

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

Employee Name	Classification Name		Position Number
Vacant	Sr. FEH Counsel (Spec.)		326-430-6115-009
Division/Unit	Date	Prior Incumbent	Prior Pos # (if applicable)
Legal/Los Angeles			

SUMMARY OF RESPONSIBILITIES

The Senior Fair Employment and Housing (FEH) Counsel (Specialist) class is distinguished from the lower level FEH Counsel class by the level of difficulty of assignments given to incumbents and the expertise which the incumbent brings to these assignments. Sr. FEH Counsel (Specialists) works with broad discretion, prudence, and independence with minimum supervision and is expected to be expert in the most complex area of the law within a departmental legal program. The Sr. FEH Counsel (Specialist) may act in a lead capacity with other attorneys. Under general supervision of the Chief Counsel II and Assistant Chief Counsel, they perform the following duties:

Description of Essential Functions:

- 45% Perform the most complex, difficult, and sensitive civil litigation of discrimination cases alleging violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Act. In addition, carries a larger and more difficult (civil) caseload than that of FEH Counsels. Make determinations of cause in cases after eliciting information necessary to establish a violation of the FEHA and prepare civil complaints. Preparation of formal discovery following the rules and laws governing civil procedure. Prepare for and attend law and motion hearings in civil state and federal forums. Legal research and writing, including analysis of court and administrative decisions. Conduct hearings and trials before properly venued civil courts. Meet time frames as set forth by statute.
- 20% Engage in alternate dispute resolution for the most complex, difficult, and sensitive discrimination cases alleging violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Person Act, and Ralph Act, including mediations and settlement conferences before public and private mediators and judicial officers. Evaluate the merits and value of cases including inculpatory and exculpatory evidence, damages, state interests in affirmative relief, and the interests of all parties in order to develop a negotiation strategy; prepare mediation statements and engage in settlement negotiations.
- 5% Defend the Department and litigate cases in State Personnel Board hearings and court trials relating to personnel actions.
- 5% Provide legal advice and opinions to the Director, Chief Deputy, and others on specific legal issues.
- 5% Professional interaction with public, opposing and co-counsel, and private and governmental agencies.

Marginal Functions:

- 5% Prepare for and present training on the law to the Legal and Enforcement Division Staff, as well as prepare for and attend as a consultant and/or speaker at public forums.
- 5% Respond to legal inquiries from the public.
- 5% Limited supervision of law clerks.
- 5% Administrative duties for record keeping of statistical information for the Legal Division.

Desirable Qualifications:

Civil litigation and alternative dispute resolution experience, involving complex facts and law, ability to work well under time restraints, 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. Experience and familiarity with the Fair Employment and Housing Act and how the Department of Fair Employment and Housing is organized and operates. Commitment to public sector service. Experience in legal research and writing, including experience in law and motion. Some travel is required to conduct state business. Selected candidate will be required to certify they are able to travel to conduct state business.

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 civil and federal court; administrative law and the conduct of proceedings before administrative bodies; 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 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; 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 boards, commissions, and trial courts; and organize and direct the work of clerical staff, professional assistants, and other attorneys.

A greater degree of these "Knowledge and Abilities" is required at each higher level.

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 with or without reasonable accommodation.

- Requires daily use of a personal computer and related software applications at a workstation.
- Requires ability to complete tasks that require making repetitive hand movements in the performance of daily duties.
- Requires prolonged sitting and or standing at a workstation for 6.5 to 7 hours per day.
- Requires dependability and excellent attendance records.
- Requires frequent travel to conduct on-site state business.

Supervision Received:

The Sr. FEH Counsel (Specialist) receives general supervision from the Chief Counsel II and Assistant Chief Counsel.

Supervision Exercised: None

Administrative Responsibility:

Adheres to all applicable laws, rules, policies and procedures as required by the State of California and the Department.

Personal Contacts:

The Senior FEH Counsel (Specialist) 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 such information being released to unauthorized persons and/or incorrect information forming the basis for personnel management decisions.

I have read and understand the duties as described above. I meet the job requirements as described above and am capable of performing the essential functions with or without a reasonable accommodation.

Supervisor's Signature

Date

Signature of Incumbent

Date