

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

2018-05-04

2. Department

Department of Justice

3. Organizational Placement (Division/Branch/Office Name)

Division of Operations/Legal Support Services

4. CEA Position Title

Director, Legal Support Services

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The role of the proposed position is to direct a support organization that provides the executive staff with the resources, technology, and services to research, litigate, and carry out the Attorney General's (AG's) constitutional duties on civil and criminal matters. It is impossible for the AG to represent the people of California without such a support organization. The Director over the Legal Support Services will initiate and implement new program policies and advise the AG on administrative and technological issues that impact the divisions' work in the law offices.

6. Reports to: (Class Title/Level)

CEA/C

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

This position will have ongoing responsibility for four distinct program areas that work to support the litigation work of the AG. The AG's office is considered one of the largest law practices in the nation, and as such requires the most innovative and strategic support to ensure the highest quality and quantity litigation work. Specifically, the proposed position will oversee the work and set policy for the following program areas: Litigation Support Section, Legal Support Operations, Case Management Section and the Law Library Services.

Litigation Support Section (LSS) - This program provides litigation support and eDiscovery services to the entire AG's office comprised of approximately 1,200 attorneys and over 150 paralegal positions. These services include consultation, litigation database management, and electronic trial exhibit database preparation. This proposed CEA will set policies and formulate implementation strategies associated with this work. These include determining whether, how, and at what level of resources to support complex cases with sophisticated technological applications such as document imaging, Lotus Notes Litigator's notebook, Relativity, CaseMap, TextMap, Trial Director, etc. Also, in partnership with the Chief of the Division of California Justice Information Services (CJIS), the Director of Legal Support Services decides policies and undertakes innovations in methods of word processing such as the move to Windows 7 Enterprise, Microsoft Office Suite, Outlook, and other key department-wide computer operating systems and applications.

Legal Support Operations (LSO) - This program manages the day-to-day operations of the six AG law offices: Sacramento, Fresno, Oakland, San Francisco, Los Angeles, and San Diego. A professional legal office manager in each city, and their staff, provide legal secretarial support, clerical support and docketing services as well as facilities, administrative, office, and business services to attorneys, paralegals, executives, and other legal professional staff. This position acts as the principal administrator to a law firm. The proposed CEA over Legal Support Services must anticipate and act on issues that directly affect the quality and timeliness of legal filings and documents. It is a costly business to affect the quality and timeliness of legal filings and documents and to operate six law offices. The success or failure of LSO's efforts is a significant factor in any cost-benefit analysis. The proposed CEA must decide how, when and where to allocate resources among the four program areas within the six area offices and determine what changes and new strategies should be engaged to advance the case work of the Attorney General. The proposed CEA will make decisions on a regular basis on how to best meet the ongoing and ever changing needs of the AG's legal staff in order to successfully represent their cases.

Case Management Section (CMS) - This program is responsible for the design, implementation, support, training and maintenance of the AG's office - Legal Divisions' case management and time keeping application, ProLaw. CMS provides technical and application support for the over 2200 legal professionals who use the ProLaw application. CMS is also responsible for third party integrations with ProLaw including HotDocs, Legal MacPac, Microsoft Office Suite (Word), Best Authority, and the Cognos application which includes business intelligence tools for production reporting. CMS provides legal solutions to the 38 (soon to become 39) practice areas of law under the Civil, Criminal and Public Rights Divisions, Division Executive Staff, Accounting and Budget Units, and client agencies. ProLaw supports the accounts receivable system which provides the necessary data to project and support increases in the Department of Justice's (Department) attorney billing rate and ensure adequate cost recovery for the Department. Through the use of ProLaw and an integrated business intelligence tool, Cognos, CMS serves as the source of all legal cases, professional workload, and client agency related data and reporting. CMS customizes ProLaw, documents section specific processes and incorporates them into targeted training designed to ensure consistent and proper use of ProLaw. The proposed CEA will make policy decisions about any upgrades or modifications to the current ProLaw system for the changing needs of the legal divisions' litigation practices.

