

# **New York State Department of Civil Service**

DIVISION OF CLASSIFICATION & COMPENSATION

**Occ. Code 6501460**

**Associate Attorney (DFS), M-3**

## Brief Description of Class

Associate Attorneys (DFS) render professional legal services of a high degree of difficulty involving Financial Services Law, Banking Law, and Insurance Law. Incumbents assist in providing legal counsel for investigations and the enforcement of the agency's laws, rules, and regulations and related investigations conducted by other State and federal agencies.

These positions exist only at the Department of Financial Services (DFS).

## Distinguishing Characteristics

*Associate Attorney (DFS):* non-competitive; provides legal services in the investigations and enforcement of Financial Services Law, Banking Law, and Insurance Law.

## Related Classes

Associate Attorneys supervise a group of attorneys responsible for providing legal advice and assistance to agency administrators and personally handle cases and issues that are novel, potentially precedent setting, or involve large sums of money.

## Illustrative Duties

*Associate Attorney (DFS)*

Performs legal research by reviewing cases, statutes, and regulations; reviews the content of legal documents relating to the transaction and chartering of banks, stock corporations, and non-stock corporations to ensure compliance with department laws, rules, and regulations; responds to inquiries from regulated entities and holds conferences with attorneys for banking organizations, insurance companies, and/or staff of the Department, State and federal officials, and the general public to gather

appropriate information to respond to the inquiries; reviews bylaws of stock and non-stock corporations for compliance with the law, and reviews legal work in connection with stock dividends, notices to stockholders, mergers or liquidations of banking organizations, and formations of bank holding companies; and reviews the bylaws of insurance companies and insurance companies' legal practices in regard to policy forms, contract development, and policyholder complaint and appeal processing to ensure compliance with the law.

Assists in drafting legislative bills to amend Financial Services, Insurance, or Banking Law; prepares supporting memoranda describing the benefits of legislation; and reviews bills pending before the Governor not submitted or sponsored by the department and prepares recommendations.

Drafts, or assists in drafting, new regulations to Title Numbers 3 (Banking), 11 (Insurance) and/or 23 (Financial Services) of the New York Codes, Rules and Regulations (NYCRR) to support department needs; drafts amendments to existing regulations of the NYCRR and the General Regulations of the Banking Board to clarify information and address certain business practices and roles of insurance brokers and agents; reviews and edits regulations proposed by program areas to ensure that intent is clear and that no conflicts exist on current regulations; ensures that regulations are available for public comment, prepares regulatory impact statements, explains proposed regulations to the Executive Chamber; and submits proposed regulations with accompanying statements to the Department of State for publication in the NYS Register, submits copies to the Administrative Regulations Review Commission (ARRC), and tracks progress of proposals and submits revised notices if necessary.

Conducts disciplinary hearings against entities licensed by the department by reviewing documents, hearing testimony of witnesses, receiving evidence, and issuing decisions; reviews potential cases of financial fraud, develops areas of inquiry and/or investigation, works with investigators to provide legal interpretations and ensures the investigation is warranted based on department laws, rules, and regulations; drafts investigative supporting legal documents, such as subpoenas and interrogatories; reviews documents submitted in response to investigative documents; prepares for and conducts depositions, and prepares affidavits and other legal documents; meets regularly with Counsel's office to discuss sensitive and confidential matters relating to fraud and enforcement investigations; and formulates department responses and develops strategies for remediating enforcement investigations.

Participates in meetings with agency officials and outside entities; performs special projects and studies related to corporate practices and fraud investigations as appropriate; and may supervise subordinate staff.

### Minimum Qualifications

*Associate Attorney (DFS)*

Non-competitive: Admission to the New York State Bar and four years of legal experience subsequent to admission to the NYS Bar. Legal experience must be in one or more of the following fields: litigation or financial industry investigations; corporate law involving such actions as corporate mergers, dissolutions, stockholder meetings and other related corporate actions; commercial financial documentation and negotiation; bank regulatory experience; insurance regulatory and legislative experience; and prosecutorial experience gained in a city, state, or federal law enforcement or administrative agency that regularly conducts civil enforcement action in financial and commercial matters.

Substitution: A master's degree in law with a concentration in Banking Law, Insurance Law, Financial Services Law, Corporate Law, or international legal studies may substitute for two years of the experience.

**Note:** Classification Standards illustrate the nature, extent and scope of duties and responsibilities of the classes they describe. Standards cannot and do not include all of the work that might be appropriately performed by a class. The minimum qualifications above are those which were required for appointment at the time the Classification Standard was written. Please contact the Division of Staffing Services for current information on minimum qualification requirements for appointment or examination.

01/2021

KMR