

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

9/24/2026

2. Department

California Correctional Health Care Services (CCHCS)

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

CCHCS Office of Legal Affairs (COLA)

4. CEA Position Title

Assistant Chief Counsel (ACC)

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

CCHCS proposes to allocate the above position to a CEA category within CCHCS. This CEA Position Request Form will serve in establishing the allocation. Working closely with the Director and Chief Counsel and CCHCS executive leadership, the incumbent will be responsible for supervising a legal team in COLA on legal issues related to the Coleman v. Newsom class action lawsuit, mental health program concerns, policy reviews, regulatory changes, legislative proposals, and any other program needs of a legal nature. Among other things, this position will be required to manage the workload associated with class action litigation advocacy processes in close coordination with other class action cases (Plata v. Newsom and Armstrong v. Newsom).

6. Reports to: (Class Title/Level)

Director and Chief Counsel/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 direction of the Director and Chief Counsel, the ACC is responsible for supervising a legal team for the California Correctional Health Care Services, Office of Legal Affairs. The incumbent serves as counsel for the Department by working closely with the Director and Chief Counsel and executive leadership. Provides guidance on legal issues, policy reviews, regulatory changes, legislative proposals, and any other program needs of a legal nature.

Supervises, plans, organizes, coordinates, reviews, mentors, and directs the work of staff attorneys and support staff; evaluates their performance; participates in the selection process; and supervises them.

Serves as a high level advisor on the most significant legal matters affecting the Department. Consults with and advises the Director and Chief Counsel and Department executive staff on all manner of legal issues. Identifies and develops strategies and tactics for the most complicated legal issues faced by the Department. Consults with and advises Department staff on the interpretation and analysis of statutes, court decisions, rules of court, regulations, and other rules significantly affecting their duties, functions, and responsibilities.

Assesses areas of organizational risk and makes recommendations to the organization on changes to mitigate those risks, prepares trend reports, makes presentations to Executive Staff team members and external stakeholders, ensures that outcomes and steps for accountability are met timely, and briefs the Director and Chief Counsel on trends in the law and their potential impact on the organization.

Assists the Director and Chief Counsel on special assignments as directed.

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: COLA's mission is not just directly related; it is central to CCHCS's primary mission and is critical to achieving the Department's goals of providing constitutionally adequate health care within California's correctional system. The statewide legal, clinical, and oversight functions described herein directly support CDCR and CCHCS's fundamental mission to deliver safe, effective, and legally compliant health care to incarcerated individuals. Ensuring proper implementation of the Mental Health Services Delivery System, maintaining compliance with federal court mandates in Coleman, and overseeing clinical peer review are essential to meeting the Department's goals of protecting patient safety, maintaining public trust, and fulfilling constitutional obligations, in order to ensure long-standing issues in Coleman can be resolved. Without strong executive leadership in these areas, the Department cannot achieve its mission or sustain the standards required under ongoing federal oversight.

Failure of this program would have serious consequences for both the Department and the State as a whole. Because the program's core functions involve compliance with federal court orders, statewide mental health policy implementation, and oversight of clinical quality, any breakdown in these areas could result in renewed findings of non compliance in Coleman, increased court intervention, or additional remedial directives that significantly limit the department's operational flexibility. Program failure could also lead to inconsistent or deficient mental health care across institutions, creating risks to patient safety, increasing the likelihood of preventable harm, and eroding public and legislative confidence in CDCR's ability to meet constitutional obligations. In the most severe cases, failure could expose the State to substantial legal liability and financial sanctions, directly undermining the Department's mission and its capacity to maintain a safe, effective, and constitutionally compliant correctional health system.

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.

The appointment of the Coleman Receiver and approval of the 2025 Receiver's Action Plan established new requirements to achieve timely and sustainable compliance with federal court orders governing mental health care. Due to insufficient staffing and organizational resources to implement these reforms while maintaining adequate care, creating an additional ACC position is essential to support recruitment, oversight, crisis response, quality assurance, and program implementation within COLA.

