

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

2026-01-20

2. Department

Justice

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

Criminal Law Division / Executive Unit / California Supreme Court Coordination Unit

4. CEA Position Title

Senior Assistant Attorney General

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

The Senior Assistant Attorney General (SAAG) will manage the Criminal Law Division's newly created California Supreme Court Coordination Unit, overseeing, on a statewide basis, all noncapital criminal and habeas matters in the California Supreme Court. The SAAG will directly supervise the two Deputy Attorney General (DAG) Supervisors in the Unit. The SAAG serves as a technical expert and primary legal advisor to the Chief Assistant Attorney General, the Solicitor General, and the Attorney General on noncapital criminal matters.

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.

The SAAG will plan, direct, and organize the statewide California Supreme Court Coordination Unit within the Criminal Law Division; develop policies and procedures for the program; represent the Attorney General, as needed, before the courts, the legislature, the public, other public agencies, and the Governor's Office; and advise the Chief Assistant Attorney General, the Solicitor General, and the Attorney General on all matters related to noncapital litigation in the California Supreme Court and litigation matters likely to elevate to that court.

The SAAG will directly supervise the two DAG Supervisors in the Unit and will functionally supervise Deputy Attorneys General in the Appeals, Writs, and Trials Section (AWT) and the Correctional Writs and Appeals Section (CWA) within the Division who work on noncapital criminal appellate and habeas corpus matters in the California Supreme Court.

On a statewide basis, the SAAG will oversee all noncapital criminal appellate and habeas matters in the California Supreme Court to ensure the highest quality work product, effective legal strategies, statewide consistency, and timely filings. The SAAG will review and edit pleadings, as necessary, in specific cases; participate, as needed, in moot courts for attorneys preparing to argue cases in the California Supreme Court; assist subordinate staff in planning for and carrying out the most complex and difficult noncapital criminal litigation in the California Supreme Court; and occasionally act as lead author or oral advocate in select cases.

The SAAG will consult with the Chief Assistant Attorney General and the Solicitor General in the development and formulation of policy and program objectives, personnel management, and attorney assignments for California Supreme Court matters.

The SAAG will act as the primary liaison between the Criminal Law Division and other components of the Department on noncapital criminal appellate issues, including the other litigating divisions, the Office of the Solicitor General, and other parts of the Executive Office.

The SAAG will organize and direct training programs for Deputy Attorneys General handling noncapital criminal cases in the California Supreme Court.

The SAAG will identify needs for the resources necessary to carry out the mission of the Unit and develop plans for recruitment of new staff.

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 Criminal Law Division is the most frequent advocate before the California Supreme Court, so a coordinated and uniform litigation practice before our high court is a critical function. Establishing the California Supreme Court Coordination Unit is critical to carrying out the Department's constitutional responsibilities. The Attorney General is the state's chief law 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 is responsible for providing skillful, ethical, and effective legal advocacy on behalf of the People of California. The Attorney General represents the People in all criminal matters before the California Supreme Court with rare exception. When a county district attorney obtains a felony conviction, including for violent crimes, the Attorney General responds to any appeal from that conviction on behalf of the People of California. Properly responding to those claims is therefore critical to public safety, and effectively responding to those claims in the California Supreme Court is essential to statewide public safety and equal justice. Achieving fairness and eliminating racial bias from our criminal justice system are also key goals that will be furthered by this Unit's mission.

