

Classification Title: Attorney	Branch/Division/Bureau: Legal Branch/Litigation Division/Enforcement Bureau III
Working Title: Attorney I	Office/Unit/Section/Geographic Location: OAK/LA/SAC
Position Number (13 Digit): 413-238-5778-009	Conflict of Interest Position: ☐ NO ☒ YES
Employee Name:	Effective Date:

BASIC FUNCTION:

Under the general direction of the Assistant Chief Counsel, the Attorney I provides legal representation for the California Department of Insurance (CDI) regarding administrative litigation matters referred to Legal Branch from other CDI branches. The incumbent represents the Department at administrative hearings, conducts negotiations, drafts regulations and legislation, holds investigatory hearings, confers and corresponds with other departmental personnel and members of the public, as necessary, issues legal opinions and advises Department personnel on legal issues.

In conjunction with the Attorney III, the Attorney I, assists on more complex cases or special assignments. The incumbent reviews and analyzes files and evidence received by Legal Branch from the referring part of CDI to determine whether the conduct violates the Insurance Code and warrants further investigation, litigation, other disposition and/or settlement. These matters include, but are not limited to, actions against: insurance applicants and licensees (of all types) pertaining to obtaining licenses or discipline, license denial or revocation; cease and desist orders against persons transacting insurance without a license; actions against insurers and others for violations of the Unfair Practices Act; actions against insurers for other violations of the Insurance Code (including matters pertaining to life insurance and health insurance).

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 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

- 35% Conduct legal research (of matters submitted by the Assistant Chief Counsel) and analyses on cases referred to Legal Branch by other CDI Divisions and branches (divisions or branches). Determine compliance with requirements of the Insurance Code and legal basis for prosecution. Recommend case strategy and represent CDI in administrative litigation before the Office of Administrative Hearings.
- 30% Investigate and prosecute administrative litigation; analyze basis for action, prepare administrative litigation pleadings, including cease and desist orders, accusations, and statements of issues; obtain further evidence when needed, including by subpoena; retain, prepare and interview witnesses; propound and respond to discovery, prepare for evidentiary hearing, issue subpoenas, negotiate settlement where appropriate, and file pre- and post-hearing motions.
- 15% Perform legal research of matters submitted by the Assistant Chief Counsel, others in the Legal Division, and other branches, divisions, or bureaus of the Department. Analyze files and provide legal opinions and advice as requested. Draft memoranda regarding insurance regulatory issues. Provide legal services and consultation to Department staff. Interact with state and federal agencies, consumer advocacy groups, and trade associations.
- 10% Analyze proposed legislation and conducts historical legislative analysis. In consultation with other Department branches prepare proposed regulations, initial statement of reasons, notices of hearing; consult with Office of Administrative Law ("OAL") regarding regulations. Arrange for and hold hearings on proposed regulations; review and respond to public comments; revise regulations and statement of reasons; prepare 15- and 45- day notices; prepare final draft of regulations and final statement of reasons; prepare submission to OAL; analyze and respond to OAL comments; prepare appeals of OAL decisions; plan strategy for ongoing work that may be affected by a full or partial rejection of regulations; draft emergency regulations in consultation with other CDI branches; amend regulations as required.

MARGINAL FUNCTIONS

- 5% Prepare records when petition for writ of mandate is filed challenging a decision by the Insurance Commissioner and assists assigned Deputy Attorney General in opposing petition. Assists Deputy Attorney General in subsequent appeals.
- 5% Respond to general/legal inquiries from the public regarding insurance rules and regulations.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

Work Environment:

- Work in high-rise office building
- 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.)

Employee Signature

Date

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.

Supervisor Signature

Date

Printed Name