

<b>Classification Title:</b> ATTORNEY III	<b>Branch/Division/Bureau:</b> LEGAL BRANCH / LITIGATION DIVISION / RATE ENFORCEMENT BUREAU
<b>Working Title:</b>	<b>Office/Unit/Section/Geographic Location:</b> ///SACRAMENTO (300)
<b>Position Number (13 Digit):</b> 413-134-5795-003	<b>Conflict of Interest Position:</b> YES
<b>Employee Name:</b>	<b>Effective Date:</b>

**BASIC FUNCTION:**

Under the general direction of the Assistant Chief Counsel of the Rate Enforcement Bureau and in cooperation with other junior and senior attorneys, the Attorney III acts in a lead capacity handling a range of tasks primarily related to enforcing Proposition 103 – California's landmark insurance consumer protection act – and other laws governing insurance rates and practices.

Attorneys in the Rate Enforcement Bureau, including the Attorney III, work closely with the Department's other bureaus and branches to identify and resolve legal issues necessary to enforce Proposition 103 and other insurance laws. In particular, Rate Enforcement Bureau attorneys work closely with (1) the Rate Regulation Branch, which reviews insurance rates and rating practices, (2) the Field Rating and Underwriting Bureau (FRUB), which conducts on-site examinations of insurer claims and underwriting files, and (3) the Rating and Underwriting Services Bureau (RUSB) which investigates, evaluates, and resolves insurance consumers' rate and underwriting complaints.

The Attorney III plays an important role in helping keep California insurance fair, available and affordable. Working as part of a team comprised of Department attorneys and subject matter experts from various divisions, Attorney III's take a leading role in the process of determining the rates insurers may charge consumers, including pursuing administrative hearings when necessary. The Attorney III also takes the lead in bringing insurers into compliance with rating and underwriting laws, including pursuing administrative hearings when necessary. When matters are brought to hearing, the Attorney III is responsible for preparing charging documents, pleadings, discovery and pre-hearing motions.

The Attorney III is offered the opportunity to assist California consumers in immediate issues

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such as wildfires and COVID-19. Such projects may include promulgating regulations, conducting townhalls or workshops, reviewing legislation, and initiating enforcement actions.

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

This position is designated under the 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 Form 700 within 30 days of appointment. Failure to comply with the Conflict of Interest Code requirements may void the appointment.

**ESSENTIAL FUNCTIONS\***

- 35% Provide advice and counsel to the Rate Regulation Branch regarding rate approvals, appeals of the Commissioner's final decisions on rate approvals, noncompliance, and other matters. Consult with actuaries and other technical staff regarding appropriate rates. Provide ongoing consultation to the Attorney General (AG) regarding legal issues that arise, conduct legal research on highly specialized complex rate regulation issues, draft briefs and review and respond to all other parties' motions and briefs as well as court orders. Oversee and direct actions of the assigned AG's in all aspects of writs and appeals.
- 15% Review, provide advice and counsel regarding primary jurisdiction referrals from state or federal courts; research and draft legal opinions regarding consumer complaints and/or complex preliminary reports submitted by Consumer Services Division (CSD) and Field Rating and Underwriting Bureau (FRUB). Consult with analysts and other appropriate staff in CSD, FRUB, Rate Regulation Branch (RRB) and other branches of the Department. Conduct legal research on issues; analyze strategy and coordinate action in light of other pending matters and issues and available resources; prepare notices of noncompliance and notices of hearing; conduct discovery; meet and confer with representatives from all parties regarding resolution of matter (negotiate settlements, including correction of noncompliance and other appropriate remedies, and assessment of penalties). Prepare analysts, experts, and other witnesses for hearing; prepare for and attend noncompliance hearings; examine department witnesses; cross-examine witnesses of other parties and prepare post-hearing briefs.
- 15% Prepare regulations related to Proposition 103 in coordination with other attorneys and staff. Draft regulations; draft initial statements of reason; draft public hearing notices; select public hearing panel; prepare and coordinate studies for inclusion in rulemaking file; prepare expert witness testimony; conduct public hearings; review and respond to public comments on regulations; obtain expert analysis of public comments; amend regulations where required; prepare public notices; prepare revised Statement of Reasons; analyze and respond to OAL comments; prepare appeals of OAL decisions; plan strategy for ongoing work that may be affected by a full or partial rejection of regulations.

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- 15% Analyze issues submitted by the general counsel, executive staff and/or other divisions or bureaus; conduct legal research and analysis, often on complex issues of first impression; draft legal opinions and provides advice and counsel to the requesting individual(s) or entity within CDI. Review and analyze impact of proposed legislation; prepare memoranda detailing analysis and recommendations; review and analyze impact on the Department of adopted legislation and prepares cost analyses of proposed legislation.
- 15% Represent the Department in complex, contested, and intervened administrative rate hearings concerning the rates that insurers may charge for auto, home, and other lines of insurance. Consult with actuaries and other technical staff regarding appropriate rates. Provide legal support to the department team in negotiations with insurance companies and consumer intervenors. Prepare and issue notices of hearing to all parties, including insurance companies and consumer intervenors. Determine case strategy; select witnesses; prepare and respond to discovery requests; litigate discovery disputes; prepare direct written testimony for all Department witnesses; direct the preparation of trial exhibits; draft prehearing motions and briefs; respond to motions of other parties; prepare subpoenas; prepare prehearing conference statements; attend prehearing conferences; conduct hearings; prepare and argue evidentiary and other motions; cross-examine witnesses; prepare post-trial briefs, prepare and present oral arguments.

**MARGINAL FUNCTIONS**

- 5% Assist with writing training materials and help conduct legal training for the Legal Division, the Litigation Division, and other business partners and stakeholders.

**WORK ENVIRONMENT OR PHYSICAL ABILITIES**

Work Environment:

- Work in a high-rise office building and/or telecommute in accordance with Department policy.

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**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.)

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Employee Signature

Date

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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.**

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Supervisor Signature

Date

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Printed Name