

# New York State Department of Civil Service

DIVISION OF CLASSIFICATION & COMPENSATION

## Classification Standard

**Occ. Code 6501360**

<b>Senior Attorney (Financial Services), Grade 25</b>	<b>6501360</b>
<b>Associate Attorney (Financial Services), M-3</b>	<b>6501460</b>
<b>Supervising Attorney (Financial Services), M-4</b>	<b>6501660</b>
<b>Principal Attorney (Financial Services), M-5</b>	<b>6501560</b>

## Brief Description of Class Series

Attorneys (Financial Services) render professional legal services regarding the Financial Services Law, Banking Law, Insurance Law, and other laws relating to the work of the Department of Financial Services (DFS). Incumbents assist in providing legal counsel regarding the application the agency's laws, rules, and regulations, including investigations related to and the enforcement of these laws.

These positions exist only at DFS.

## Distinguishing Characteristics

*Senior Attorney (Financial Services)*: full performance level; works with higher-level attorneys to provide legal services related to the enforcement of Financial Services Law, Banking Law, Insurance Law, and other laws relating to the work of DFS.

*Associate Attorney (Financial Services)*: provides legal services in the investigations and enforcement of Financial Services Law, Banking Law, Insurance Law, and other laws relating to the work of DFS; may supervise Senior Attorneys (Financial Services).

*Supervising Attorney (Financial Services)*: serves as second in charge of a legal unit within DFS; supervises Associate and Senior Attorneys and provides expert legal advice and opinions to management and staff.

*Principal Attorney (Financial Services)*: oversees multiple legal units or a legal division within DFS; handles cases with little or no legal precedent; supervises Supervising Attorneys (Financial Services).

## Illustrative Duties

*Senior Attorney (Financial Services)*

Assists with providing legal interpretation of federal and State law, regulations, and guidance.

- Assists with drafting regulations and other guidance necessary to implement regulations.
- Assists in the drafting of circular letters, regulations, and legislative proposals with supporting memoranda.
- Performs legal research on statutes, regulations, and court decisions on legal issues that are pertinent to the financial services industry.
- Provides legal advice and drafts interpretations regarding corporate mergers, financial conditions, corporate conduct, and governance matters to ensure compliance with statutes and regulations.

Assists with analysis of form filings and applications to verify form compliance with federal and State requirements.

- Meets with industry representatives to discuss filings.
- Prepares memoranda on new legal issues or issues identified in filings and applications.

Assists with the review of all health plans written for individual and small group markets.

Responds to complaints and inquiries from consumers, legislators, regulated entities, agents, and other interested parties regarding contract provisions and rights and obligations of the parties to the contract.

Assists in the processing of violations of Insurance or Banking Law, including coordination with other Bureaus within DFS.

Assists with the review of legal documents relating to the chartering of banks, stock corporations, and non-stock corporations to ensure compliance with Department laws, rules, and regulations.

- Performs legal research by reviewing cases, statutes, and regulations.
- 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.

Participates in meetings with agency officials and outside entities.

*Associate Attorney (Financial Services)*

Provides legal interpretation of federal and State law, regulations, and guidance.

Responds to inquiries from regulated entities and holds conferences with attorneys from banking organizations, insurance companies, State and federal officials, and the general public to gather appropriate information to respond to inquiries.

- Reviews the bylaws of insurance companies and insurance companies' legal practices regarding policy forms, contract development, and policyholder complaint and appeal processing to ensure compliance with the law.

Assists in drafting legislative bills to amend the Financial Services, Insurance, Banking Law, or other laws relating to the work of DFS; prepares supporting memoranda describing the benefits of legislation.

- Reviews bills that were not submitted or sponsored by the Department, and prepares legal analysis and 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, and explains proposed regulations to the Executive Chamber.
- 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, working 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 with Counsel's office to discuss sensitive and confidential matters relating to fraud and enforcement investigations.
- Formulates department responses and develops strategies for remediating enforcement investigations.
- Performs special projects and studies related to corporate practices and fraud investigations as appropriate.

May supervise subordinate staff.

*Supervising Attorney (Financial Services)*

Provides legal interpretation of complicated questions regarding the application of federal and state law, regulations, and guidance.

Manages the operation of a legal unit, including the direct supervision of Associate and Senior Attorneys.

- Oversees the drafting, analysis, and implementation of regulations, legislation, and circular letters concerning financial services.
- Reviews and approves the work of lower-level staff.
- Oversees and assists with investigations and determinations issued by lower-level staff regarding potential cases of financial fraud.
- Provides training to lower-level staff.
- Directs the research and preparation of memos, legal opinions, and special reports.

Leads meetings with representatives of the insurance industry, health care providers, consumer groups, the Governor's office, legislature, other governmental agencies, and other Department personnel to discuss public policy and explains or advocates the Department's position.

- Participates on task forces with the industry or other governmental agencies.
- Participates in public forums to provide information on current topics pertaining to assigned program area.

Develops accident and health insurance model contract language, checklists, and guidance.

Oversees implementation of consultant contracts for the examination of insurers as described in the Financial Services Law, including selection of consultants and negotiation of contracts.

Negotiates claims, complaints, lawsuits, and contracts.

*Principal Attorney (Financial Services)*

Provides legal interpretation of novel questions regarding the application of federal and state law, regulations, and guidance.

Supervises a staff of attorneys, including Supervising Attorneys (Financial Services).

- Oversees the review of insurance policy forms, contracts, and general claim practices.
- Directs the development and implementation of legislative proposals impacting insurance and banking.
- Reviews and prepares recommendations for annual budget for assigned units or program area.
- Analyzes and provides legal advice regarding unique or precedent setting cases.

Acts as a point of contact to consult and confer with staff of other State and federal agencies regarding financial services regulations.

- Presides at conferences with industry representatives.
- Maintains contact with federal governmental staff regarding any new trends or proposed actions.

Directs the development and implementation of legislative proposals impacting insurance and banking.

- Advises executives on matters pertinent to National Association of Insurance Commissioners (NAIC).
- Oversees the preparation of legal briefs concerning regulatory matters.

### Minimum Qualifications

#### *Senior Attorney (Financial Services)*

Promotion: one year of service as an Assistant Attorney 3 (Financial Services).

Open-Competitive: Admission to the NYS Bar and two years of subsequent professional legal experience.

#### *Associate Attorney (Financial Services)*

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 services industry regulation; 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 to Banking Law, Insurance Law, Financial Services Law, Corporate Law, or international legal studies may substitute for two years of the experience.

Promotion: one year of service as a Senior Attorney (Financial Services).

#### *Supervising Attorney (Financial Services)*

Promotion: one year of service as an Associate Attorney (Financial Services).

#### *Principal Attorney (Financial Services)*

Promotion: one year of service as a Supervising Attorney (Financial Services).

**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.

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