



Classification: Attorney V
 Position Number: 880-220-5781-005

DUTY STATEMENT

CURRENT PROPOSED

RPA Number: 23-220-046	Classification Title: Attorney V	Position Number: 880-220-5781-005
Incumbent Name: Vacant	Working Title: Attorney V	Effective Date: April 2024
Tenure: Permanent	Time Base: Full-Time	CBID: R02
Division/Office: Office of Chief Counsel		Section/Unit: Water Rights and Drinking Water Branch—Water Rights Unit
Supervisor’s Name: Andy Sawyer		Supervisor’s Classification: Attorney, Assistant Chief Counsel

Human Resources Use Only:	
HR Analyst Approval:	Date:

General Statement

Under the general direction of an Assistant Chief Counsel and consistent with good customer service practices and the goals of the State and Regional Board’s Strategic Plan, the incumbent is expected to be courteous and provide timely responses to internal/external customers, follow through on commitments, and to solicit and consider internal/external customer input when completing work assignments. Attorney V is assigned to the most sensitive and complex administrative proceedings and litigation in court, serving as top expert in difficult legal fields. Assignments often consist of negotiations, legislative liaison, hearings, legal research, and opinion or brief drafting, advising board members and management, and developing strategy and tactics in complex disputes or litigation.

Position Description

The Attorney V reviews, analyzes, interprets, and applies statutes, regulations, court decisions and other legal authorities, prepares legal documents, assists in the presentation of cases in court or before administrative tribunals, and assists in preparing legislation, regulations, plans, and policies .



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Essential Functions (Including percentage of time):	
30%	Serves as lead project attorney in the most complex and difficult planning proceedings and administrative litigation requiring strategic decision making, reliance on innovative legal theories, and specialization. These proceedings require consideration of interrelationships among water right, water supply, and water quality planning issues and have a high degree of probability of court appeal (considered sensitive). These proceedings require consideration of interrelationships among federal and federal constitutional, statutory, and common law, and require resolution of innovative legal theories advanced by participants. Duties involve broad discretion and independence and require the highest level of expertise in water rights and water quality law, administrative procedures (including highly specialized, complex administrative litigation), and preparation of water right decisions of a possible precedent-setting nature.
25%	Serves as point of contact and expert in the areas identified above, including working with specialized inside counsel, Deputies Attorney General, and high-level inside counsel at other state and federal agencies, and leading subject matter teams. Develops and coordinates the legal advice within those areas of specialization relying upon the integration of complex water right theories, including novel and innovative theories, while considering the legal claims and arguments of diverse stakeholders, including those of state, federal, and other public agencies. Provides legal counsel directly to Board members, Executive Director, Chief Deputy Director, Deputy Director of the Division of Water Rights, Director of the Office of Research, Planning and Performance, and division and office project managers and program managers.
10%	Assist the Office of Chief Counsel and the client board, divisions, and offices with all aspects of public law, including Public Records Act and discovery requests, Political Reform Act, incompatible activities, conflicts, obligations of public officials, records retention, and public contracts.
10%	Provides legal counsel directly to board staff and management on water quality certification of water development projects, including certification for hydropower relicensing before the Federal Energy Regulatory Commission. Represents the State Water Board in administrative proceedings before the Federal Energy Regulatory Commission.
10%	Serves as lead project attorney in the most complex proceedings for determination of rights (stream system adjudications and court references) and represents the Board as counsel of record before the federal district courts and California superior courts in matters involving determination of water rights and administration of adjudication decrees. These cases are among the most complex handled by courts or agencies, often involving hundreds of parties, and taking many years to litigate, and the State Water Board's lead attorney has key responsibilities in that litigation.



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10%	Provides legal services and liaison to the Attorney General’s Office in the most difficult, complex, and controversial water rights litigation, including the public trust and endangered species litigation seeking the reoperation of major state and federal water supply projects, and constitutional challenges to the fee system that supports the state’s water right program. Work includes preparation or review of pleadings, briefs, and declarations, and participating in court hearings in state and federal court. Participates in formulating Board policy and litigation strategy in these and other cases. Represents the Board before the Superior Court in cases in which the Attorney General has a conflict of interest.
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Marginal Functions (Including percentage of time):

5%	Perform other duties as required.
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Typical Physical Conditions/Demands:

The job requires extensive use of a personal computer, including drafting legal documents and participation in virtual meetings, for extended periods of time. The job also requires the ability to participate in public meetings and court proceedings.

Typical Working Conditions:

The Attorney works in an assigned office in a high-rise office building in downtown Sacramento, and as necessary for, presentations at board meetings, depositions, court appearances or other matters requiring participation. The work schedule is Monday through Friday. Occasional evening and weekend work may be necessary to meet litigation or other deadlines, and evening work may be necessary for participating in public hearings. Travel may be within the state.

Supervisor Statement

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement.

Supervisor Name	Supervisor Signature	Date

Employee Name	Employee Signature	Date