Due to the volume of work, it is not possible for the Director and Chief Counsel or the existing ACC to absorb the additional workload or thoughtfully complete assignments with the depth of analysis required. Due to the growing demand of COLA, it is vital to ensure that the Director and Chief Counsel is able to focus on high priority assignments and initiatives and strategic planning without placing CCHCS at risk of further litigation. Establishing a second ACC position will allow the Director and Chief Counsel to delegate responsibilities and supervision of COLA's rank and file legal staff to the ACCs and focus on other high level executive tasks. COLA has grown over the years, but its managerial structure did not grow proportionally to the rank-and-file staff. Establishing an additional ACC position will help to ensure that COLA continues to run smoothly and efficiently to meet organizational needs. COLA is currently staffed with only one ACC in a CEA B classification. The COLA ACC currently has fifteen direct rank-and-file reports, which is approximately two to three as many as there should be under any established and reasonable ratio for legal supervision. Human Resources recommends one attorney manager to a staff of five to seven attorneys. Thus, the current managerial staffing is entirely insufficient to oversee and meet the newly established legal needs described herein, and additional Mental Health programmatic issues that will necessarily be driven by new mental health staff, on top of the existing workload.

The addition of an ACC at the same level as COLA's existing ACC will allow for more consistent and effective supervision, especially given the increased complexity of class action litigation case work and the full complement of mental health staffing requested in this proposal. Management of class action work requires a supervisor who can immerse themselves in class action knowledge and maintain active knowledge of all related class action activities, even if the work performed by staff they supervise and manage represents only a portion of the workload. This classification and position is also necessary to avoid compaction issues given the overall size and structure of COLA's existing staff.

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 proposed ACC position will serve as the principal legal advisor to policymakers for at least three statewide policy areas central to the mental health program within CCHCS. This leadership role will ensure consistent statewide legal, clinical, and operational standards across all institutions and will directly support CCHCS in meeting federal court mandated requirements.

First, the ACC will serve as a principal legal advisor to CCHCS on the Mental Health Services Delivery System (MHSDS) Program Guide, which governs the comprehensive statewide structure of mental health care in CDCR. The Program Guide establishes standards for intake screening, crisis intervention, outpatient and inpatient treatment services, interdisciplinary treatment teams, and pre-release planning. The ACC will coordinate legal services related to implementation with executive teams, and development of monitoring systems to ensure proper adherence. This has substantial statewide impact by improving service consistency, maintaining constitutional levels of care, and strengthening the quality and reliability of mental health treatment for all incarcerated individuals receiving care under CDCR.

Second, the ACC will be the principal legal advisor and oversee statewide compliance and advocacy processes related to the Coleman class action litigation. Advocacy inquiries from class action plaintiffs' counsel include systemwide requirements for adequate screening, treatment services, staffing, medication administration, recordkeeping, and suicide prevention, and require the CDCR and CCHCS to implement corrective policies and demonstrate compliance through ongoing court oversight. The ACC will play an integral role in developing and maintaining policies, coordinating responses to the plaintiffs, and overseeing systemwide compliance plans that address court identified deficiencies. This policy area has significant statewide impact by ensuring alignment with federal court mandates, reducing legal exposure, and strengthening accountability across institutions for meeting constitutional mental health care standards.

Third, the ACC will serve as the principal legal advisor for policy and case management for the statewide mental health peer review system. Peer review is essential for clinical quality assurance, identification of systemic treatment deficiencies, and continuous improvement of care delivery. This includes establishment of uniform statewide standards for peer review, governing clinical case evaluation expectations, and oversight of corrective action processes resulting from peer review findings. This policy area has significant statewide impact in enhancing clinical quality, ensuring consistent care across institutions, improving patient safety, and reinforcing professional accountability for mental health clinicians throughout CDCR.

Collectively, these three areas are integral to statewide mental health governance in CDCR. Establishing this ACC position centralizes leadership, enhances legal and clinical oversight, and ensures the uniform implementation of policies that are critical to meeting constitutional requirements.

C. ROLE IN POLICY INFLUENCE (continued)

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

The ACC works closely with the Director and Chief Counsel. This incumbent is a high-level policy influencing position, in which the incumbent will be authorized to speak for and make decisions on behalf COLA. The authority of the incumbent will be of wide variety and will involve decisions impacting internal management at all levels of the organization, as well as external stakeholders. This position serves as an advisor for impacted policy areas for COLA.

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

The ACC will be responsible for advising on the development of, as well as interpreting and implementing new and existing policy. The policy and procedures that are implemented under the leadership of this incumbent will contribute to the success of COLA, CCHCS, and CDCR. The incumbent may help with the development of new policies as the need arises.