

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

2/19/2025

2. Department

Justice

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

Public Rights Division / Executive Unit

4. CEA Position Title

Chief Advisor

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

The Chief Advisor (CA) is a policy formulator and advisor to the Chief Assistant Attorney General (CAAG), Public Rights Division (Division), in the Department of Justice (DOJ; Department) regarding management and legal matters related to the Division's twelve (12) legal programs. The CA will support Attorney General's (AG) constitutional duty to ensure the laws of the state are uniformly and adequately enforced (Constitution of California, Article V, Section 13), and will develop policies affecting internal programs' administrative and legal procedures.

6. Reports to: (Class Title/Level)

Chief Assistant Attorney General, CEA Level 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.

Under the administrative direction of the Chief Deputy Attorney General (CDAG), and the administrative and legal direction of the Chief Assistant Attorney General (CAAG), the Chief Advisor (CA) provides the CAAG with expert legal counsel on daily administrative and legal matters related to the Public Rights Division's (Division) twelve (12) legal programs and on matters impacting the Department.

The CA will institute policies that solidify the Division's law practice, case development, personnel management, and employee utilization (including recruitment, training, and development of subordinate staff), strategies for combating fraud, violations of civil rights, and general litigation. They will also ensure statewide plans are properly implemented by section leaders and will advise the CAAG on employee disciplinary actions when appropriate.

The CA will represent the CAAG at administrative, legal, and/or project-based meetings, and collaborate with and advise Special Assistants, Senior Assistant Attorneys General (SAAG), the Office of Solicitor General, and others in executive management as it relates to Division workload. They will facilitate division legal training and administrative Division projects and manage Attorney General (AG) assignments received by the SAAGs.

The CA will develop strategies and tactics in the most complex disputes or litigation and will formulate approaches that affect not only the Division's litigation and management thereof, but also other areas such as investigative plans, auditing tools and practices, and relationships with other agencies statewide and nationwide. The CA will review work product of all legal teams to ensure fulfillment of requirements set by the CAAG, including for consistency with departmental policies and procedures.

The CA will assist the CAAG in the development of innovative approaches for increasing the efficacy of the Division's overall legal efforts, including responding to legal drafts, providing legal perspective in administrative meetings on behalf of the Division, and communicating with the AG, CDAG, and Special Assistants. Communication will also include, but is not limited to, Directors in the Division of Operations (OPS), SAAGs, and other CAAGs. The CA will assist the CAAG with ongoing Division and Section workload evaluation and will consult with the CDAG or the CAAG in the development and formulation of legal and litigation policy, program objectives, personnel management, and employee utilization.

The CA will act on behalf of the CAAG in their absence, including the facilitation and decision-making of both legal and administrative matters. They will represent the CAAG with AG Directorate staff and external stakeholders such as the Department of Finance, the Legislature, the Governor's Office, and other organizations. In an executive capacity, they will serve as the Division's liaison with federal, state, and local governmental agencies, as well as with departmental or division-level staff, particularly on the most complex and highly sensitive, confidential matters, including press or media concerns, national policies and trends, parallel proceedings, and case coordination. They will oversee analyses and make recommendations to the CAAG on legislative amendments, recommendations to agencies, and other topics of advocacy consistent with the Division's mission. As an extension of the CAAG, the CA will coordinate with internal and external partners on various legal and administrative matters, including legislative or regulatory initiatives, assessing legislative proposals, and fixes to both proposed and current statutes. Additionally, the CA will assist the CAAG and Legal Division Manager in the preparation of the annual budget, in regular reporting and compliance obligations, and in ensuring legal conformity with expenditure allotments. They will evaluate legal workload and advise the CAAG on the Division's budget, which may impact various fund sources and special deposit funds, including the Litigation Deposit Fund and grant programs. The CA will advise the CAAG on various matters, including identifying the resources necessary to accomplish the mission of the Division. They will develop plans for the recruitment and retention of staff and perform other necessary managerial tasks such as responding to, evaluating, and testifying about legislation impacting the Division.

**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 Attorney General (AG) is the state's top law enforcement officer, protecting and serving the People and interests of California, and ensuring the laws of the state are uniformly and adequately enforced (California Constitution, Article V, Section 13). The Department of Justice (Department) is responsible for providing skillful and efficient legal services on behalf of the People of California and carries out its constitutional responsibilities through the work of its diverse programs. The AG represents the People in all matters before the Appellate and Supreme Courts of California and the United States; serves as legal counsel to state officers, boards, commissioners, and departments, and represents the People in actions to protect the environment, consumers, antitrust and civil laws; and assists district attorneys in the administration of justice. The Department provides oversight, enforcement, education, and regulation of California's firearms/dangerous weapon laws; provides evaluation and analysis of physical evidence; regulates legal gambling activities in California; supports telecommunications and data processing needs of the California criminal justice community; and pursues projects designed to protect the People of California from fraudulent, unfair, and illegal activities.

The Public Rights Division (Division) is tasked with handling highly visible and sensitive state and federal litigation. The Division serves and protects Californians by safeguarding the state's environment and natural resources, protecting state lands, maintaining competitive markets, preventing fraudulent business practices, protecting consumers against misleading advertising claims, preserving charitable assets, protecting civil rights, workers' rights, and engaging in constitutional police reform. The proposed Chief Advisor in the Public Rights Division will develop, implement, and oversee critical policies and procedures that directly impact the Department's ability to conduct mission critical operations.

