

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

CLASSIFICATION:

Attorney IV

POSITION NUMBER:

800-310-5780-955

DIVISION/BRANCH/REGION: (UNDERLINE ALL THAT APPLY)

Legal Division/Enforcement Branch

BUREAU/SECTION/UNIT: (UNDERLINE ALL THAT APPLY)

Sacramento Unit

SUPERVISOR'S NAME:

Lisa Murillo

SUPERVISOR'S CLASS:

Assistant Chief Counsel

SPECIAL REQUIREMENTS OF POSITION (CHECK ALL THAT APPLY):

- ☒ Designated under Conflict of Interest Code.
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Requires repetitive movement of heavy objects.
- ☐ Performs other duties requiring high physical demand. (Explain below)
- ☐ None
- ☒ Other (Explain below)

Employees assigned to work in the Legal Division are required to obtain a criminal record background clearance by the Department of Justice and the Federal Bureau of Investigation.

I certify that this duty statement represents an accurate description of the essential functions of this position.

I have read this duty statement and agree that it represents the duties I am assigned.

SUPERVISOR'S SIGNATURE

DATE

EMPLOYEE'S SIGNATURE

DATE

SUPERVISION EXERCISED (Check one):

- ☐ None ☐ Supervisor ☒ Lead Person ☐ Team Leader

FOR SUPERVISORY POSITIONS ONLY: Indicate the number of positions by classification that this position DIRECTLY supervises.

Total number of positions for which this position is responsible:

FOR LEADPERSONS OR TEAM LEADERS ONLY: Indicate the number of positions by classification that this position LEADS.

The Attorney IV does not directly supervise lower level attorney staff, but is expected to act in a lead capacity over the work of other attorneys. The incumbent also provides direction to Legal Assistants/Analysts performing tasks for the attorney.

MISSION OF ORGANIZATIONAL UNIT:

The Legal Division's CCL Enforcement Unit is dedicated to providing legal advice and services regarding enforcement issues to the Community Care Licensing Division of the Department.

CONCEPT OF POSITION:

The Attorney IV represents the Department as the highest level enforcement attorney and has the broadest discretion and independence performing the most complicated and politically sensitive assignments in the Legal Division. These assignments primarily involve investigations and cases concerning sexual and physical abuse. This position requires the highest knowledge of legal principles and their application, legal research, court procedures, rules of evidence and procedure, administrative law and procedure, legal terms and forms, statutory and case law authorities and the provisions of laws and regulations relating to community care licensing enforcement.

A. RESPONSIBILITIES OF POSITION:

The Attorney IV demonstrates the highest level of expertise in criminal investigations and preparation of sexual and physical abuse cases, strategizing those cases, reviewing sensitive evidence and participating or conducting questioning of victims including children, the elderly and individuals with developmental disabilities. The Attorney IV also has the most experience in dealing with expert witnesses, trial/hearing practice and procedures, conducting intense, sensitive and difficult negotiations and providing the Director, Deputy Director and department managers and staff with written and oral advice regarding such sensitive matters. The Attorney IV must independently complete the most difficult and complex work assignments, frequently involving exceptionally long hearings, requiring arduous preparation and working under pressure and cooperatively with others, sometimes acting in a lead capacity. The Attorney IV is expected to consistently produce favorable results in representing the department. The incumbent consults with and advises department directorate, managers, employees and agents on the most difficult, complex issues and works with Deputy Attorneys General in regard to litigation to which the department is a party. In addition, the Attorney IV must be capable of functioning under pressure in politically sensitive situations, and must be able to meet strict deadlines, and/or on an expedited basis with the highest degree of autonomy.

25% - Analyzes facts and legal issues and prepares pleadings and legal briefs in the most complex and sensitive cases involving sexual and physical abuse that have been referred for administrative action by the Community Care Licensing Division; develops evidence, strategies and tactics in cases of the highest complexity, sensitivity and difficulty.

25% - Represents the Department before Administrative Law Judges in formal hearings, presents oral and documentary evidence, cross examines witnesses, responds to objections and presents oral and written arguments; negotiates resolutions in lieu of hearings; and may function as the lead attorney for a team of attorneys.

25% - Consults with and advises the Director, Deputy Director of Community Care Licensing, program managers, public officials and employees of the Department's Community Care Licensing Division on complex and sensitive legal issues involving sexual and physical abuse. Acts as special counsel to the Deputy Director of the Legal Division and advises on the most complex and sensitive legal issues involving the Department, including petitions for reinstatement and issues of first impression that determine state-wide policy and impact the final disposition of proposed decisions.

25% - Appears before federal and state superior and appellate courts, as well as administrative bodies, on the most difficult, complex and sensitive cases and matters within the statutory and departmental scope of responsibility of the assigned program(s), and applies the highest level of sound legal judgment.

B. SUPERVISION RECEIVED:

The Attorney IV reports to and receives general direction from an Assistant Chief Counsel, but has independence and broad discretion to perform assigned duties without routine review.

C. ADMINISTRATIVE RESPONSIBILITY:

None, however the Attorney IV may be assigned to act in the absence of the Assistant Chief Counsel and/or Chief Counsel.

D. PERSONAL CONTACTS:

The Attorney IV has extensive contacts within and outside the Department and must work cooperatively with a variety of individuals and organizations and maintain the confidence and respect of others. The Attorney IV must have the highest ability to successfully interact with vulnerable victims and witnesses.

E. ACTIONS AND CONSEQUENCES:

Failure to provide sound legal advice and exercise good judgment could result in civil liability against the Department, an adverse decision in the administrative matter and failure to adequately protect clients of licensed facilities.

F. OTHER INFORMATION:

The Attorney IV must obtain a criminal record clearance by the Department of Justice and the Federal Bureau of Investigation. Incumbent is expected to travel (may be out of town and overnight) and arrange schedule to perform duties and meet the objectives of the program. Office space is standard office in a smoke-free environment.

(KM - 9.2021)