

**California Department of Food and Agriculture  
Executive Office - Legal Office  
Attorney (Limited Term)  
Duty Statement**

**I. Program/Position Identification**

The California Department of Food and Agriculture's Legal Office advises and represents the Department on a wide range of issues; supports the development and implementation of the Department's programs by providing legal services to the Secretary, Executive Office, nine Divisions, and the 52 District Agricultural Associations (DAAs); and directs the State Attorney General in representing the Department and DAAs in litigation matters.

Under the direction of the Deputy Secretary for Legal Affairs (Chief Counsel), the Attorney performs complex legal assignments; provides legal counsel and representation to the Executive Office; policy review, research, and expertise to the Division Directors; review Public Records Act requests for necessary redactions when necessary; serves as a legal advisor; represents the Department in administrative appeals, informal and formal hearings, and complex due process issues; and evaluates credible threats of litigation and advises as to the risk of potential litigation and probable outcome, as well as alternative paths to minimize the damage from litigations.

The Attorney will primarily serve as Staff Counsel for the Department's Marketing Services Division, which includes the Fairs & Exposition Branch (F&E) and the 52 DAAs, and if necessary, at the discretion of the Chief Counsel, the Attorney may be asked to provide services to other Departmental divisions or programs.

The incumbent is expected to be proficient in legal research and be knowledgeable about legal principles and their application; the scope and character of California statutory law; proceedings in California and federal trial courts, and administrative bodies; legal terms and forms in common use; and principles of administrative and constitutional law. The incumbent is also expected to be able to work fairly independently with some supervision from senior attorneys.

The Attorney must possess the ability to: analyze complex and difficult legal principles and precedents and apply them to the most difficult and complex legal and administrative problems; perform exceptionally difficult and complex legal research; effectively prepare written and oral statements; present statement of fact, law, and argument clearly and logically; draft complex and difficult opinions, pleadings, rulings, regulations and legislation; negotiate effectively and conduct crucial litigation; work cooperatively and effectively with various individuals and organizations; maintain the confidence and respect of others; work effectively under pressure; understand complex verbal and written instructions; read, understand, and draft various complex forms of correspondence, notices, and other documents; provide clear and concise information to individuals

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contacted during the course of work; and prioritize assignments and workload to meet deadlines.

<b>Classification:</b>	<b>Attorney (Limited Term)</b>
<b>Working Title:</b>	<b>Staff Counsel</b>
<b>License or Other Requirement:</b>	<b>Active Membership in the California State Bar Association</b>
<b>Position Number:</b>	<b>014-013-5778-982</b>
<b>Division/Branch:</b>	<b>Executive/Legal Office</b>
<b>Location:</b>	<b>1220 N Street, Sacramento, California</b>
<b>Date Prepared:</b>	<b>November 2023</b>
<b>Work Hours/Shift:</b>	<b>Employees are expected to work any hours necessary to complete assignments and fulfill their responsibilities. General Counsel will normally average 40 hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary. [Unit 2 Collective Bargaining Agreement, Article 6, § 6.3]</b>

## II. Essential Functions

### Function 1: Legal Advice and Counsel 40%

- Advise the Chief Counsel on major policy and procedural issues related to the Marketing Division, F&E Branch, and the DAAs; provide advice and written memoranda on legal matters of special importance to the Chief Counsel; advise the Chief Counsel and draft responses to letters or inquiries from legislators, parties, or public that raise sensitive and complex legal issues.
- Advise the Marketing Division, F&E Branch, and the Fair Boards and staff of DAAs related to all legal issues, including but not limited to contract reviews, litigation or potential litigation, personnel matters, contract reviews, Public Records Act requests, the Bagley-Keene Open Meetings Act and Brown Act, and consult with program management, as needed, to provide immediate expert advice regarding topical matters
- Provide expert legal analysis and advice to the Executive Office and Division Directors in complex and politically sensitive areas of the law by developing litigation strategy, preparing advisory memoranda, and responding to legal correspondence.
- Provide research and legal advice in a variety of areas, including, but not limited to, contract disputes, grant reviews, bill analysis, conflict of interest, the Bagley-Keene Open Meetings Act, the Brown Act, and constitutional law, as assigned by the Chief Counsel.

- Prepare and update, as appropriate, training materials and guidance documents for Departmental staff and DAAs regarding topics such as the practical application of open meeting laws.

**Function 2: Risk Management**

**20%**

- Provide interpretation of legal documents and instructions for complex areas which include procurement solicitations, bids, contracts, and risk mitigation relative to the operation of the Department and DAAs.
- Provide ongoing legal research in connection with a variety of difficult legal issues affecting Departmental and DAA operation, which may cause potential risk and liability for the Department.
- Review the Department's contracts for compliance with law, policy and reasonable judgment and review contract disputes as needed.
- Review policy determinations for legal issues and consistency with existing regulations and constitutional and statutory requirements in order to provide legal advice to the Executive Office and Department programs.

