

8/2/60

Memorandum No. 70 (1960)

Subject: Reclassification of Position of Junior Counsel

The Commission presently is authorized to have one Junior Counsel as a member of its staff. It is the recommendation of the staff that this position be reclassified to Assistant Counsel and that an eligible person be appointed as Assistant Counsel as soon as possible.

The State Personnel Board advises us that there would be no difficulty in reclassifying this position as an Assistant Counsel. The State Personnel Board considers the position of Junior Counsel as a training position. Assistant Counsel is the lowest position in the state service in which an experienced attorney is expected to serve. The State Personnel Board regards the reclassification of a Junior Counsel to Assistant Counsel as a natural step for a person who is actually performing legal services as distinguished from high grade clerical services. Our Junior Counsel has, during the past month, prepared the 1961 Annual Report, a memorandum on rescission which was distributed prior to the July 1960 meeting and a memorandum on whether the Commission can constitutionally modify the Nibley research contract. She is now preparing revisions of the tentative recommendation and statute relating to survival of actions. In addition, the Junior Counsel supervises the printing program of the Commission.

The entrance requirements for Assistant Counsel are active membership in the State Bar of California and either:

1. One year of experience in the California State Service as a Junior Counsel, or four years of experience in the California State Service performing technical functions in the administration of state laws and departmental rules and regulations; or

2. Two years of full-time experience in the practice of law.

The duties of an Assistant Counsel are as follows:

An Assistant Counsel studies, interprets and applies laws, court decisions, and other legal authorities in the preparation of cases, opinions, and briefs; prepares legal documents, memoranda, digests, summaries, and reports; assists in the presentation of cases before courts and administrative bodies and independently presents routine cases; assembles and evaluates evidence; secures and interviews witnesses; assists in and holds hearings; conducts special investigations involved in the enforcement of state laws and departmental rules and regulations; assists with the drafting of legislative measures and departmental rules and regulations; does a wide variety of legal research; prepares opinions and advises staff members regarding the legal effect of rules and regulations, proposed legislative measures, statutory law, court decisions, and administrative actions; and does other work as required.

The State Personnel Board recently made the position of Junior Counsel a three step, rather than a four step, position on the salary scale. A Junior Counsel may be advanced to the second step on the salary scale after six months. Thus, at the end of one and one-half years, a Junior Counsel may advance to the top of the salary scale for the position. The difference between the salary at the top of the Junior Counsel salary scale and the salary at the bottom of the Assistant Counsel salary scale is about \$30 per month. Our present Junior Counsel is at the top of the salary scale for Junior Counsel.

The following is an unofficial list as of July 12, 1960 of the top eligibles for Assistant Counsel who have indicated interest in employment in the Bay Area. There is no assurance, of course, that these individuals would be interested in employment on the Stanford Campus. We could appoint

the Assistant Counsel from one of the top three eligibles who are willing to accept the position.

Eligible List for Assistant Counsel as of July 1960

<u>Name</u>	<u>Rank</u>	<u>Rank on Original List</u>	<u>Final Score</u>
Varnie, Frederic K. 30 Mountview Court San Francisco 27	1	1	105.04%
Halpern, Irving D. 1309 6th Avenue San Francisco	2	19	90.48%
Gale, Rose H. 527 S. Barrington Avenue Los Angeles 49	3	28	85.03%
Lindow, Louisa R. 744 Coleman Ave. Apartment K Menlo Park	4	29	84.92%
Sullivan, Francis A. 1048 57th Street Sacramento 19	5	31	82.30%
Olsen, Beulah C. 180 Malloua Way San Francisco 23	6	23	78.86%

As the above list of top eligibles indicates, our present Junior Counsel has passed the civil service examination for Assistant Counsel and is Number 4 on the eligible list. She would accept an appointment as Assistant Counsel. She has foreclosed appointment to an Assistant Counsel position outside the Stanford area because she has advised the State Personnel Board that she is interested in employment only with the Law Revision Commission in the Stanford area. She would appreciate a decision by the Commission on this matter so that she can make plans for her future.

Respectfully submitted,

John H. DeMouilly
Executive Secretary