

Litigation Specialist, Caltrans Series

California State Personnel Board Specification

Series established September 8, 1992

Scope

This series specification describes four Litigation Specialist classifications used in the Legal Division of the California Department of Transportation (Caltrans). These classes are used for positions that provide a variety of specialized investigative and court services needed to gather and present evidence in defense of lawsuits against the Department.

Litigation Specialist, Caltrans Series Specification - Class Titles and Codes

Schem Code	Class Code	Class
WR26	6328	Litigation Specialist I, Caltrans
WR27	6329	Litigation Specialist II, Caltrans
WR28	6330	Supervising Litigation Specialist, Caltrans
WR29	6331	Chief, Litigation Specialist, Caltrans

Definition of Series

The Litigation Specialist, Caltrans, series describes work that pertains to information gathering including interviewing citizens and public officials in support of either lawsuits or hearings. The classes in this series typically work with attorneys and conduct investigations in the office and field, and analyze cases to obtain evidence for presentation in court, at a hearing or for further legal action. These classes create and prepare comprehensive exhibits to be used in court or administrative actions. They also testify in court as expert witnesses, recreate and film simulated accidents for presentation at trial, and prepare oral and written presentations.

Factors Affecting Position Allocation

Amount of supervision received and exercised; education, experience, and skills and abilities required; reporting level; variety and complexity of cases assigned and analytical ability required; requirement to work independently and to take action without higher authority; responsibility for decisions and consequence of errors; the degree and significance of public contact; and responsibility for decisions affecting statewide investigation policies.

Definition of Levels

Litigation Specialist I, Caltrans

This is the primary recruiting, developmental and first working level for this series. Incumbents work under close supervision and learn the information gathering procedures and techniques of the Legal Division by assisting higher level specialists with the more routine phases of claims and lawsuits, the less difficult cases and potential lawsuits, and prepare reports of completed investigations. They learn court and legal procedures, theoretical concepts of case evaluation, interviewing techniques and information sources, preservation of evidence, accident investigation, motion picture, video and still photography, assist with accident reenactments, courtroom exhibit-making and develop analytical skill in case assessment. Under direction, specialists at the first working level perform all of the above duties and learn to conduct complete investigations of less difficult personal injury lawsuits, to interpret law, initiate accident investigations; make photographic records; interview witnesses and public officials and perform routine investigative duties. Incumbents perform the more routine duties essential to gathering Superior Court complaint data; gain knowledge of laws, court proceedings and California vehicle codes; under close supervision, locate records and witnesses; learn to evaluate evidence and testimony while interviewing witnesses and considering nature of cases; check public documents; identify, confirm and document evidence of accidents; learn skip-tracing methods; serve legal papers; pick up and preserve laboratory and other physical evidence; learn features, operation and maintenance of the cameras and lens assigned to him/her; take routine photos and measurements of accident sites, vehicles and surroundings; collect material for and help in accident reconstructions and assist attorneys in trial proceedings until case conclusion; dictate reports, correspondence and activity summaries; and perform other related work.

Litigation Specialist II, Caltrans

This is the full journey level for this series and applies to those experienced specialists who have learned all of the above skills and demonstrated the ability to conduct the more difficult investigations with increased independence and responsibility. Under direction, incumbents may act as lead specialist of a multidisciplinary group on a short-term project. Incumbents at this full journey level perform, under progressively less supervision, a wide variety of claims and lawsuit investigative work; review and evaluate accident and litigation documents. They may act as lead specialist of a small group involved in complex lawsuits; record accident scenes and vehicles with multilens 35mm camera, video cameras and measuring devices; inspect and record vehicle components; request, review and evaluate engineering and other expert analyses of accident scenes, vehicles, signing and adjacent roadway design and maintenance; take independent action to expand or change direction of case inquiries; buy exemplar duplicate vehicles, recreate original highway environment and conduct reenactments of accidents acting as drivers, making film and video records; may be called upon to make personal service contracts; share evidence of law violations with agencies; maintain working relationships with other public agencies; interview accident participants and potential witnesses such as medical and ambulance personnel, tow truck drivers, coroners, hospital attendants, law enforcement personnel, engineers, experts in various fields of medicine and the physical sciences; work independently with little or no immediate supervision, travel alone in and out of State for long periods; make arrangements for, prepare and schedule witnesses to appear in court; assist case attorney

throughout trial and testify in court; make or direct creation of large displays, charts, diagrams, photographs, video tapes, films, models, vehicle components, recordings, and any other audio/visual device for the presentation of evidence in Superior Court; prepare affidavits; dictate comprehensive reports, make recommendations, and submit reports to attorneys; and perform other related work.

