

**STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
DUTY STATEMENT**

---

Name: Vacant	Classification: FEH Counsel	Position Number: 326-XXX-6110-XXX
Division/Unit: Legal Division/	Effective Date:	Prior Pos # (if applicable)

---

**SUMMARY OF RESPONSIBILITIES**

Under the direct supervision of the Assistant Chief Counsel, the Fair Employment and Housing Counsel will perform the following duties:

**Description of Essential Functions:**

- 25% Prosecute civil complaints alleging violations of the Fair Employment and Housing Act, Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act, and other statutes pertaining to employment and housing discrimination complaints.
- 20% Engage in alternative dispute resolution, including mediations and negotiation. Prepare formal discovery consistent with the procedural rules in state and federal courts. Engage and assist investigators in evaluating violations of the statutes above; assist investigators by recommending steps to take in their investigations of complaints alleging violations of the statutes above; meet time frames as set forth by statutory and regulatory requirements.
- 10% Conduct legal research and writing, and analyze statutory and case law authority consistent with the prevailing standards of the legal profession.
- 5% Draft pleadings and briefs.
- 5% Represent the Department in oral arguments, settlement conferences, hearings and trials before the Fair Employment and Housing Commission and properly venued civil courts, including State and federal trial courts.
- 5% Defend the Department and litigate cases in hearings before the State Personnel Board and other administrative bodies, and in court relating to DFEH personnel and other actions.
- 5% Provide legal advice and opinions to the Director, Executive Team, Regional and District Offices on legal issues.
- 5% Engage in professional interactions with and conduct legal training for the public, the bar, professional associations, community groups, non-profit organizations, private enterprises, governmental agencies and others.

### **DESIRABLE QUALIFICATIONS:**

Civil litigation experience, involving complex facts and law, ability to work well under time restraints, negotiation and alternative dispute resolution techniques, good case management skills, integrity, initiative, tact, dependability, good judgment, ability to work independently and cooperatively. Ability to operate a computer and knowledge of MS Word, Westlaw and Lexis software programs, DFEH case management software and internet research. Knowledge of state and federal courts; rules of evidence; understanding of remedies, including damages, injunctive, and restitution relief; ability to develop and recognize facts and identify both factual and legal issues. Some travel is required to conduct state business. Selected candidate will be required to certify if they have a valid California driver's license and liability insurance.

### **Marginal Functions:**

- 5% Develop and present webinar and in-person legal updates to DFEH staff, other public agencies, and the public.
- 5% Respond to legal inquiries from the public.
- 5% Supervise and train law clerks and interns on a limited basis.
- 5% Maintain accurate record keeping of attorney work and productivity on the DFEH electronic case management system, and perform other duties as assigned.

### **Knowledge and Abilities**

Knowledge of: Legal principles and practice with particular reference to discrimination law, labor relations law, housing and public accommodation law, and industrial relations law; legal research methods, court procedures, and rules of evidence and procedure in the state and federal courts; administrative law and the conduct of proceedings before administrative bodies; principles of alternative dispute resolution; legal terms and forms in common use; statutory and case law administered or enforced by and the purpose, organization, and procedures of the Department of Fair Employment and Housing; and obligations of public officials and administrative boards and agencies.

Ability to: Analyze legal principles and precedents and to apply them to complex legal and administrative problems; perform and direct legal research; present statements of fact, law, and argument clearly and logically in written and oral form; interpret, analyze, and draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and engage in various forms of alternative dispute resolution, including collaborative efforts in mediation; ability to reconcile the interests of employees and employers in the context of discrimination complaints; recognize the special legal problems of employee/employer relations and protective labor laws; effectively plan and engage in discovery, including depositions and interrogatories, and to compel production or attendance of/at same; independently prepare and present difficult and complex cases before mediators and trial courts; and organize and direct the work of clerical staff, professional assistants, and lower level attorneys.

**Work Environment, Physical, or Mental Abilities:**

The demands described here are representative of those that must be met by the incumbent to successfully perform the essential functions of the job.

- Requires daily use of a personal computer and related software applications at a workstation.
- Requires prolonged sitting and/or standing at a workstation for 6.5 to 7 hours per day.
- Requires dependability, and ability to meet deadlines.
- May require occasional travel to conduct on-site State Business.

**Supervision Received:**

The FEH Counsel receives close supervision from the Assistant Chief Counsel or Chief Counsel II. FEH Counsel may act as a lead.

**Supervision Exercised:** None.

**Administrative Responsibility:**

Adheres to all applicable laws, rules, policies and procedures, including but not limited to the Department's Procedural Regulations, Legal Operations Manual, Administrative Manual, and Directives.

**Personal Contacts:**

The FEH Counsel has daily contact with departmental management and staff, complainants, respondents, legal representatives and the general public.

**Actions and Consequences:**

Failure to use good judgment in handling sensitive and confidential information could result in legal malpractice, prosecutorial misconduct, breach of confidentiality, violation of the attorney-client privilege; deficiency in carrying out the duty of zealous advocacy, and failure to maintain the public trust.

**Job Requirements:**

Activities required to perform the essential functions of the position include the ability to: sit, stand, speak, hear, see, type, reason logically, conduct legal research, and use a computer and other electronic equipment and standard software; read and comprehend statutes, regulations, case law, practice guides, treatises, articles, legal documents, written instructions, manuals, correspondence and other written material; and meet the professional standards of a member in good standing of the State Bar of California.

I have read and understand the duties assigned as described above and can perform these duties with or without a reasonable accommodation.

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Incumbent

\_\_\_\_\_  
Date