

DUTY STATEMENT

DS 3022 (08/2026)

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

DUTY STATEMENT

JOB TITLE: Attorney IV**POSITION #:** 472-543-5780-007**WORKING TITLE:****EMPLOYEE:**

POSITION DESCRIPTION: Under general direction of the Chief Counsel or Assistant Chief Counsels, and using broad discretion in working independently, the Attorney IV serves as the Department of Developmental Service's (Department) lead and subject matter expert on legal issues involving the Individuals with Disabilities Education Act (IDEA), including eligibility under the Early Start program under Part C and special education programs under Part B and on Provisional Lanterman eligibility under the Lanterman Developmental Disabilities Services Act. The position also serves as lead and subject matter expert on federal Medicaid compliance, providing legal expertise on the Home and Community Based Services Waiver Program and on Centers for Medicare and Medicaid Services audits. The Attorney IV handles significant administrative, state, and federal litigation for the Department, and advises on other complex and sensitive legal matters, including California Public Records Act requests, conservatorship assignments and litigation, statutory and regulatory interpretation, and transactional matters. In this capacity, the Attorney IV advises Department Executive Staff on directive, regulatory, and litigation strategy, and provides ongoing updates on the status of complex matters.

SUPERVISION EXERCISED: The Attorney IV does not directly supervise any staff but may act in a lead capacity with an Attorney III or Attorney, and/or other clerical staff.

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

EXAMPLES OF DUTIES:Essential Job Functions:

- 45% Serves as the Department's subject matter expert on legal issues pertaining to eligibility and education matters in the IDEA, including Parts B and C. Assists Executive staff in developing directives, regulations and guidance pertaining to eligibility and education matters. Represents the Department in inter-departmental issues pertaining to Parts B and C of the IDEA as necessary. Prepares legal analysis and drafts recommendations to Executive staff on matters related to eligibility and education settlement options in pre-litigation and

pending litigation matters. Serves as the Department's Medicaid compliance expert and expert on other federal laws impacting the Department's ability to capture federal reimbursements. Advises program staff and auditors on legal issues regarding the Home and Community Based Services Waiver program, state plan amendments, case management, inter-departmental issues pertaining to Medicaid funded programs, and other Medicaid-related questions. Assists Executive staff in developing directives, regulations and guidance pertaining to Medicaid compliance. Prepares legal analysis and drafts recommendations to Executive staff on Medicaid compliance related to pre-litigation and pending litigation matters.

- 40% Handles significant administrative, state and federal litigation cases either independently, with other Department attorneys, or with the Office of the Attorney General (OAG) depending on the complexity of the case. Provides critical review of OAG pleadings and actively develops litigation strategies with knowledge of the Department and Regional Center system that the OAG may lack. In consultation with the Chief Counsel and Assistant Chief Counsels, informs the Department's Executive Staff of significant litigation status and provides ongoing recommendations throughout the proceedings with an eye toward minimizing litigation burdens on the Department and its staff, including developing litigation strategy, conducting analysis of litigation risks and benefits, developing settlement options, and independently evaluating recommendations made by the OAG. Serves as lead or assists in a variety of complex issues facing the Department, including reviewing and investigating limited conservatorship nominations, including those received by the Regional Center and other interested parties, and providing recommendations on whether to accept or deny such nominations to the Chief Counsel; preparing and litigating limited conservatorship petitions, termination petitions, and other related probate motions; representing and advocating for the Department in Superior Courts in acute crisis, 6500 civil commitment, and IST matters; representing and advocating for the Department in complex administrative matters before administrative bodies such as the State Personnel Board and Office of Administrative Hearings; reviewing and drafting opinions in administrative appellate reviews filed under the Lanterman Developmental Disabilities Services Act; reviewing Department audits and responses related to complaints regarding Regional Centers and vendors; evaluating and preparing responses to California Public Records Act requests; and advising on transactional matters involving the Department, including contract review and housing-related matters.
- 5% Serves 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. In the absence of the Chief Counsel and Assistant Chief Counsels, serve as the Acting Chief Counsel and performs all duties associated therewith.

5% Additional assignments as deemed necessary by the Chief Counsel or Assistant Chief Counsels.

Marginal Job Functions:

5% Attends legal training courses on complex legal topics. Conduct training for Department staff and attorneys on various legal issues impacting the Department. Other duties as assigned within the scope of the classification.

WORKING CONDITIONS: 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 50 lbs. each and a file may constitute more than one box. This position is a hybrid, in-office/telework position, and may be subject to change. Incumbent can be required to report to the office, or any designated location at any time. Telework agreements can be modified and/or cancelled at any time.

DESIRABLE QUALIFICATIONS:

Knowledge of: Timely open and close assigned cases and maintain case files on all assigned matters; submit updated monthly reports to the Chief Counsel and Assistant Chief Counsels.

Ability to: Interact independently, professionally, and courteously with departmental Executive team and multiple program managers while performing multiple tasks that often require stringent deadlines; communicate effectively in writing and audibly in person, through the use of documents and electronic devices; proficient in Microsoft Word, Outlook, Westlaw, Abode, and all other computer tools, programs, or systems utilized by the Office of Legal Affairs, handle multiple tasks and effectively prioritize workloads.

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.