Supervising Litigation Specialist, Caltrans

This is the first level of supervision for this series. Under general direction, incumbents typically supervise a group of lower level Legal Division specialists in an assigned geographical area in conducting tort liability investigations and may also participate in more difficult and complex cases. Incumbents plan, organize and assign work for a group of specialists; instruct lower level incumbents and provide the necessary guidance and evaluation in carrying out tort investigations; review comprehensive reports prepared by subordinates and other jurisdictions and make recommendations. Incumbents staff, direct and train a staff of Litigation Specialists in the investigation of litigated Superior Court complaints; assist the Chief, Litigation Specialist, Caltrans, in planning and directing major investigations; appear as a witness in court or administrative hearings; analyze data collected by others and recommend action; inspect design plans and as-built drawings of transportation facilities; consult with higher level civil and mechanical engineers and collect technical information; make or direct the more difficult, complex and sensitive public liability investigations; help subordinates in unusual aspects of cases, consult frequently with Department of Transportation attorneys, other specialists and higher level technical and managerial personnel; and perform other related work.

Chief, Litigation Specialist, Caltrans

This is a one-position class headquartered in Sacramento and the program supervisor level for the series. Working under the functional direction of the Chief Counsel, Legal Division, and Deputy Chief Counsel, Legal Division, it plans, organizes and coordinates the fact gathering units within the Department's Legal Division. It supervises a group of Litigation Specialists in the Sacramento legal office and exercises functional supervision through one or more Supervising Litigation Specialists in the other statewide legal offices in the investigation of tort liability claims; establishes policy and procedure for the district claims liability units; trains staff; evaluates unusual incident reports and claims and may recommend specialist assignment; conducts the most sensitive and difficult investigations and assists the legal staff in preparing tort liability suits for trial; reviews and evaluates incident reports to determine priority and legality of each; establishes deadlines and assigns them to subordinates; may assist in the allocation and redirection of resources among cases; sets statewide training policy and oversees the annual training plan; supervises the maintenance of an EDP central claims information system; maintains smooth working relationships with a variety of city, State, county and Federal agencies; may consult with and direct the efforts of expert witnesses; may contract for personal services; conducts the most difficult and sensitive liability case studies; provides support for Department litigation attorneys both at pretrial and in trial; and performs other related work.

Minimum Qualifications

All Levels:

Possession of a valid California driver's license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess the license will be admitted to the examination, but must secure the license prior to appointment.

Litigation Specialist I, Caltrans

Either I

Two years of experience in the California state service performing investigative duties equivalent to that of Investigator Assistant. (State employees who have completed 18 months of an approved Training and Development assignment to the class of Investigator Assistant or Litigation Specialist I, Caltrans, may compete in the exam but must satisfactorily complete 24 months before appointment.)

Or II

Equivalent to graduation from college. (Students in their senior year in college will be admitted to the examination, but must provide evidence of completion before they can be considered for appointment.)

Or III

Experience: Two years of experience in the investigation of civil liability, criminal or law enforcement cases, public liability vehicular accidents, fraudulent insurance claims or tort liability lawsuits. and

Education: Completion of two years of college. (Additional qualifying investigative experience may be substituted for the required education on a year-for-year basis.)

Litigation Specialist II, Caltrans

Either I

One year of experience in the California state service performing the duties of a Litigation Specialist I, Caltrans, Range B.

Or II

Experience: Three years of experience in liability investigative work with journey-level responsibility for the more difficult and unusual cases. (At least one year must have been comparable to work performed by a Litigation Specialist I, Range B.) and Education: Equivalent to graduation from college. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

Supervising Litigation Specialist, Caltrans

Either I

One year of experience in the California state service performing the duties of a Litigation Specialist II, Caltrans.