Law Library Services (LLS)- This program provides a complete, extensive legal library as well as personalized research and reference services. The program is staffed with professional librarians and library staff in each office that provide law library services, and management of the law library's extensive collection. The proposed CEA will be responsible for identifying new electronic databases and services that address and expand the research options available. This includes the analysis and evaluation of general and specialized electronic databases to determine usefulness, benefits, cost-effectiveness, compatibility with the office's current technology and software, making recommendations for the acquisition of new technologies, implementing electronic solutions, providing oversight of product implementation statewide and developing materials and training on the use of electronic technologies. These legal research applications include LEXIS, Weslaw, LawDesk, the Law Library Internet Resources and other Internet/Intranet applications.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The AG's mission is to serve our state and work everyday to enforce and apply all our laws fairly and impartially, ensure justice, safety and liberty for everyone, and encourage economic prosperity, equal opportunity and tolerance and safeguard California's human, natural and financial resources. The new AG's vision is to improve operational efficiencies in each of the following areas:

Legal Support Services is the law practice support firm that directly supports every aspect of the legal work performed within the AG's office. The objective of the Legal Support Services is to plan, control, and deliver services and set policies that continually advance the expertise of personnel and promote the AG's successful and efficient representation of legal matters.

The Litigation Support Section supports attorneys, paralegals, client agency staff attorneys, client agency technical staff, and co-counsel attorneys by consulting eDiscovery best practices throughout the litigation lifecycle, including identification, preservation, collection, analysis, designing large volume document management systems using Relativity, designing case analysis solutions, using CaseMap, and assisting in the utilization of courtroom technology for the most complex litigation. The LSS is essential for efficient and effective litigation of the various cases within the AG's office.

The Case Management Section begins with each new case and continues through the life of the case by tracking all case documents, time worked on each aspect of the case for not only billing purposes but also critical data regarding the cost of each phase of litigation performed by the legal and paralegal staff within each area of law. This section supports and enhances the daily practices and fiscal processes of the legal office through innovative consulting, training, and technology services.

Legal Support Operations provides extraordinary legal secretarial, clerical, analytical, administrative, and law library services, and solutions that support the successful practice of law in the law offices of the AG's office. At all levels in the organization, LSO interacts with and acts on behalf of the legal staff. LSO's objective is to plan, control, and deliver services and set policies that continually advance the experience of personnel and promote the successful and efficient representation of legal matters.

Law Library Services is committed to serving the research needs of the Office of the Attorney General by providing library resources, research tools, and personalized research assistance on all subjects in support of the mission of the Department and the successful practice of law by the office.

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

In 1999, the Department reorganized so that there was one CEA A overlooking the Division of Legal Support and Technology. This division was made up of the Law Practice Support Unit, now Litigation Support Section; Staff Services Training Unit; Law Library, now Law Library Services; Legal Support Operations and the Network Technology Unit. The purpose of this reorganization was to have a leader who would set policy and direct program during a time when immense change was occurring due to new technologies and an increase in the number of employees. In 2008, the Department once again reorganized and placed several of the functions mentioned in answer 21 under the Department's fiscal CEA because of the strong tie between the cost of doing business, which directly impacted the Department's reimbursement rate, and the budget overall. In 2012, the Division of Law Enforcement went through extensive budget cuts which made financial oversight of the Department's divisions even more critical. However, since that time, the Department has been recovering financially, and it has become clear that, once again having a devoted policy maker would best support the law practice support units.

These support functions require a policy maker that has knowledge of: emerging trends of law office practice services and legal application software development and support (preparation and process of legal work for matters pertaining to civil, criminal, and administrative law; case management and time reporting systems; legal research), the latest legal technology hardware and software, information systems integrity, compatibility, security and interoperability, database design, querying, reporting services and end user support for legal automated information systems. The AG's vision and mission is to bring back the prior organization structure in order to improve operational efficiencies. Creating a new CEA position will follow the AG's mission by allowing this CEA to focus on leading the various units in ensuring the most current legal services and technologies are being utilized and examining the current recruitment and retention issues within LSO.