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 2022, the Criminal Law Division established the position of Statewide California Supreme Court Coordinator to focus on oversight of noncapital criminal cases in that court. This position was established at the DAG Supervisor level (see #24 for more information on this). The scope of the statewide coordinator role has expanded over time to meet the needs and expectations of the Department in this critical area of litigation. In addition, California is in an unprecedented period of criminal justice reform, making the already complex litigation before the California Supreme Court even more complex. Given the scope and breath of legal changes in the area of criminal law, it is paramount that the Criminal Law Division devote the necessary resources to present uniform, effective, and thoughtful advocacy in implementing the new laws and amendments to laws. The California Racial Justice Act of 2020 (RJA), for example, took effect in 2021 to eradicate racial discrimination from California's criminal justice system. The law has been amended multiple times since its enactment and most recently new amendments took effect on January 1, 2026, significantly expanding the RJA. The Criminal Law Division is the most frequent advocate before the California Supreme Court on RJA issues. Changes to murder liability laws and the addition and expansion of several resentencing statutes have also added to the complexity and volume of California Supreme Court noncapital criminal cases. To continue to promote excellence in our practice before the state's highest court, the Criminal Law Division is establishing a California Supreme Court Coordination Unit to be overseen by a SAAG. It is essential that the Unit's work be properly managed. Given the increased complexity of California Supreme Court work, the Unit will address the issue of inconsistent quality in our high court advocacy. The two DAG Supervisors in the Unit, under the SAAG's oversight, will increase the capacity for consistent, thorough reviews, and the two DAG Supervisors will additionally handle specific cases to ensure the highest quality advocacy in our most complex cases that have statewide impact and importance.

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 SAAG will be the principal policy maker for all noncapital criminal litigation in the California Supreme Court. This will include recommending whether the Attorney General should seek review of a Court of Appeal opinion or republication of an opinion by the California Supreme Court, and deciding how to respond to criminal defendants' petitions for review when the California Supreme Court requests an answer. For cases granted review by the California Supreme Court, the SAAG will be the principal policy maker for the advocacy positions taken by the Criminal Law Division on noncapital criminal issues. For example, positions on the proper interpretation of noncapital criminal laws and amendments to criminal laws, whether the Attorney General should defend convictions in criminal cases, and whether certain constitutional legal principles apply in specific cases. The SAAG will be the principal policy maker for our litigation practices before the California Supreme Court in noncapital litigation matters, including administrative policies regarding the assignment of California Supreme Court cases to Deputy Attorneys General in the Criminal Law Division. The SAAG will be the principal policy maker on responding to media inquiries regarding high-profile noncapital California Supreme Court matters. Finally, the SAAG will be the principal policy maker for recommending whether the Attorney General should join other states' amicus curiae briefs addressing noncapital criminal law issues.

These policy areas have statewide impact because, unlike a county's district attorney, the Attorney General advocates for the people of the entire state of California. The Attorney General handles criminal appeals for all of the state's 58 counties, so it is critical that the Attorney General advances uniform and consistent positions statewide. The SAAG will have primary responsibility for ensuring that happens. When it does not happen, it can result in inconsistent treatment for individual criminal defendants, leading to potential injustices and confusion as to the application of the law. This runs counter to the Attorney General's duty "to see that the laws of the State are uniformly and adequately enforced." (Cal. Const, art. V, sec. 13.)

C. ROLE IN POLICY INFLUENCE (continued)

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

The SAAG will have decision-making authority over various substantive noncapital legal issues in the Division's cases that have risen or will likely rise to the California Supreme Court. The SAAG will be a leader in the Department with the primary responsibility for elevating and maintaining high standards for our noncapital criminal work in the California Supreme Court, and will ensure that our work in that court accurately and consistently reflects the Department's priorities. As head of the Criminal Division's California Supreme Court Coordination Unit, the SAAG will have primary decision-making authority over the Division's day-to-day interactions with the California Supreme Court, including the manner and format in which the Division presents pleadings, when the Division requests additional time to respond, and other practical practice matters.

The SAAG will develop and assist in developing policies to bolster the Division's noncapital law practice. This includes, but is not limited to, statewide legal objectives, cross-classification coordination and case development, and the selection process for assigning attorneys to California Supreme Court cases. The SAAG will work closely with the Chief Assistant Attorney General of the Criminal Law Division, the Office of the Solicitor General, and others in executive leadership. The SAAG will ensure statewide plans regarding our noncapital Supreme Court practice are properly followed by the Criminal Law Division's attorneys.

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

The SAAG will formulate and direct the development of both new and existing policy in the Division in order to accomplish the Attorney General's constitutionally mandated duty to ensure the uniform and adequate enforcement of the state's criminal laws. The California Legislature and the electorate are engaged in an intense period of criminal justice reform. The SAAG will have primary responsibility for developing and implementing policies that respond to these changes and accurately reflect the Attorney General's priorities.