Or II

Experience: Four years of experience in journey-level litigation specialist work which involved journey-level responsibility for the more difficult and complex tort liability investigations. and Education: Equivalent to completion of college. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

Chief, Litigation Specialist, Caltrans

Either I

One year of experience in California state service performing duties of a Supervising Litigation Specialist, Caltrans.

Or II

Experience: Five years' experience in investigating tort liability and personal injury lawsuits in a public, private or armed forces agency, at least one year of which shall have been as a designated supervisor. and Education: Equivalent to completion of college. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

Knowledge and Abilities

Litigation Specialist I, Caltrans

Knowledge of: Correct English usage; basic elements of physical science and mathematics; basic interviewing techniques; civics; information sources; modern business practices; computer literacy.

Ability to: Learn to gather and analyze facts; reason logically, make appropriate and clear recommendations; read comprehensively; speak and write effectively; establish and maintain cooperative working relationships; assist attorneys at trial; gain experience in evaluating testimony and evidence for potential value; learn to trace people in and out of State; acquire skills to accurately reconstruct and reenact vehicular accidents, make video tapes, photographic records and measurements in adverse weather and lighting conditions; use modern analysis techniques and learn to analyze photos for factual details.

Litigation Specialist II, Caltrans

Knowledge of: All of the above; and, basic research and investigative techniques; criminal and civil codes; advanced interviewing methods; courtroom procedures; skip-tracing techniques; the role of Federal, State and local law enforcement agencies; modern video and photography methods.

Ability to: All of the above; and, perform and direct investigations under broad supervision; act as lead of a small group of investigators; review and evaluate the work methods and reports of others; prepare comprehensive case reports and recommendations.

Supervising Litigation Specialist, Caltrans

Knowledge of: All of the above; and, principles and techniques of personnel management and supervision; a supervisor's role in safety, health, affirmative action and labor relations and the processes available to meet these program objectives; report writing; video and tape recording techniques; photo composition and finishing techniques; city and county levels of government; district claims office procedures; State and local transportation facilities operations and maintenance procedures, and medical and emergency hospital practices.

Ability to: All of the above; and, direct the activities of others in performing complete investigations; interpret and apply to specific cases the provisions of law, rules and regulations; supervise a staff of specialists; effectively contribute to the Department's safety, health, affirmative action and labor relations objectives; use various measuring devices; train subordinates in making photos using 35mm cameras and accessory lens; teach others in making audio/visual electronic recording; help others create audio/visual evidentiary courtroom displays using uncovered evidence and/or testimony.

Chief, Litigation Specialist, Caltrans

Knowledge of: All of the above; and, methods of administering laws and procedures relating to the Department's specialist function and the specialized civil liability investigative programs, implementation of training programs in Caltrans districts and Legal Division offices; general office procedures and computer record systems.

Ability to: All of the above; and, implement and evaluate overall training efforts; plan, coordinate and provide cohesiveness for the statewide claims and tort liability investigations, formulate general policies concerning the conduct of case inquiries, and assist in administering specialized tort liability programs.

Special Personal Characteristics

All Levels:

Willingness to work irregular and overtime hours; to drive frequently and to travel both in and out of State; keenness of observation; good memory for names, people and incidents; tactfulness; willingness to work 50% to 70% of time in field away from the office.

Litigation Specialist I, Caltrans

Willingness as a learner to do routine and detailed work to learn the practical application of investigative principles and complex legal concepts; demonstrated capacity for development as evidenced by work history, grades, school or community participation.

Additional Desirable Qualifications

All Levels:

Completion of such college courses as: Rules of Evidence, Investigative Techniques, Physical Sciences, Administrative Law, Photography, Computer Fluency. Knowledge of the operation and use of all types of vehicles. Ability to use and update EDP programs and information systems. Possession of a valid Class A, B or a motorcycle driver's license.

Class History

Litigation Specialist, Caltrans Series History - Dates Established, Revised, and Title Changed

Class	Date Established	Date Revised	Title Changed
Litigation Specialist I, Caltrans	09/08/1992	--	--
Litigation Specialist II, Caltrans	09/08/1992	--	--
Supervising Litigation Specialist, Caltrans	09/08/1992	--	--
Chief, Litigation Specialist, Caltrans	09/08/1992	--	--