

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

Employee Name VACANT	Classification Name Sr. FEH Counsel (Spec.)	Position Number 326-XXX-6115-XXX	
Division/Unit Legal Division/	Date	Prior Incumbent	Prior Pos # (if applicable)

SUMMARY OF RESPONSIBILITIES

Under general supervision of the Chief Counsel or Assistant Chief Counsel the Senior Fair Employment and Housing (FEH) Counsel (Specialist) class is distinguished from the lower level FEH Counsel class by the level of difficulty and complexity of assignments given to incumbents and the expertise in which the incumbent brings to these assignments. Duties of the Sr. FEH Counsel (Spec.) include, but are not limited to, the following:

Description of Essential Functions:

- 25% Performs 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, Ralph Civil Rights Act, Human Trafficking Protection Act, and Government Code section 11135. Carries a larger and/or more difficult (civil) caseload than that of FEH Counsels. Makes determinations of cause in cases after directing and/or reviewing investigations of complaints of discrimination.
- 25% Conducts mediations and litigates civil actions through bench and jury trials to enforce the state's civil rights laws. Prepares formal and informal discovery including depositions, requests for production, requests for admissions, interrogatories, subpoenas, witnesses' interviews, etc. Prepares for and attends law and motion hearings in civil state and federal forums. Provides legal research and writing, including analysis of court and administrative decisions.
- 20% Engages 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, Ralph Act, and the California Trafficking Victims Protection Act, including mediations and settlement conferences before public and private mediators and judicial officers. Evaluates the merits and value of cases, taking into consideration the strength of witnesses and documentary evidence, the state's interests in affirmative relief, and the interests of all parties in order to develop a negotiation strategy. Prepares mediation statements and engages in settlement negotiations.
- 5% Defends the Department and litigates cases in State Personnel Board hearings and in civil court relating to personnel actions.
- 5% Provides legal advice and opinions to the Director, Chief Deputy, and others on specific legal issues.
- 5% Interacts with public, opposing and co-counsels, private and governmental agencies.

Marginal Functions:

- 5% Prepares for and presents law training to Legal and Enforcement Division Staff, as well as prepares for and attends as a consultant and/or speaker at public forums.
- 5% Acts as lead on complex legal cases, coordinates work with other attorneys, legal analysts, administrative staff, and law clerks.
- 5% Provides 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.
- Knowledge of state and federal courts; rules of evidence; understanding of remedies, including damages, injunctive, and restitution relief.
- Experience in legal research, writing and analysis, including experience in law and motion practice.
- Ability to develop cases and identify both factual and legal issues.
- Experience and familiarity with the Fair Employment and Housing Act.
- Strong work ethic and ability to work well under time constraints; ability to manage competing priorities and multi-task, and demonstrate good case management skills.
- Demonstrate integrity, initiative, tact, dependability, and good judgment.
- Ability to work independently and cooperatively, and take direction.
- Ability to operate a computer and knowledge of MS Word, Westlaw and Lexis software programs, DFEH case management software and internet research.
- Commitment to public sector service.
- Some travel is required to conduct state business. Must have a valid driver's license.

Knowledge and Abilities:

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; and rules of evidence; court procedures; administrative law and 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 or enforced.

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 conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; and work effectively under pressure.

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 I or Assistant Chief Counsel.

Supervision Exercised: None, but can be tasked as lead attorney to coordinate work with other attorneys, legal analysts, administrative staff and law clerks.

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