

State of California - Department of Social Services

DUTY STATEMENT

EMPLOYEE NAME:

CLASSIFICATION:

Senior Legal Analyst

POSITION NUMBER:

800-310-5333-400

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

Legal Division/Enforcement Branch

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

Riverside Unit

SUPERVISOR'S NAME:

Laura Smith

SUPERVISOR'S CLASS:

Supervising Attorney

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)

Fingerprint Criminal Record Clearance required 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.

No supervision is exercised, however, the Senior Legal Analyst may serve in a lead capacity for Legal Assistant and Legal Analyst paralegal staff.

MISSION OF ORGANIZATIONAL UNIT:

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

CONCEPT OF POSITION:

The Senior Legal Analyst (SLA) performs duties under direction of a supervising attorney who accepts full responsibility for all tasks performed. The SLA for licensing must maintain extensive liaison between the attorneys assigned to the licensing unit, field staff, and the Attorney General's (AG) office in order to follow the status of active cases. Most of the interactions between the Department and the AG's office arise from cases in which the Department is being sued, is a party to litigation, or is seeking a permanent injunction against an unlicensed facility. The incumbent is involved in settlement negotiations with opposing counsel, and is required to have extensive knowledge of laws relating to the community care licensing program administered by the Department.

A. RESPONSIBILITIES OF POSITION:

40% - Analyzes legal issues, facts, and evidence and researches case law for the most complex licensing actions. Drafts pleadings to be filed for administrative actions, including accusations, statement of issues, settlement agreements, agreements to convictions, time waivers, etc. Creates internal memoranda to accompany pleadings in order to apprise CCLD managers and line staff of pending actions and special issues/problems in the cases. Conducts preliminary research and gathers records and other pertinent information from outside litigation (e.g. criminal, juvenile, civil and writs of mandate). Serves as a liaison between the attorney and members of the public and provides information regarding status of cases and the hearing process in general. Attends settlement negotiations and other important meetings that are conducive to case resolution by settlement.

35% - Develops legal cases by obtaining facts and evidence from investigators and CCLD field staff. Interviews witnesses concerning facts of the case, prepares witness and exhibit trial binders including analysis and summaries of witness statements to assist the attorneys for administrative hearings, and prepares and serves subpoenas on hearing witnesses. Reviews and analyzes all relevant documents in the case and provides discovery to opposing counsel and respondents in pro per (e.g. CCLD licensing reports and complaint investigations, rap sheets, arrest reports, criminal and juvenile court records, child and elder abuse reports, facility audits and financial reports, and facility client records). Evaluates relevant documents and decides whether they must be produced, withheld or redacted and prepares an accompanying privilege log setting forth the legal authority for the production of documents.

15% - Maintains communication with CCLD field staff and other witnesses throughout the progress of the case, retrieves reports, provides updates and contacts witnesses or licensing staff for additional information or to schedule an appearance at hearing. Coordinates with legal administrative staff to ensure that data tracked is accurate and timely and to ensure compliance with state auditing requirements. Utilizes databases for the purposes of obtaining published decisions and other authority to support a legal position, determining the status of criminal and civil cases, obtaining documents from court archives, discovering current addresses of witnesses and others for service of legal documents, and providing information on the status of the Department's pending legal cases. Processes closed cases to ensure that excluded facility employees and revoked license operators are prevented from being licensed by the Department.

5% - Assists attorneys with requests for documents by members of the public. This includes gathering, making relevancy determinations, and otherwise analyzing and compiling records responsive to California Public Records Act (PRA) requests. Briefs the assigned attorney on an analysis of the records and may prepare response for attorney review.

5% - Serves as Lead Analyst and develops training programs and materials for lower level paralegal staff regarding the Department's legal cases by explaining the law and procedures. Develops policies and procedures to be used by other paralegals and reviews work of lower level paralegals. Attends various trainings and departmental meetings.

B. SUPERVISION RECEIVED:

The SLA reports to and receives direction from supervising and managing attorneys, to include Senior Assistant Chief Counsels, Assistant Chief Counsels, and Supervising Attorneys.

C. ADMINISTRATIVE RESPONSIBILITY:

None.

D. PERSONAL CONTACTS:

The SLA 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.

E. ACTIONS AND CONSEQUENCES:

The SLA deals with the most sensitive, difficult and complex issues involving the Community Care Licensing Division. Failure to properly prepare cases may contribute to the attorney failing to provide sound legal advice. This 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:

Incumbents are subject to fingerprinting and a criminal records check by the Department of Justice and the Federal Bureau of Investigation. Occasional travel out of town for hearings or to meet with clients and/or witnesses may be required. Position is located in a high rise state building, and office space is standard in a smoke-free environment.

11.15 (SRamirez/JLaMar)