CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

POSITION DUTY STATEMENT

☐ PROPOSED

☒ CURRENT

CDCR INSTITUTION OR HEADQUARTERS PROGRAM	POSITION NUMBER			MCR / HCR
Office of Legal Affairs	065-400-5795-XXX			1
DIVISION / UNIT	CLASSIFICATION TITLE			
	Attorney III			
	WORKING TITLE			
Enterprise Group Risk Management Unit	Attorney III			
	TIME BASE / TENURE	CBID	WWG	COI
	FT/Perm	R02	SE	Yes ☒ No ☐
LOCATION	INCUMBENT		EFFECTIVE DATE	

CDCR'S MISSION and VISION

Mission

To facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

Vision

We enhance public safety and promote successful community reintegration through education, treatment, and active participation in rehabilitative and restorative justice programs.

Commitment

CDCR and CCHCS are committed to transforming the correctional landscape to create safer, more professional, and more fulfilling environments for our employees, the incarcerated population, and those supervised in our communities. Through systemwide improvements grounded in proven and emerging practices, we aim to strengthen rehabilitation, enhance workplace satisfaction, and support successful reentry into the community through our institutions, parole, and community partnerships. Our shared mission is to promote safety, wellness, and human dignity while fostering positive change for all those who live and work within our institutions and communities.

CDCR and CCHCS are committed to building an inclusive respectful workplace. We are determined to attract and hire candidates from all communities and empower employees from a variety of backgrounds, perspectives, and personal experiences. We are proud to foster inclusion and drive collaborative efforts at all levels of the Department.

DIVISION OVERVIEW

The Office of Legal Affairs (OLA) offers legal advice to CDCR leadership and staff to help ensure CDCR's operations are conducted effectively, and consistent with legal requirements. OLA attorneys anticipate legal issues and offer practical solutions, appropriately resolve legal disputes, and advocate to advancing CDCR's mission. Attorneys working for CDCR have the unique opportunity to encounter multiple areas of law, including healthcare, public contracting, accounting services, construction management, facilities planning, class action lawsuits, and provide consultation on policy development, regulatory work, court compliance, risk management, and employee discipline.

GENERAL STATEMENT

Under direction of an Assistant General Counsel, the Attorney III assists with the implementation of litigation prevention strategies designed to mitigate liability risks for the CDCR and its employees. The Attorney III provides legal, technical, and administrative advice on complex and sensitive issues that may involve incarcerated people, supervised people, employees, public procurement, contracts, public entities, unions and members of the public. The incumbent provides legal advice on sensitive legal matters relating to protocols and methodologies designed to assist the Department in managing its liability exposure.

The Attorney III must have the ability to work collaboratively with CDCR internal units and outside agencies, which may include the Department of General Services, the Department of Finance, the Office of the Attorney General (OAG), State Compensation Insurance Fund, and the Governor's Office. The incumbent may be required to represent CDCR before various administrative bodies including the State Personnel Board, the Office of Administrative Hearings, the State Public Works Board, and the Workers' Compensation Appeals Board, among others.

% of time performing duties	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.
40%	Under direction, provide house counsel advice and assistance related to facilitating the timely identification and evaluation of potential liability and risk indicators for the Department. The incumbent in this position may act as lead on significant projects involving complicated legal or administrative issues. a. Consult with and advise department administrators on the interpretation and analysis of laws, court decisions, rules and regulations affecting the duties, functions and responsibilities of the Department; analyze the most complex legal principles and precedents, applying them to difficult administrative problems as well as drafting related legal opinions, and providing direction and interpretation to department management staff. b. Prepare for and litigate the more complex administrative hearings that may include, but are not limited to the following: Penal Code sections 2602 and 2604, disability discrimination, constructive medical termination or suspension and failures to provide reasonable accommodation, workers' compensation, unemployment issues, mediations, arbitrations, and settlement conferences. c. Identify and develop strategy and tactics for the most complicated administrative and liability issues faced by the Department. d. Review and monitor the more complex incoming litigation, assignments, and related outcomes to determine the need for referral to appropriate teams within OLA for further review. e. Track and analyze significant changes in federal and state laws and regulations, case laws and community standards to determine the need for referral to appropriate OLA units for more extensive review. f. Prepare legal opinions, recommendations, and advisory memorandum to executive staff on litigation prevention activities within CDCR, including the development and implementation of corrective action plans to attain legal compliance. g. Analyze data from a variety of department programs and external resources, including audit and reporting tools, for potential liability and risk indicators; monitors and evaluates current litigation trends to determine impact on Department policies and procedures and identify new procedures for decreasing future litigation. h. Respond to inquiries from internal and external stakeholders on risk mitigation efforts by the Department.
25%	Work closely with OAG and contract counsel to obtain information and documentation in preparing responses to written discovery served on CDCR or its employees who are parties to the litigation; act as liaison with OAG on matters concerning CDCR (such as confinement, death penalty matters, sentencing, incarcerated individuals civil

	rights, etc.); provide advice and instructions to OAG attorney staff as to CDCR's policy decisions and position; prepare the appropriate documentation for settlement authority.
25%	Develop training materials for department staff and train staff on risk mitigation and other appropriate legal strategies; attend and participate in meetings, conferences, and training exercises as required.
5%	Respond to inquiries from and provide guidance to judges, district attorneys, public defenders, and private attorneys on legal matters concerning CDCR policy and procedures; perform other duties as may be required by management.
5%	Perform administrative duties including, but not limited to: adhere to Department policies, rules and procedures; submit administrative requests including leave, travel, and training in a timely and appropriate manner; accurately report time, and submit timesheets by the due date.