**Function 3: Legal Representation as Assigned by the Chief Counsel**

**15%**

- Represent the Office of Chief Counsel in various legal proceedings, coordinate and develop litigation strategies and communications with outside counsel.
- Serve as the Department liaison with the Office of Chief Counsel and other governmental departments and agencies, including the Department of Justice (DOJ) for litigation matters.
- In coordination with the Department's Legislative Office, represent the Office of Chief Counsel in contacts with legislator and legislative staff member regarding pending legislation.
- In cooperation with the Department's Legislative Office, analyze and track proposed legislation that may impact the Department, advise and prepare the Chief Counsel for possible legal issues raised by proposed legislation.
- Prepare legal memoranda, and issue briefings; liaison with opposing counsel, judges, hearing officers, the public, and Department staff in coordination with DOJ litigation counsel.

**Function 4: Regulatory/Legislative Counsel** **10%**

- Provide advice and counsel regarding legal requirements of regulations, statutes, or other proposals.
- Draft and/or review regulations, statutory enactments, legal memorandum and advisories to ensure accurate and current information are disclosed to Department management staff.
- Advise Department staff regarding the promulgation and amendment of regulations with respect to the Office of Administrative Law.

**Function 5: Administrative Hearings** **5%**

- Advise and serve as counsel for designated programs and prepare and advocate for the Department in informal administrative hearings.
- Review Hearing and Appeal Decisions and Orders for legal accuracy.
- Provide advice to the Legal Office Hearing Coordinator on the management and oversight of informal and formal administrative hearings and appeals.

**Function 6: Public Records Act Requests** **5%**

- Review responsive documents for confidentiality and to determine whether documents fulfill request or are exempt; communicate with requester, program personnel, and other public agencies and officials; perform research; advise programs.
- Advise the Legal Assistant on the processing of Public Records Act and Information Practices Act requests.
- Review responsive documents for confidentiality and completeness; and communicate with requester, program staff, and others.

**B. Non-Essential Functions**

**Function #1: Administrative/Miscellaneous Duties** **5%**

- Standard activities, such as attending state training, staff meetings, conferences, prepare timesheets and other miscellaneous administrative duties.
- Perform other job-related duties as requested by the Chief Counsel.

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### **III. Work Environment**

The duties of this job are performed indoors approximately 85 – 90 percent of the time. The employee's worksite is located inside an office equipped with standard office equipment (computer, desk, chair, telephone, etc.). Consistent with requirements under the Unit 2 Memorandum of Understanding, state personnel rules and Departmental policies, the Attorney will be provided with a dedicated office if they work in-person more than 50 percent of the week, and either will have use of a hoteling space or dedicated office (if available) if they work remotely the majority of the time.

Travel is required in this position 10-30 percent of the time to attend DAA board meetings, and occasionally marketing program board meetings; also, to interact in person with board members, CEOs, and other interested parties.

Administrative hearings, regulatory hearings, various other hearings and meetings are typically held in locations outside of the headquarters office (1220 N Street, Sacramento) and as Staff Counsel, may be required to travel to locations in California by various means of transportation.

Regular or recurring telework may occur as part of the incumbent's ongoing regular schedule in accordance with the Department's Telework Policy.

Email, telephone calls and videocalls will be the primary vehicles to provide assistance and guidance.

The duties of this job also require the employee to operate various office equipment such as computers, photocopiers, scanners, and fax machines, etc.

The noise level in the work environment is normal. The temperature fluctuates moderately.

### **IV. Other Information**

This position is designated under the Department's Conflict of Interest Code. The position is responsible for making or participating in the making of governmental decisions that may potentially have a material effect on personal financial interests. The appointee is required to complete and file the California Fair Political Practices Commission (FPPC) Form 700 within thirty (30) days of appointment, on an annual basis, and upon vacating the position; filing must be done in the manner prescribed by the Department. The incumbent must complete an Ethics orientation training course within six months of assuming a Form 700 covered position, and every two (2) years thereafter, by December 31. Failure to comply with the Department's Conflict of Interest Code requirements may void the appointment.

**V. Employee's Statement:**

**(Initial applicable statement)**

\_\_\_\_\_ I have read and understand the duties and essential functions of the position. I understand Reasonable Accommodation<sup>1</sup> and how it applies to essential functions. I can perform the duties of this job without Reasonable Accommodation.

**OR**

\_\_\_\_\_ I have read and understand the duties and essential functions of the position. I understand Reasonable Accommodation and how it applies to essential functions. I will need Reasonable Accommodation to perform one or more of the essential functions described in this duty statement.

\_\_\_\_\_  
**Employee Signature<sup>2</sup>**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**Supervisor Signature**

\_\_\_\_\_  
**(Date)**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

<sup>1</sup> A reasonable accommodation is an adjustment or modification to a job or workplace that allows qualified employees or prospective employees to perform the essential functions of the job successfully.

<sup>2</sup> Duties of this position are subject to change and may be revised as needed or required. If/when duties change you will be provided a revised duty statement to sign.