

Department of Financial Protection and Innovation

Position Duty Statement

DFPI HRO 203 (Rev. 10-2021)

NAME	EFFECTIVE DATE
CLASSIFICATION TITLE Attorney IV	POSITION NUMBERS 410-103-5780-XXX
WORKING TITLE Senior Counsel	DIVISION/OFFICE/UNIT/SECTION Legal
BARGAINING UNIT R02	GEOGRAPHIC LOCATION

General Statement: Under the general direction of the Assistant Chief Counsel of the Legal Division, the Attorney IV independently performs a high volume of legal assignments of the most complex and sensitive nature. With respect to the duties described below, the Attorney IV's work product is expected to require minimal revision from supervisory staff. Duties include, but are not limited to, the following:

A. Specific Assignments [Essential (E) / Marginal (M) Functions]:

35% (E) Provides legal counsel on the most complex and controversial issues involving the laws under the Department's jurisdiction. Consults with and advises the Commissioner, General Counsel, Deputy Commissioner, and Assistant Chief Counsel on the legal and policy issues most important to the Commissioner, Agency, and the Governor.

Handles the most complex and time-sensitive legal opinion requests and requests for legal guidance. Identifies potential legal problems and proposes solutions, analyzes statutes, regulations, policies and court rulings affecting the programs, duties, functions and responsibilities of the Department. Provides legal advice that accounts for policy and stakeholder concerns; and that considers legislative history, case law, and past Department opinions, policies, and practices.

Responds to questions and meeting requests from program staff, internal management, industry, consumer groups, legislators, legislative consultants and staff, Agency, the Governor's Office, and other state and federal regulators and agencies.

Reviews draft opinions and guidance of less experienced attorney staff, providing feedback to improve structure, clarity, and accuracy of legal and policy analysis.

40% (E) Drafts the most complex regulations and leads other special products at the intersection of law and policy. Manages tight deadlines and projects involving stakeholders with competing interests.

Serves in lead role on complex rulemakings or special projects with less experienced attorney staff, identifying tasks for those attorneys, and providing guidance and first-level review of their work.

Drafts regulations that achieve client goals that enhance consumer or investor protection with due consideration to burdens imposed on commerce and industry. Vigorously defends client's chosen approach to regulations in rulemaking documents with creative legal and policy arguments. Works with third-party vendors to perform studies to justify rulemaking decisions.

Leads internal task forces and special projects involving controversial or sensitive issues, and identifies creative solutions to client challenges and stakeholder concerns. Drafts releases to provide information to consumers and licensees, often addressing complex legal issues. Participates in negotiations with outside private counsel, as well as with attorneys representing other government agencies. Represents the Department at meetings held by other regulators, industry groups, and the Legislature. Trains staff on laws and regulations. Works with program staff to develop examination objectives and policies.

10% (E) Provides analysis and recommendations relating to bills that affect the Department. Analyzes state and federal legislation as requested by the Commissioner, Agency, or Governor's Office. Provides testimony at legislative hearings and participates in conversations with legislative staff, sponsors of legislation, and interest groups. Initiates projects that involve policy analysis of legal, economic, regulatory social trends that may result in changes in the policies and interpretations of the Commissioner, or which lead to proposed legislation. Drafts Department legislative proposals.

5% (E) Reviews the most complex Office of Administrative Hearings (OAH) decisions and prepares memoranda with recommendations to the Commissioner. Drafts final opinions on behalf of the Commissioner relating to OAH decisions. Advises the Commissioner on final decisions in administrative cases against Department licensees and unlicensed parties.

10% (E) Performs other job-related duties as required.

B. Supervision Received

The Attorney IV reports directly to and receives most assignments from the Assistant Chief Counsel; however, direction and assignments may also come from the Deputy Commissioner of the Legal Division.

C. Supervision Exercised

None; however, the Attorney IV may serve as a lead over Attorneys I, III, IV and support staff.

D. Administrative Responsibility

All attorneys are responsible for certain administrative tasks such as timekeeping and travel paperwork associated directly with their job responsibilities. From time-to-time, attorneys may

also be assigned to internal task forces involving work that is not primarily legal in nature. These task forces often require staff attorney input to ensure that internal systems are designed or function in a way that allows the Legal Division to better serve client needs.

E. Personal Contacts

The Attorney IV interacts with staff and management of all levels throughout the Department, Department leadership, trade industry representatives, consumer advocates, licensees, prospective licensees, stakeholders and other interested parties, other governmental agencies including control agencies, staff and members of the Legislature, and staff of the Governor's office. The interactions may involve highly sensitive material.

F. Actions and Consequences

Inadequate performance of duties includes but is not limited to failing to meet standards described in this duty statement, duties that are performed untimely, incomplete (including omitting material information), inaccurate (including errors), or in a manner lacking sound judgment or sound consideration of the consequences and risks of the recommended course of action. The consequences of failing to perform duties adequately include potential direct and indirect economic harm to impacted persons including, but not limited to, vulnerable populations and small businesses, the Department, licensees, and other impacted parties; reputational harm to the Department and potentially the Administration; and other harm to the Department such as lost time and resources for the inadequate performance and the lost time and resources to remedy the inadequate performance, both within and outside the division and the Department. Inadequate performance of duties may result in significant or critical harm.

G. Functional Requirements

Works primarily onsite, with one day of Telework available with an approved Telework agreement on file. The Attorney IV is expected to work all hours necessary to fulfill their responsibilities. The Attorney IV will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary. The Attorney V will work in an office with artificial light and temperature control. The use of a personal computer, telephone, copier and fax machine is essential to the duties of this position. The position requires bending and stooping to retrieve files, sitting and standing consistent with office work, and light lifting of no more than 25 lbs.

H. Other Information

The position requires active membership in the California State Bar. Occasional Travel may be required.

In performing the duties herein, the Attorney IV does all of the following:

Exercises good judgment in decision-making, exercises creativity and flexibility in problem identification and resolution, and manages time and resources effectively. Works well with

others, under changing priorities, and works irregular hours when workload dictates. Regular attendance and punctuality are essential. Possesses excellent written and verbal communication skills.

Possesses knowledge of legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative and constitutional law; trial and hearing procedure; rules of evidence; court procedures; the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered, enforced, or applicable to the Department's jurisdiction. Work product considers policy and stakeholder concerns, as well as the practical implications of recommendations and alternatives presented.

Possesses the ability to research, analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and manage crucial litigation; work cooperatively with a variety of individuals and organizations while maintaining the confidence and respect of others; and work effectively under pressure.

CONFLICT OF INTEREST

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Financial Protection and Innovation's Conflict of Interest Regulations. The incumbent is required to submit a Statements of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st and within 30 days of leaving office.

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

Employee's Printed Name, Classification

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

Supervisor's Printed Name, Classification