STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
DUTY STATEMENT

Name:          Classification:          Position Number:
               FEH Counsel                                   326-430-6110-XXX
Division/Unit: Effective Date:                              Prior Pos # (if applicable)
Legal                              Vacant

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:

40%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 DFEH enforces. This includes but is not limited to conducting legal research and writing, and analyzing statutory, regulatory and case law authority consistent with the prevailing standards of the legal profession; drafting pleadings, briefs, formal discovery; conducting depositions; and representing the Department in oral arguments, settlement conferences, hearings and trials in State and federal courts. Engage in alternative dispute resolution, including mediations and negotiations. Ensure compliance with prior settlement agreements or court ordered injunctive relief.

40%Lead or support priority investigations of alleged violations of the Fair Employment and Housing Rights Act, Unruh Civil Rights Act, Disabled Persons Rights Act, Ralph Civil Rights Act, and other statutes DFEH enforces. This includes but is not limited to developing investigation plans; preparing and/or reviewing informal and formal discovery requests; preparing for and participating in witness interviews. Meet internal drafting time frames as well as manage service and filing deadlines set forth in relevant statutes, rules and regulations. In addition, provide up to eight (8) hours per month of non-priority case grading to assigned Enforcement units.

15%Provide general counsel advice and opinions to the Director, Executive Team, Regional and District Offices on legal issues. Support the Department’s efforts to maintain its regulations and other policies and procedures in a manner consistent with applicable law and business practices. 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.

Marginal Functions:

5%Develop and present webinar and in-person legal updates to DFEH staff, other public agencies, and the public; respond to legal inquiries from the public; work with law clerks and interns on a limited basis; maintain accurate record keeping of
attorney work and productivity on the DFEH electronic case management system, and perform other duties as assigned. Work cooperatively with a variety of individuals and organizations. 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.

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; 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 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; 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, trial courts, and appellate courts; and organize and direct the work of clerical staff, professional assistants, and lower level attorneys.

Desirable Qualifications:

- Experience handling complex, difficult, and sensitive civil litigation
- Ability to work well under time constraints
- Knowledge of negotiation and alternative dispute resolution techniques
- Good case management skills
- Demonstration of integrity, initiative, tact, dependability, and good judgment
- Ability to work independently and cooperatively
- Working knowledge of MS Word, Westlaw and Lexis legal research services, and ability to perform Internet research
- Knowledge of state and federal courts, civil procedure, 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

Travel is required to conduct state business including court appearances. For those driving to conduct state business, the selected candidate will be required to certify they have a valid California driver’s license and liability insurance.
**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 a reasonable accommodation.

- Requires daily use of a personal computer and related software applications at a workstation.
- Requires ability to lift case files, office supplies, books and manuals.
- Requires ability to complete tasks that require reaching, bending, grasping, and 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 FEH Counsel receives close supervision from the Assistant Chief Counsel. 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, communicate, type, reason and write 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

_______________________________________ __________________________
Incumbent’s Signature Date