CALIFORNIA DEPARTMENT OF TRANSPORTATION
POSITION DUTY STATEMENT

CLASSIFICATION TITLE Deputy Attorney III, Caltrans	DISTRICT/DIVISION/OFFICE 42-LEGAL-BAY AREA	
WORKING TITLE Deputy Attorney III	POSITION NUMBER 701-002-5789-xxx	EFFECTIVE 03/2013

As a valued member of the Caltrans team, you make it possible for the Department to improve the mobility across California by being innovative and flexible; working cooperatively with team members and others; and treating others fairly, honestly and with respect. Your efforts are important to each member of the team, as well as those we serve.

GENERAL STATEMENT:

Under general direction of a Deputy Chief Counsel and/or Assistant Chief Counsel and/or Team Leader, the Deputy Attorney III studies, interprets and applies laws, court decisions, and other authorities in the preparation of moderately difficult and/or complex cases, opinions and briefs; prepares and presents cases for trial; and/or does a variety of transactional work.

TYPICAL DUTIES:

Percentage Essential (E)/ Marginal (M)	Job Description
80%(E)	Duties may include any or all of the following: ANALYSIS - Analyze a case file (e.g., investigative reports, discovery materials, correspondence, administrative record, trial or deposition transcripts) and identify issues raised to determine appropriate further action. Analyze legal authorities to determine their applicability to a particular case and/or statute, policy, or issue. Analyze, review, or draft terms and conditions of contracts and proposed amendments to contracts, and suggest changes as appropriate. RESEARCH - Research statutes, regulations, court decisions, administrative board decisions, and other legal authorities pertinent to a particular case or issue, using both text and computer-based resources to provide legal advice and advocacy for the department. Verify that the law cited in any written work is valid authority (i.e.,"Shepardize"), using both text and computer-based resources. DISCOVERY - Coordinate production of discoverable documents or declarations to litigation discovery requests to provide legal representation and advocacy for the department. Analyze documents responsive to litigation discovery requests to determine any applicable privileges and objections to provide legal representation and advocacy for the department utilizing appropriate oral and written communication skills. DOCUMENT PREPARATION - Assists in drafting litigation, transactional, and advisory documents, including motions, briefs, memoranda, settlement

agreements, reports, letters, and other legal documents to provide legal advice to the advocacy for the department using appropriate written communication skills and ethical considerations. Edit written work (e.g., for content, tone, organization, grammar, and format) to produce a final version.

COMMUNICATION - Draft memoranda to colleagues and/or superiors seeking or providing advice, recommendations, comments, etc. Draft correspondence to outside entities (e.g., clients, opposing counsel or other interested parties). Prepare written outlines to ensure complete, accurate, and effective oral presentations (e.g., for client meetings, court appearances, and depositions). Orally communicate with colleagues and supervisors regarding procedural and substantive case issues, strategy/tactics, court decisions, new legislation, office policies, and client relations. Orally communicate with clients, potential clients, and/or witnesses regarding a case or matter.

REPRESENTATION - Prepares and tries difficult and complex cases in trial courts, including tort claims or lawsuits, condemnation and inverse condemnation actions, construction contract claims, environmental lawsuits or other cases arising out of the work of the Department of Transportation. Represent the Department at difficult and complex hearings to protect the legal interests of the Department and reduce legal risk utilizing oral and written advocacy skills, interpersonal skills, negotiation skills, personal knowledge, relevant training, laws, regulations, and Departmental policies and practices. Consult with client on a pending matter or case in order to develop a strategy, prepare witnesses, or review evidence. Participate in depositions, settlement negotiations, trials, or other civil, criminal, or administrative proceedings. Participate in selecting and/or preparing witnesses for depositions, trials, or administrative proceedings.

LEADERSHIP - Act in a lead capacity over other professional staff who litigate and negotiate cases to protect the legal interests of the Department and reduce legal risk utilizing oral and written advocacy skills, interpersonal skills, negotiation skills, personal knowledge, relevant training, laws, regulations, and Departmental policies and practices.

ETHICS - Maintain compliance with applicable ethical and professional standards while providing legal representation and advocacy for the department.

10%(E) TIME MANAGEMENT - Use appropriate time management methods to ensure work is completed properly and on time (e.g., calendaring, monitoring the status of all assignments, and anticipating future tasks). Responsible for ensuring office, case files and calendars are kept in an organized manner to promote professional and efficient work habits.

10%(E) EDUCATION - Keep current on developments in particular areas of law in order to acquire and/or maintain knowledge. (e.g., membership in Bar associations, subscription to magazines, forums). Assist in the development of departmental training by creating and reviewing departmental training materials to provide legal advice and advocacy for the department using appropriate oral and written communication skills and ethical considerations.

