

STATE OF CALIFORNIA – DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
POSITION DUTY STATEMENT
DFPI-HR0 203 (Rev. 08-21)



NAME	EFFECTIVE DATE
CLASSIFICATION TITLE Legal Analyst	POSITION NUMBER 410-140-5237-XXX
WORKING TITLE Legal Analyst	DIVISION/OFFICE/UNIT/SECTION Enforcement Division
BARGAINING UNIT R01	GEOGRAPHIC LOCATION Sacramento, San Francisco, Los Angeles, or San Diego

General Statement: Under the general supervision of the Legal Support Unit Manager, Staff Services Manager I, the Legal Analyst performs a wide variety of paralegal and analytical duties relating to the various laws administered and enforced by the Department for the Enforcement Division. Duties include, but are not limited to, the following:

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

35% (E) Assists counsel in trial and hearing preparation by preparing hearing notices, processing civil and administrative subpoenas, arranging travel and accommodations, and communicating with third parties and the court. Provides litigation support to attorneys before, during and after trial.

Implements large-scale document management using automated litigation support systems and licensed software. Organizes, copies, and scans pleadings, reports and exhibits for case files, depositions, investigative testimony, hearings and trials. Prepares documents for the opening and closing of files for internal administrative purposes, including file logs, labels and other materials. Updates division records and databases as required and attends necessary training.

Reviews large volume document productions to determine compliance with specific requests made in subpoenas. Prepares declarations for court concerning the extent and adequacy of the production and prepares privilege logs concerning requested information by reviewing documents to determine their content and whether they are subject to any legal privileges including attorney work product, official information and deliberative process.

35% (E) Reviews and formats pleadings to comply with jurisdictional rules and division guidelines. Checks legal citations for accuracy. Drafts notices, affidavits, and letters under the direction of counsel.

Reviews evidence and anticipated testimony with prospective witnesses, coordinates witness appearances, and may prepare witness declarations for use in

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court proceedings. Reads transcripts of testimony and reviews exhibits and provides summaries to legal staff concerning the factual information and how it supports or rebuts the factual and legal allegations in the department's administrative, civil and criminal proceedings. Consults law library materials and computer or internet-based legal resources to draft reports for review and/or use by counsel.

- 15% (E)** Prepares responses to Public Records Act (PRA) requests, including searching databases, responding to public, and certifying records. Contacts and coordinates with state and federal regulators and law enforcement officials to determine jurisdictional issues on cases of common interest, exchanging requests for access to confidential files and reviewing confidential information to determine its applicability to cases.

Testifies at trial concerning evidentiary issues and processes of the department, prepares certificates of search and conducts the research necessary for admission into evidence at administrative, civil and criminal trials. Acts as custodian of records for the department.

Investigates and analyzes facts by utilizing public and private databases, tracing property ownership and chain of title, doing undercover computer surveillance, tracking complex internet protocol data, determining complicated ownership information and tracing financial transactions in administrative, civil or criminal matters. Upon conclusion of research, may prepare reports of findings and further recommendations to counsel.

Handles calls from the public and provides support to staff in the field, including searches of department databases and other investigative resources.

Requests, delivers or picks up records from other government agencies.

- 10% (E)** Conducts periodic inventory of division law library and orders legal publications and periodicals as needed.

Catalogues and maintains closed complaints and case files. Coordinates storage and retrieval of closed case files.

Prepares special reports and projects under the direction of the Assistant Chief Counsel and the Deputy Commissioner, as requested.

Provides backup service to members of the public who visit or phone the Department. Answers questions and refers the public to the appropriate person or unit; provides and receives various documents.

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- 5% (M)** Performs other related duties as required including but not limited to maintaining division's office equipment, refilling paper, staples and toner, and reporting operational problems to appropriate department personnel; and orders and maintains office materials and supplies as needed.

B. Supervision Received

The Legal Analyst reports directly to and receives the majority of assignments from the Legal Support Unit Manager, Staff Services Manager I, however direction on areas of the law will be provided by Attorneys, and/or Attorney, Assistant Chief Counsels. Direction and assignments may also come from the Deputy Commissioner, CEA (C).

C. Supervision Exercised

None.

D. Administrative Responsibility

None.

