Classification Title: Attorney IV	**Branch/Division/Bureau:** Legal Branch/Regulatory & Legal Services Division/Government Law Bureau
Working Title: Attorney IV	**Office/Unit/Section/Geographic Location:** Sacramento/Oakland
Position Number (13 Digit): 413-130-5780-001	**Conflict of Interest Position:** ☐ **NO** ☒**YES**
Employee Name:	**Effective Date:**

BASIC FUNCTION:

Under the direction of the Assistant Chief Counsel for the Government Law Bureau, the Attorney IV performs the most sensitive and complex attorney work within the Department, works independently with broad discretion, and may act as a lead over other attorneys and legal professionals. The Attorney IV handles Public Records Act requests, subpoenas, service of process, and service on the Commissioner. The Attorney IV handles day-to-day privacy-related matters and ensures compliance with the Department's information privacy requirements. The Attorney IV provides legal guidance to Department staff regarding Artificial Intelligence (AI) issues and emerging developments. The Attorney IV is responsible for the legal representation of the Commissioner and the Department by representing, or arranging for representation, in all matters before the civil and administrative tribunals. In exceptional circumstances, the Attorney IV makes court appearances and argues motions on behalf of the Department. The Attorney IV works with minimal supervision and often leads a team of paralegals. The Attorney IV serves as the lead attorney on the most complex cases or special assignments and projects for the General Counsel. The Attorney IV provides legal guidance to departmental staff and may be called on to represent the Department and the Commissioner in venues outside the organization in meetings and other activities.

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.

Overtime will/may be required. Occasional travel may be required within and/or outside the state of California via private or public transportation (i.e., automobile, airplane, etc.)

ESSENTIAL FUNCTIONS

35% Oversees the Department’s review and response to complex requests for information submitted pursuant to the Public Records Act, discovery under the Code of Civil Procedure, or other legal process. The Attorney IV leads a team of attorneys and legal analysts and handles the timely review and response to

complex, sensitive, or potentially controversial public requests for information. Consults with various branches within the Department to retrieve, organize, and then review records potentially responsive to a complex public information request. Advises the Assistant Chief Counsel, the General Counsel, and Executive Staff concerning the confidentiality of records, and prepares privilege logs in appropriate circumstances. Preserves the status of non-public records. Performs all necessary legal research. Prepares written responses to the public. Drafts legal pleadings in discovery and other litigation. Works with the Attorney General's Office or other outside counsel to protect the Department's interests in complex discovery matters and other Department-related litigation. Makes court appearances and argues motions on behalf the Department in exceptional circumstances.

Studies, interprets, and applies laws, court decisions, and other legal authorities in matters which relate to the Public Records Act and are within the Department's regulatory authority.

15% Performs privacy-related work and provides guidance related to AI issues and emerging developments. Assist other branches within the Department to guide and direct the development, implementation and maintenance of privacy-related policies and procedures. Tracks, logs and ensures that the Department maintains all appropriate privacy and confidentiality consent, authorization forms, and related materials reflecting current Department practices and legal requirements, including but not limited to the requirements under Government Code section 11019.9, the Information Practices Act of 1977, the Insurance Information and Privacy Protection Act, the Health Insurance Portability and Accountability Act and the Gramm-Leach-Bliley Financial Modernization Act. Responsible for ensuring that regulated entities comply with security and privacy laws including the Insurance Information and Privacy Protection Act (IIPPA, Ins. Code § 791 et seq.), Financial Code § 4050, Privacy of Non-Public Information regulations (10 CCR 2689.1 et seq.), Gramm-Leach-Bliley, and the Federal Fair Credit Reporting Act. Serves as an advisor to Information Technology Division, executive staff, the Commissioner, and program managers on all issues relating to privacy and IT security as necessary, and drafting model and/or proposed legislation and regulations. Participates in National Association of Insurance Commissioners processes on behalf of the Department as required. Provides technical and expert legal advice and legal opinions to Department programs as required. Studies, interprets, and applies laws, court decisions, and other legal authorities in matters which relate to privacy and are within the Department's regulatory authority. Performs research and provides legal analyses on AI issues and emerging development to the Department programs as required. Assists with preparing reports and AI-related procedures as required by Legal Branch leadership.

15% With other attorney staff, serves as the lead agent for service of process as necessary for legal actions related to subpoenas, summons and complaints, writs, substituted service of process, and Public Records Act requests. Reviews and accepts or, when appropriate, rejects service of legal process concerning the Insurance Commissioner, the Department of Insurance, or a Department employee when legal process concerns conduct performed within the scope of employment.

Pursuant to a subpoena, summons and complaint, or writ, the agent for service of process represents or arranges for the representation of the Department and Insurance Commissioner in matters before all civil and administrative tribunals including a county superior court, federal courts, the California State Personnel Board, the Victims' Compensation and Government Claims Board, and the Office of Administrative Hearings.

15% Serves as lead attorney and assists the Department's custodians of records with complex public inquiries. Reviews and advises the custodians of records concerning draft declarations or other records certifications. Tracks and ensures timely responses to messages from the public. Assist the custodians of records with communicating and responding to pre-litigation demands related to Public Records Act requests or subpoenas. Identifies Public Records Act requests and processes the requests in accordance with the California Public Records Act. When directed, provides guidance and coordinates with the Document Manager/Custodian of Records, if any.

10% Develops and provides instructional materials and trainings to Department employees about the identification and treatment of confidential or privileged documents, the duties and responsibilities associated with litigation holds, the California Public Records Act, the Information Practices Act, and other agency information-related topics. Reviews and advises Department managers and executives on memoranda of understanding, information-sharing agreements, and IT procurement contracts.

MARGINAL FUNCTIONS

5% Oversees and handles the review of Department contracts and memoranda of understanding in order to ensure consistency, the preservation of confidential materials, and compliance with legal requirements. Assists with the drafting and preparation of information-sharing agreements.

5% Prepares legal memoranda interpreting judicial opinions, statutes, and regulations touching upon subjects within the Department's regulatory purview. Provides general assistance to the Assistant Chief Counsel, the General Counsel, and other Department personnel as needed. Presents legal analyses both orally and in writing.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

Work Environment:

- Work in a high-rise 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