

Classification Title: ATTORNEY	Branch/Division/Bureau: LEGAL BRANCH / LITIGATION DIVISION / RATE ENFORCEMENT BUREAU
Working Title: Attorney	Office/Unit/Section/Geographic Location: ///OAKLAND
Position Number (13 Digit): 413-234-5778 003	Conflict of Interest Position: YES
Employee Name:	Effective Date:

BASIC FUNCTION:

Under the direction of the Assistant Chief Counsel, the Attorney provides legal representation for the Department, Rate Regulation Branch (RRB) and Consumer Services Divisions (CSD). This includes representing the department in connection with contested property and casualty rate applications, complex insurance rate, noncompliance and other hearings under Proposition 103, and to perform other legal work including promulgating Proposition 103 related regulations.

Some travel may be required within and/or outside the state of California via private or public transportation (i.e., automobile, airplane, etc.). Travel may include overnight stays.

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*

- 25% Under direct supervision of Assistant Chief Counsel or Senior Attorney conduct legal research; prepare notices of insurance rate hearings; recommend case strategy; select witnesses; prepare and respond to discovery requests; litigate discovery disputes; prepare Department witnesses; assist in selection and preparation of expert witnesses; prepare direct testimony including the pre filed written testimony; prepare exhibits; draft prehearing motions and briefs; respond to motions of other parties; prepare subpoenas; prepare prehearing conference statements; attend prehearing conferences; conduct hearings (examine Department witnesses, cross-examine opposing witnesses); prepare and argue evidentiary and other motions; prepare post-trial briefs; participate in and conduct meet and confer and settlement negotiations; prepare file for review of case in superior court and appellate courts and coordinate

ESSENTIAL FUNCTIONS DUTY STATEMENTHRM-025

- representation in such cases with Department's outside counsel.
- 25% Review and Analyze preliminary reports submitted by CSD and Field Rating and Underwriting Bureau (FRUB) in connection with alleged violations of the California Insurance Code; consult with analysts from CSD and FRUB; review files and other materials; conduct legal research; analyze strategy and coordinate action in light of other pending or potential noncompliance matters; prepare notices of noncompliance; conduct discovery; meet and confer with representatives from insurer regarding resolution of matter (negotiate settlement, including correction of noncompliance, remedies for insureds adversely affected by the noncompliance, and assessment of penalties); prepare analysts, experts, and other witnesses for hearing; prepare for and attend insurance noncompliance hearings; examine Department witnesses; cross-examine witnesses of other parties; prepare post-hearing briefs.
- 15% Prepare emergency or permanent regulations on insurance rate regulation, good driver discount requirements, private passenger automobile insurance rating factors, cancellation and nonrenewal of private passenger automobile insurance policies, timing and conduct of rate hearings, and other matters pertaining to the implementation of Proposition 103. Consult with Department technical staff (Actuaries, RRB, and CSD staff); consult with experts (including economists and actuaries); conduct legal research; draft regulations; draft initial statement of reasons; draft public hearing notice; select public hearing panel; prepare and coordinate studies for inclusion in rulemaking file; prepare expert witnesses testimony; conduct public hearing; review and respond to public comments on regulations; obtain expert analysis of public comments; amend regulations where required; prepare 15 or 45 day public notice; prepare revised statement of reasons; prepare final statement of reasons; analyze and respond to OAL comments; prepare appeals of OAL decisions; plan strategies for ongoing work that may be affected by a full or partial rejection of regulations.
- 15% Respond to legal inquiries from the Commissioner, Executive staff, RRB, FRUB, RUSB, and others in the Department. Perform necessary research and analysis and provide legal advice and written legal opinions as appropriate.
- 10% Respond to primary jurisdiction referrals from civil courts regarding Proposition 103 related issues, conduct investigatory hearings initiated internally or in response to requests from the legislature, industry or consumer groups and other miscellaneous hearings that may arise under Proposition 103.
- 5% In collaboration with other department branches, analyze impact and propriety of proposed Proposition 103 related insurance legislation; conduct legal research as needed; prepare memoranda detailing analysis and recommendations; review and analyze impact of adopted legislation on the Department; prepare cost analysis of proposed legislation.

MARGINAL FUNCTIONS

- 5% Respond to public inquiries and performs other assigned duties relating to Proposition 103.

WORK ENVIRONMENT OR PHYSICAL ABILITIES

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