E. Personal Contacts

The incumbent interacts with:

- 1) Peers, including with DFPI Attorneys, Investigators, Examiners, and Programs (contacts typically include the assignment of specific legal support tasks and can be very sensitive); Accounting and Budgets (contacts typically include handling Enforcement Contracts for third-party services); Office of Administrative Hearings (OAH) personnel; Federal and State Court Personnel (contacts include filing sensitive legal documents and obtaining information about matters before these tribunals); Department of Justice, Attorney General, District Attorney's, and various federal/state agencies at the request of Counsels (contacts include communications about specific litigation matters at the direction of Counsel, particularly when the incumbent has been assigned to a litigation team);
- 2) General public, departmental applicants and/or licensees, subjects and/or witnesses in an Enforcement Investigation or Action (contacts typically include gathering information relevant to an investigation or Enforcement Action, as well as PRA Requests);
- 3) Control Agency, Regulatory Agency [i.e., U.S. Securities and Exchange Commission (SEC), North American Securities Administrators Association (NASAA)], and Industry Group contacts at the direction of Counsel;

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- 4) Executive Staff (contacts typically are related to sensitive litigation, regulatory, or legislative matters);
- 5) Agency (contacts are typically related to sensitive litigation matter at the direction of Counsel);
- 6) Legislative Staff/Governor's Office (contacts typically include requests by Legislative Staff on behalf of Constituents, related to sensitive litigation; and Governor's Office Contacts typically are related to sensitive litigation or legislation at the direction of Counsel.)

F. Actions and Consequences

The consequences of not adequately performing the job (i.e., supporting Counsel in their Enforcement duties) may lead to:

- Defendants escaping prosecution
- Defendants not receiving appropriate penalties if violations are overlooked
- Consumers not being adequately protected, and
- Harmful consumer products entering the marketplace

This will lead to illegal activity going unchecked. Failure to detect and deter unlicensed and illegal activity negatively impacts the California economy by discouraging investing and use of legitimate licensees' services. Also, the lack of sufficient supervision limits DFPI's ability to fulfill the DFPI's intent to discover and discourage illegal and fraudulent activity, to improve accountability in the financial system, and protect consumers from improper financial services practices. The inability to check unlicensed illegal activity undermines the DFPI's ability to regulate state-licensed professionals in order to provide accessibility to a fair and secure financial services industry.

In addition, all Attorneys have a duty to their profession and particularly to the Courts (Federal, State) and Office of Administrative Hearings to conduct their business professionally, ethically, and in accordance with the rules of the particular Forum. Legal Support Staff including the incumbent play an important role in ensuring that Counsel can fulfill these responsibilities and expectations.

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G. Functional Requirements

The incumbent works 40 hours per week in an office setting, with artificial light and temperature control. The use of a personal computer, telephone, copier, and fax machine, as well the use of office-related computer software (such as Word, Outlook, Excel, OneDrive, SharePoint, CasePoint, DQNT, Concur, CalATERS, Tempo, etc.) 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. The work requires walking throughout the office to distribute mail and other documents, perform filings tasks, retrieve and place work-related items in Counsel's and Managers' offices; and placing and retrieving items, including boxes, into the file/storage room. The work also requires communication with Courts and the OAH to file documents, inquiring about ongoing matters and to inform them of special circumstances. The work may also require making or retrieving legal filings that occur after hours.

H. Other Information

The Legal Analyst position requires knowledge of: basic legal concepts, terminology, principles, and procedures; use of legal reference materials; and role of a paralegal staff in a legal office and ability to: reason logically and accurately analyze situations; read effectively; prepare reports and summary sheets which set forth the statement of facts, applications of relevant law, and conclusions; read and understand statutes; prepare drafts of pleading; draft litigation discovery documents, such as interrogatories and motions; and work cooperatively with attorneys and members of the support staff.

The Legal Analyst is expected to assist Counsel on complex cases including those involving novel legal issues, and handle civil cases, appellate proceedings, bankruptcy, co-chairing criminal actions, and negotiating successful resolutions of actions, while working independently with minimal contact or reinforcement from supervisors and/or colleagues.

This position may require traveling to attend administrative hearings and/or civil and criminal court proceedings across the state (County, State and Federal), other locations, and occasional travel to conferences, meetings, and training events. Travel is primarily done by driving, but also includes periodic air travel and overnight travel.

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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.)

Employee Signature

Date

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.

Supervisor Signature

Date

Supervisor's Printed Name, Classification