

California Department of Corrections and Rehabilitation
DUTY STATEMENT

Office	Office of Legal Affairs
Classification	Attorney
Position Number	065-400-5778-XXX
Revised Date	October 8, 2019

SUMMARY:

Under supervision of an Assistant Chief Counsel, the Attorney provides legal, technical, and administrative advice on a variety of issues that may involve inmates, parolees, 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 California Department of Corrections and Rehabilitation (CDCR) in managing its liability exposure.

The Attorney must have the ability to work collaboratively with CDCR internal units and outside agencies, including but not limited to the Department of General Services, the Department of Finance, the State Treasurer's Office, the Office of the Attorney General (OAG), State Compensation Insurance Fund, and the Governor's Office. The incumbent may be required to represent the CDCR before various administrative bodies including the State Personnel Board, the Office of Administrative Hearings, the Public Works Board and the Worker's Compensation Appeals Board, among others. This position requires periodic statewide travel.

DUTIES:

- 50% Acts as house counsel providing legal advice and assistance related to facilitating the timely identification and evaluation of potential liability and risk indicators for the CDCR.
- a. Consults with and advises department administrators on the interpretation and analysis of laws, court decisions, rules and regulations affecting the duties, functions, and responsibilities of the Department, including identifying policies, procedures and practices that subject the department to litigation or administrative action.
 - b. Prepares for and litigates 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.

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- c. Reviews and coordinates response to petitioner discovery requests including requests for production of documents and other standard discovery methods; assists with the review of documents including court orders and settlement agreements.
 - d. Works closely with stakeholders to identify matters concerning potential liability and risk management.
 - e. Reviews and monitors various reports and statistics including incoming litigation, assignments and related outcomes to identify trends or patterns leading to potential departmental liability.
 - f. Tracks and analyzes changes in legislation, regulations, and case law; analyzes the significance of these developments and provides recommendations to the Office of Legal Affairs (OLA) management and CDCR executive staff.
 - g. Drafts recommendations, opinions and advisory memoranda to OLA management and CDCR executive staff on potential liability and litigation prevention opportunities within the CDCR and the need for corrective action plans.
 - h. Responds to inquiries from internal and external stakeholders on risk mitigation efforts by the department.
 - i. Assists with the review of department policies and regulations.
 - j. Attends and participates in meetings and conferences as a legal representative of the CDCR.
 - k. Assists with the review of department training materials.
- 25% Provides assistance as requested to the OAG and contract counsel in obtaining information and documentation in preparing responses to written discovery served on CDCR or its employees who are parties to the litigation; acts as liaison with the OAG on matters concerning the CDCR (such as confinement, death penalty matters, sentencing, inmate civil rights, etc.);

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provides advice and instructions to OAG attorney staff as to the CDCR's policy decisions and position; prepares the appropriate documentation for settlement authority.

- 10% Attends and participates in meetings, conferences, and training exercises as required; performs other duties as may be required by management.
- 10% Communicates with the CDCR management through written or verbal status reports on the progress of litigation and on appropriate opportunities for settlement.
- 5% Responds to inquiries from and provides guidance to judges, district attorneys, public defenders, and private attorneys on legal matters concerning the CDCR policy and procedures.

Supervisor's Statement: I have discussed the duties of the position with the employee.

EMPLOYEE

SUPERVISOR

Print Name		Print Name	
Signature	Date	Signature	Date