must be available by

phone. Attorneys are required to maintain individual and master Outlook calendars and obtain supervisory approval for time spent away from the office that exceeds ninety (90) minutes. Attorneys acting as the AOW must be available between 9 a.m. and 5 p.m. or arrange for alternate coverage from another Department attorney.

Moderate to occasional daytime and overnight statewide travel is required. Travel will sometimes require the transportation of legal files and documents in file boxes that may weigh up to 20 lbs. Multiple boxes may be required in some circumstances.

Communicate effectively in writing and audibly in person, using documents and electronic devices. Attorneys must be proficient in Microsoft Word, Outlook, Westlaw, Abode, and all other computer tools, programs, or systems utilized by the Legal Affairs Division.

Work on a Department issued personal computer and keyboard up to 85% of the time to conduct legal research and to prepare all written product. Must be able to timely open and close assigned cases and maintain case files on all assigned matters and submit updated monthly reports to the Chief Counsel and Assistant Chief Counsels. Additionally, be able to handle multiple tasks and effectively prioritize workloads.

The incumbent must maintain active membership in the California State Bar and comply with the Rules of Professional Conduct at all times.

CERTIFICATION OR LICENSE: Active membership of the California State Bar

Employee Name
(Print)

Employee Signature

Date

Supervisor Name
(Print)

Supervisor Signature

Date

Employee and Supervisor acknowledge that by signing this Duty Statement that they have discussed and agree to the expectations of the position.

**DEPARTMENT OF DEVELOPMENTAL SERVICES
OPERATIONS
LEGAL AFFAIRS DIVISION**

DUTY STATEMENT

JOB TITLE: Attorney
WORKING TITLE: Staff Counsel

POSITION # 472-543-5778-XXX
EMPLOYEE:

POSITION DESCRIPTION: Under the direction of the Chief Counsel and Assistant Chief Counsels, the Attorney performs legal work in the Legal Affairs Division, including, but not limited to probate conservatorships, personnel matters, statutory and regulatory interpretation, programmatic legal advice, administrative appeals, transactional matters, including housing and contract issues, criminal placement proceedings, civil and administrative litigation matters, and legislative analysis. The Attorney represents the Department in proceedings before courts and administrative bodies throughout the state. The Attorney must possess the ability to interact independently, professionally, and courteously with Department managers and staff while performing multiple tasks that often require stringent deadlines. The position requires moderate to frequent travel. The Attorney may be asked to assist an Attorney IV or Attorney III with more complex and sensitive legal matters. The Attorney must consistently perform outstanding legal work.

SUPERVISION RECEIVED: Reports directly to the Chief Counsel and Assistant Chief Counsels.

SUPERVISION EXERCISED: The Attorney does not directly supervise any staff.

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connected to each Department funded property and provide recommendations minimizing risk to Department interest resulting from liens and encumbrances. Review lender real estate and transactional documents to ensure that Department's interest in real property is protected. Review and modify refinancing documents from RCs, HDOs and other entities.

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The incumbent must maintain active membership in the California State Bar and comply with the Rules of Professional Conduct at all times.

CERTIFICATION OR LICENSE: Active membership of the California State Bar

Employee Name
(Print)

Employee Signature

Date

Supervisor Name
(Print)

Supervisor Signature

Date

Employee and Supervisor acknowledge that by signing this Duty Statement that they have discussed and agree to the expectations of the position.