LSO currently has a large recruitment and retention issue. The Legal Secretary classification has been having recruitment issues for years. There are currently a total of 57 Legal Secretary vacancies out of 317 positions within the Oakland, Los Angeles, San Francisco, San Diego, and Sacramento LSO locations. This equates to a vacancy rate of about 18% which significantly impacts the Department's ability to support the attorneys. In addition to this recruitment issue, attorneys have expressed concern about hiring Legal Secretaries stating they trust their Legal Analysts more. With a CEA that is overseeing and involved in the policy decisions for LSO, these types of retention issues will be more thoroughly examined and addressed in order for our attorneys to be provided the support they need.

The CMS supports the Department's timekeeping and case management application, ProLaw. The proposed CEA will need to determine solutions to this aging system and all of the integrated legal Information Technology (IT) solutions which have been customized to meet the needs of the AG's office. Since ProLaw also drives the Department's time management and billing for legal services, decisions and policies developed related to this system will have immense impact on not only the Department but also the other agencies and the public that the AG's office represents. Determining a sustainable solution and continued evaluation and maintenance of that system is critical to successfully accomplishing the AG's mission.

### C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Litigation Support Section - Advances in technologies have resulted in drastic increases in electronically stored information (ESI) related to litigation cases which translates to a very complex problem of managing ESI. Over the past year the data size in the Department's Relativity system has increased 5% per month. This in turn impacts turnaround times to process data and meet deadlines in support of the Deputy Attorneys General request. An increase like this requires changes to system infrastructure. The proposed CEA must work with the Relativity vendor to anticipate and identify solutions, weigh the potential impact and cost of such solutions, and meet with legal division chiefs as well as the CJIS Chief to gain their input and support. Since any solution may impact the Department's overall infrastructure, all solutions must be carefully weighed to prevent infrastructure problems in the future. This one function is critical to not only the law practice support function within the Department, but to the entire Department as the IT infrastructure impacts all IT related functions within the Department.

Litigation Support Section- As the Department is a lead innovator in the eDiscovery space, the proposed CEA will be responsible for maintaining a high degree of knowledge regarding technology's effects on litigation, the legal requirements, and the current laws, rules and procedures, in order to ensure technical functionality meets program needs regarding information storage/retrieval, processing, timeliness and validity of data. The CEA will also be responsible for using that knowledge to ensure the current department-wide policy that addresses the impact of eDiscovery on litigation is maintained and updated as technology and the Department's needs change.

Case Management Section- The AG's office will be establishing a new Cannabis Legal Section which will address the new workload arising from the passage of the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). CMS will be responsible for implementing and tracking all phases of the Cannabis Legal Section case load. This data in turn will support the AG's office request for additional positions to support the new program once CMS, through Prolaw, collects the appropriate workload statistics. The CEA will oversee the new coding required for this new area of law within CMS. The program took effect January 1, 2018, therefore, the CEA will oversee the work with legal and paralegal staff to train them on the new processes associated with tracking casework. The CEA will work with representatives/legal staff from the two departments that will generate workload, the Department of Consumer Affairs and the Department of Food and Agriculture, to effectively track all aspects of cannabis related litigation. This is a new area of law and will require the proposed CEA to work with both the CEA over the Cannabis Legal Section as well as management from the two external departments, in establishing policies and practices that will govern how casework is accepted and represented in the future.