SUPERVISION EXERCISED OVER OTHERS

None. Functional direction over Legal Secretaries and other clerical support staff. May act in a lead capacity.

KNOWLEDGE, ABILITIES AND ANALYTICAL REQUIREMENTS

Knowledge of: Depending on the area of law practiced, any or all of the following may be necessary. Legal principles and practices with particular reference to the law of eminent domain, public tort liability, contracts, and laws governing public officers and agencies; State Contract Act and the statutes and constitutional provisions governing the organization and conduct of the work of the Department of Transportation; law relating to public highways; Federal Highways Act and other Federal aid statutes relating to highways; California law relating to acquisition, financing, administration, and construction of toll bridges; law governing the relations of the Department of Transportation with public utilities and public agencies; trial and appellate court procedure and of the rules of evidence; methods used in appraising real property and of the problems involved in negotiating for rights of way; environmental laws pertaining to the department, including National Environmental Policy Act, California Environmental Quality Act, the Clean Air Act, the Clean Water Act, Comprehensive Environmental Response Compensation Liability Act and Resource Conservation and Recovery Act; and, safety, health, affirmative action and labor relations and the processes available to meet these program objectives. Attorneys are expected to be proficient with the electronic equipment used by the Legal Division (computers, mobile computing devises, projection systems, etc.), as well as the software programs such as Microsoft Office Suite, case management software (currently LInCS), Westlaw, Trial Director and other online legal research tools.

Ability to: Approach a problem by using a logical, systematic, sequential approach; weigh the costs, benefits, risks, implications, and chances for success, when making a decision; use technology to simplify and streamline tasks; learn new technology techniques to enhance the job; manage, lead and enable the process of change and transition while helping others deal with their effects; listen to others and communicates in an effective manner; ensure that others involved in a project or effort are kept informed about developments and plans; give and receive constructive feedback; recognize differences of opinion, bring them out into the open for discussion, and look for win-win solutions; use appropriate interpersonal styles and methods to reduce tension or conflict between two or more people/groups; create solutions to problems using novel methods and processes; identify and respond to current and future client needs; provide excellent service to internal and external clients; make critical and timely decisions in difficult or ambiguous situations; identify the information needed to clarify a situation and drawing out the information when others are reluctant to disclose it; take responsibility for own work, including problems and issues; anticipate and prevent breaches in confidentiality and/or security; notice trends and develops plans to prepare for opportunities or problems; anticipate how individuals and groups will react to situations and information and plan accordingly; presents arguments that address others' most important concerns and issues and looks for win-win solutions; identify and propose solutions that benefit all parties involved in a situation; develop, maintain, and strengthen relationships with others inside or outside of the organization who can provide information, assistance, and support; ensure the effective, efficient, and sustainable use of public service resources and assets; identify, assess, and manage risk while striving to attain objectives; function effectively when under pressure and maintain self control in the face of hostility or provocation; communicate ideas, thoughts, and facts in writing.

CONSEQUENCE OF ERROR/RESPONSIBILITY FOR DECISIONS

The Deputy Attorney III independently prepares legal documents, letters and memoranda under his/her signature and is responsible for their content. Errors could result in dismissal of a court case, loss of millions of dollars, court sanctions, and/or loss of credibility with the courts, other public agencies and the public.

PUBLIC AND INTERNAL CONTACTS

The incumbent must consult with all levels of staff in the Legal Division and other administrative programs; have a wide variety of contacts with court staff, judges, departmental staff, private industry, other governmental agency representatives; and outside witnesses, which requires diplomacy, tact, and professionalism.

PHYSICAL, MENTAL AND EMOTIONAL REQUIREMENTS

Must be able to work appropriately and effectively under stress, manage complex and varied workload and meet deadlines. Ability to work on a keyboard; manual dexterity; sitting for long periods; develop and maintain cooperative working relationships; ability to focus for long periods of time. Requires occasional bending, stooping and kneeling.

WORK ENVIRONMENT

While at their base of operation, employees will work in a climate-controlled office under artificial light. However, due to periodic problems with the heating and air conditioning, the building temperature may fluctuate. Will have to perform work duties in different court rooms throughout the state and therefore, this position does require travel.

I have read, understand and can perform the duties listed above. (If you believe you may require reasonable accommodation, please discuss this with your hiring supervisor. If you are unsure whether you require reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Reasonable Accommodation Coordinator.)

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EMPLOYEE DATE

I have discussed the duties with and provided a copy of this duty statement to the employee named above.

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SUPERVISOR DATE