## **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.

Historically, the Division's Chief Assistant Attorney General (CAAG) directs the staff and work of the Division, is responsible for chief policy development and implementation, and for overseeing employees statewide, including their legal specialties and output. Since Fiscal Year 2017, the Division's roster has significantly grown from 426 to 713 employees, which is also a result of changes in the Attorney General (AG) administrations over the years – each new AG appointment entails a launch of initiatives, many of which are carried out by the Division in addition to mandated workload.

The most recent expansion, which includes the addition of the Workers' Rights and Fair Labor Section, the Healthcare Rights and Access Section, and the Police Practices Section to the Division - all branched from the Civil Rights Enforcement Section - comes significant organizational change and a need for increased administrative and legal oversight. This additional workload means the CAAG is reviewing a growing influx of AG, Chief Deputy Attorney General (CDAG), and AG packages (i.e., legal matters), and has seen an increase in high-level meetings with AG Directorate staff and external stakeholders such as the Department of Finance, the Legislature, Governor's Office, and client agencies.

The Division also has the most complex budget of the five legal divisions, including thirteen (13) different fund sources and nine (9) special deposit funds, along with the Litigation Deposit Fund and grant program, which often invites discussions with external stakeholders and agencies such as those mentioned above. The CAAG therefore requires additional assistance via an Chief Advisor (CA) to supplement their legal review of the Division's litigation, to provide direct counsel on incoming and outgoing matters, and to develop and implement policies affecting the Division and the Department. The Division has grown to a point that such assistance is critical for the CAAG to effectively perform their administrative and policy role for the Department, while maintaining oversight of twelve (12) large legal sections, each of which faces a continuous increase in legislative mandates and AG initiatives. The CA will need to be fully conversant with all Department policies and procedures and utilize a high degree of legal competence to provide sound counsel to the CAAG on program objectives, policymaking, and legal and administrative matters, especially in light of the Division opening nearly 400 separate matters or cases related to federal accountability since 2016.

More than ever, the CAAG needs a decision-making counterpart to help address the Division's administrative matters, which have naturally increased due to continual and substantive legal workload. Presently, the Division does not have such a position with the authority to effectively speak on their behalf, attend high-stakes meetings, or decide on matters close to the administrative role and responsibilities of the CAAG. The current structure of a single overall policy administrator is also not sustainable, especially since the Division is increasingly tasked with handling important, highly visible, and sensitive state and federal litigation, including workload related to the upcoming change in federal administrations. The addition of an CA means the Division will more effectively handle its legal and administrative matters, its multi-million-dollar budget, and policy needs and changes.

### 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.

The CA will serve as a high-level advisor to the PRD CAAG and the CDAG, making recommendations on decisions and policies related to legislation and other highly sensitive issues involving the public rights of the state. This position will be instrumental in affecting change and guiding the PRD toward positive and constructive policies aimed at improving and enhancing the division's enforcement and operations.

The CA will analyze legislation that impacts the Department in areas such as enforcement (i.e., consumer protection, civil rights, healthcare); provide feedback to the Legislature on the progress of system implementations (i.e., Business Modernization Project); and provide strategic guidance and analysis on how proposed legislation would intersect with active litigation or generate other legal ramifications. The CA will be responsible for the development and execution of the AG's policy initiatives. The CA will assist with drafting legislation for both new laws or amendment to existing statutes, and provide testimony on the legislation in policy and fiscal committees.

The CA will initiate and draft Legal Alerts for the DOJ, including the review of pleading and memoranda, to identify issues and subject matters that are suitable for legal alerts on behalf of PRD. The CA will work collaboratively with the Office of Legislative Affairs, Chief of Policy, Special Assistants, and CDAG in the development process. The CA will also consider the impact of client agencies in these alerts that may affect the operations of PRD and their respective clients.

The CA will be responsible for the development and prioritization of the legislative concepts produced by PRD for consideration of the Attorney General. Legislative concepts adopted would ultimately have an impact on the department and potentially other entities within California including client agencies and the public.

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

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

The CA will have decision-making authority over various issues handled by the Division's twelve (12) legal programs. This including authority over those areas in the Division's litigation and investigation matters, or similar workload related to the Division's legal responsibilities, organizational actions, policies, or procedures.

The CA will provide expert legal counsel and perspective in administrative meetings for management on behalf of the division and will communicate with AG Directorate staff, including the AG, CDAG, and Special Assistants, and others in management such as Directors and SAAGs, especially regarding issues having significant implications on the Division, and the Department. This advisory role will carry over into policymaking functions, where the CA will develop and assist in developing policies to bolster the Division's law practice. This includes, but is not limited to, statewide legal objectives, cross classification coordination and case development, personnel management, and employee utilization. They will also coordinate with other policymakers and agencies on strategies for combating fraud, violations of civil rights, and general litigation. The CA will ensure statewide plans are properly implemented by section leaders and will advise the CAAG on employee disciplinary actions when appropriate.

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

The CA will formulate and direct the development of new and/or existing policy in the Division in order to accomplish the AG's constitutionally mandated workload, and to support the mission of the Division. The CA will work with other executive-level leadership in the Department in doing so and will also serve as an expert legal advisor to the CAAG when revising and implementing policies and procedures affecting internal programs' administrative and legal procedures.