SPECIAL PERSONAL CHARACTERISTICS

- Influence, change, and strengthen the community. Set an example each day through positive and pro-social role modeling, utilizing dynamic security concepts through observation and building rapport.
- Willingness to play a significant role in the collaborative efforts toward rehabilitation and public safety enhancement.
- Ability to facilitate conversations as a coach and mentor, engaging in a respectful and understanding manner.
- Ability to build trust, improve communication, and assist with the transformation of correctional culture.

SPECIAL REQUIREMENTS

- CDCR does not recognize hostages for bargaining purposes. CDCR has a "NO HOSTAGE" policy, and all incarcerated people, visitors, nonemployees, and employees shall be made aware of this.

CONSEQUENCE OF ERROR

- Failure to use sound judgment in the execution of the duties of this position may have far-reaching effects that may damage the credibility of the Department, limit the effectiveness of the legal representation by the OLA and litigation counsel, and create or increase litigation risk.

To be reviewed and signed by the supervisor and employee:

EMPLOYEE'S STATEMENT:

- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH MY SUPERVISOR AND RECEIVED A COPY OF THIS DUTY STATEMENT.*

EMPLOYEE'S NAME (Print)	EMPLOYEE'S SIGNATURE	DATE

SUPERVISOR'S STATEMENT:

- *I CERTIFY THIS DUTY STATEMENT REFLECTS CURRENT AND AN ACCURATE DESCRIPTION OF THE ESSENTIAL FUNCTIONS OF THIS POSITION*
- *I HAVE DISCUSSED THE DUTIES AND RESPONSIBILITIES OF THE POSITION WITH THE EMPLOYEE AND PROVIDED THE EMPLOYEE A COPY OF THIS DUTY STATEMENT.*

SUPERVISOR'S NAME (Print)	SUPERVISOR'S SIGNATURE	DATE

California Department of Corrections and Rehabilitation
Office of Legal Affairs

ATTORNEY, ATTORNEY III, ATTORNEY IV, ATTORNEY V
ESSENTIAL FUNCTIONS

THE ESSENTIAL FUNCTIONS OF THIS POSITION INCLUDE THE FOLLOWING:

It is expected that the Attorney III, Attorney IV, and Attorney V will be assigned increasingly more difficult work, and need less direct supervision, as experience is gained in the respective classes or as an attorney. The following core essential functions of the Attorney series do not vary with experience:

- Maintain a regular work schedule during normal business hours at an approved worksite; work at least 40 hours per week, on average; work in excess of 40 hours in one week when necessary to complete a special assignment; and be accessible 40 hours per week or more via Department issued cell phone.

- Ability to be supervised by assigned supervisor or manager.

- Travel to and from worksites, correctional institutions and facilities, government offices, courthouses, and training venues, which may require traversing on uneven ground.

- Travel regularly to all parts of the state and travel occasionally outside the state, to include overnight stays.

- Work inside penal institutions and juvenile detention facilities in the presence of incarcerated individuals, wards, and supervised persons.

- Communicate clearly and effectively in writing and in person.

- Use electronic software and databases to thoroughly and efficiently conduct legal research.

- Handle multiple tasks simultaneously and prioritize work, in consultation with the Attorney, Assistant Chief Counsel (ACC), in a fast-paced, high-stress environment.

- Maintain and ensure confidentiality of Departmental information, records, documents, concerns, and issues.

- Perform research and analysis to solve complex legal problems; answer legal questions with clear and logical statements of fact, law, and argument; timely assess and respond to written and verbal communications; provide sound legal advice; exercise rationale and reasonable judgment; and implement effective courses of action in a timely manner.

- Effectively and professionally represent the department in all legal venues, before all legislative bodies, and at all administrative hearings, professional conferences, training seminars, and other meetings.

ATTORNEY, ATTORNEY III, ATTORNEY IV, ATTORNEY V
ESSENTIAL FUNCTIONS

- Work collaboratively with and assist department staff, administrators, supervisors, investigators, and executives, attorneys, ACCs, Chief Deputy General Counsels, and the General Counsel.

- Transport legal files and other objects, which may weigh up to 50 pounds, to locations inside and outside the regular worksite.

- Adhere to the California Rules of Professional Conduct adopted by the State Bar of California, Board of Trustees and approved by the California Supreme Court.

- Maintain active membership in good standing with the State Bar of California.

Employee Name	Signature	Date