In addition, the ProLaw system has been modified so much over the years that the Department's infrastructure can no longer support future upgrades of ProLaw. The proposed CEA will now need to determine, in conjunction with the CJIS Chief, whether the Department needs to migrate to a new system, which would be a huge undertaking that would involve a great deal of analysis for new case management systems, training requirements, cost and whether or not the Department could sustain it long-term. ProLaw has an exponential amount of data that is currently causing delays and reliability issues. Thus, this is a high priority for the proposed position.

Legal Support Operations - LSO provides legal secretarial and clerical support to the Department's attorney's. As the attorneys' needs change and the Legal Secretary classification becomes harder to recruit for, the CEA will have to decide how, when, and where to allocate resources among the six program locations and determine what changes and new strategies should be engaged to advance the casework of the AG. As previously mentioned, the Legal Secretary classification is in jeopardy simply because the Department cannot recruit qualified candidates to support the attorneys. Because of this, the proposed CEA will need to examine how the Department can identify solutions to address this issue. This is an unresolved issue that the AG has made a priority for his administration. The proposed CEA will make decisions on how to best meet the ongoing and ever-changing needs of the AG's legal staff in order to successfully represent their cases.

### **C. ROLE IN POLICY INFLUENCE (continued)**

#### **13. What is the CEA position's scope and nature of decision-making authority?**

The AG, through the three legal divisions and six area law offices throughout the state, represents the people of California before trial, appellate, and supreme courts of the State of California and United States in civil and all criminal appellate matters, including capital cases. The AG carries out constitutionally mandated duties of both a prosecutor and defense nature. The AG serves as legal counsel to state offices, agencies, boards, commissions, and departments and assists local districts' attorneys in the administration of justice. In sum, the AG acts as the chief law enforcement officer of the state in protection of the public from fraudulent, unfair, and illegal activities. In this environment, Legal Support Services performs critical services for the AG which must facilitate the highest caliber of legal representation on extremely sensitive, confidential, complex, and costly litigation. The outcome of cases and the attendant consequences, ramifications, and policy impact directly affect human life and governance of Californians. Often, the significance of cases strongly influence the disposition of similar issues in other states and on a national level. The California AG's office is one of the largest law firms in the nation.

The proposed CEA will provide key executive and management oversight and policy direction for a program of services which encompasses:

- Legal application software development and support
- Database design, querying and reporting services
- End user help desk support (CMS)
- Legal research
- Large document case indexing and automated management and litigation support
- Legal secretarial services
- Administrative functions which are essential to the operation of a law firm: case management, time reporting, reception, reproduction, records retention management, purchasing and contracting, fixed asset acquisition, inventory, and control travel services, facilities management, emergency preparedness, health and safety protection.

#### **14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The CEA will be both implementing new policy and interpreting and implementing existing policy as they will have policy influencing responsibility over the administrative and fiscal functions of the law practices of the Department.

Decisions regarding the legal IT solutions implemented in all sections within Legal Support Services require the review of existing policies, the modification of those policies, or the establishment of new policies. New legal technologies often change the way departmental personnel do business. This equates to huge financial expenditures, resource management, identification of training needs and the development of the necessary policy to go along with those changes. The new CEA must work with existing management to ensure that all legal divisions are properly supported in the most efficient and cost effective manner available. Currently, the legal practice time reporting system, ProLaw, has been modified so much that it is slow to process requests. This directly impacts productivity which in turn impacts the bottom line of the business. The same is true for some of the software applications that have been put into place to support things like e-discovery. Technology is moving at such a rate that it is difficult for any manager within state service to keep pace, yet that is what must happen. The proposed CEA will be responsible for finding solutions and developing policies to implement those solutions.

The CEA will also be responsible for examining the recruitment and retention difficulties for the Legal Secretary class as previously mentioned. Changes in the use of classifications such as this require thorough examination and careful scrutiny prior to making any changes. The AG has made this a priority and as such the proposed CEA will work closely with the Office of Human Resources and California Department of Human Resources to provide options for addressing the severe staffing problem that has plagued the Department for years. Any changes to the Department's classification plan will most certainly require policy changes.