

**DUTY STATEMENT**  
DSH3002 (Rev. 01/2020)



California Department of  
**State Hospitals**

*Box reserved for Personnel Section*

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| <b>Employee Name</b><br>Vacant                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Division</b><br>Legal                              |                                 |                                |
| <b>Position No / Agency-Unit-Class-Serial</b><br>461-301-5778-021                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Unit</b>                                           |                                 |                                |
| <b>Class Title</b><br>Attorney                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Location</b><br>DSH-Sacramento or DSH-Metropolitan |                                 |                                |
| <b>Subject to Conflict of Interest</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>CBID</b><br>R02                                    | <b>Work Week Group:</b> SE      | <b>Pay Differential</b><br>N/A |
| <b>Other</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                       |                                 |                                |
| <b>Briefly (1 or 2 sentences) describe the position's organizational setting and major functions</b><br>Under the direction of the Chief Counsel, the Deputy Chief Counsel, or the Assistant Chief Counsels, the Attorney I represents the Department of State Hospitals (DSH) at forensic and State Personnel Board proceedings and provides legal advice to DSH on issues involving the administration of all DSH facilities. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                       |                                 |                                |
| <b>% of time performing duties</b>                                                                                                                                                                                                                                                                                                                                                                                              | <b>Indicate the duties and responsibilities assigned to the position and the percentage of time spent on each. Group related tasks under the same percentage with the highest percentage first; percentage must total 100%. (Use additional sheet if necessary).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                       |                                 |                                |
| 25%                                                                                                                                                                                                                                                                                                                                                                                                                             | Performs legal research, provides legal advice to DSH clients, and responds to questions about mental health funding and fiscal controls. Provides responses to the Governor's Office, the Health and Human Services Agency and State control departments. Provides legal advice on various DSH programs regarding, but not limited to legislation; regulations; DSH policy; and Public Records Act requests. Assists in contract negotiations; drafting and reviewing contracts; and employee immigration law. Provides legal advice on issues involving, but not limited to patient privacy; employee privacy; intellectual property; potential conflicts of interest; Cal OSHA audits; risk management; and data sharing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |                                 |                                |
| 25%                                                                                                                                                                                                                                                                                                                                                                                                                             | Performs a wide variety of duties including, but not limited to working on the Coleman and Stiavetti litigation, the Community Forensic Services Division, Forensic Services Division, and CONREP; providing legal advice on transferring patients between DSH and the Department of Corrections and Rehabilitation; preparing high volume of pleadings, as well as preparing expert witnesses for hearings; appearing in court and/or before administrative tribunals regarding Orders to Show Cause regarding admissions of individuals determined to be Incompetent to Stand Trial; writs of habeas corpus; involuntary medication or involuntary treatment of Mentally Disordered Offenders, Sexually Violent Predators, and Not Guilty by Reason of Insanity committees; preparing and appearing at motions for reconsideration or clarification related to commitment to DSH and commitment to CONREP; reviewing remote evaluations prepared by DSH clinicians for filing in Superior Courts for defendants committed to DSH for competency treatment and awaiting admission to a DSH facility; and actively assisting and collaborating with the Office of the Attorney General representing |                                                       |                                 |                                |

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|                   | DSH in litigation. Appearing in courts and/or before administrative tribunals to address legal issues pertaining to all forensic types committed to DSH.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 25%               | Provides reliable assistance and accurate advice representing DSH in personnel actions and whistleblower actions; appears and conducts hearings before the State Personnel Board and California Department of Human Resources; reviews actions; identifies evidence and witnesses; prepares witnesses for testimony; attends prehearing and settlement conferences; responds to discovery requests; prepares and responds to motions; negotiates settlements; provides advice concerning, but not limited to the Labor Code, Government Code, Workers' Compensation Act, American Disabilities Act, Age Discrimination Act, and Title VII; and prepares responses to the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 20%               | At the direction of and in consultation with the Chief Counsel and the Deputy Chief Counsel, and under the supervision of the Assistant Chief Counsels, the Attorney I provides legal advice to all DSH facilities on the challenges facing DSH that have statewide programmatic and financial impacts regarding, but not limited to patient care and treatment; patients' rights; DSH hospital facility licensing and accreditation; clinical staff licensing and governance; electronic health records; patient trust accounting; Medicare and other third party billing matters; statutory cost recovery and asset collections, and bio-ethical issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5%                | Other legal functions related to the operation and administration of all DSH facilities. Other duties and tasks as assigned by the Chief Counsel, Deputy Chief Counsel, and the Assistant Chief Counsels to meet departmental and operational needs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Other Information | <p>This position reports to either the Sacramento Allenby Office or the Metropolitan State Hospital located in Norwalk. A hybrid Telework schedule, consistent with the State of California's in-office requirement, may be considered with prior approval from management.</p> <p>The Attorney is required to attend and participate in meetings and court and administrative hearings in all counties in the State of California and to meet with staff, witnesses, and others as required by the operational needs of the Legal Division and the Department dictates.</p> <p>Travel is an essential function of all of the duties specified above.</p> <p>Regular and consistent attendance is critical to the successful performance of this position due to the heavy workload and time-sensitive nature of the work. The incumbent routinely works with and is exposed to sensitive and confidential issues and/or materials and is expected to maintain confidentiality at all times.</p> <p>The Department of State Hospitals provides support services to facilities operated within the Department. A required function of this position is to consistently provide exceptional customer service to internal and external customers.</p> |

I have read and understand the duties listed above and I certify that I can perform these duties and the essential functions of this position with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the Office of Human Rights).

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date