

**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES  
DIVISION OF LEGAL SERVICES AND COMPLIANCE**

**ATTORNEY  
Position Description**

The Division of Legal Services and Compliance provides inspection, audit, investigative, and legal services to the department and the regulatory authorities attached to it. The primary tasks of this position are to manage a high volume caseload as a prosecutor of healthcare professionals; oversee investigations of complaints against licensees of the department and regulatory authorities; assist professionals in achieving compliance; negotiate stipulated resolutions of complaints; and prosecute formal disciplinary actions against licensees of the department and regulatory authorities. These tasks are to be performed under the supervision of the Legal Manager and subject to guidance and review by the team's Lead Attorney.

**Special Requirement:** Maintain current license in good standing to practice law in Wisconsin.

**GOALS AND WORKER ACTIVITIES**

**20%    A.    Provision of legal input regarding investigations of complaints against licensees of the department and regulatory authorities.**

- A1. Review informal complaints to analyze issues and determine if they are within the jurisdiction of the department or health/business regulatory authorities.
- A2. Establish the scope and direction of investigations, and ensure that the investigations are proceeding in a timely, efficient, and fiscally responsible manner.
- A3. Work with investigators and paralegals to prepare investigative subpoenas or other legal documents as needed.
- A4. Answer legal questions from staff to assist with investigations.

**45%    B.    Negotiation of settlements of disputed cases.**

- B1. Determine violations and discuss with case advisor, if any.
- B2. Under the guidance of the lead attorney and Legal Manager, recommend appropriate and consistent discipline for violations supported by sufficient evidence.
- B3. Negotiate with Respondents or their attorneys in a courteous and professional manner to obtain compliance or stipulated resolutions through formal orders.
- B4. Review and revise first drafts of stipulations and orders prepared by investigators and paralegals to ensure accuracy and legal sufficiency.
- B5. Coordinate with Board Counsel as necessary to ensure objective, legal sufficiency of the proposed resolution, and to ensure the approval of stipulation and issuance of order.
- B6. Manage and timely process a high volume caseload, with the majority being health-related cases, to ensure consumer protection and the efficient and fair resolution of complaints against licensed professionals and Industries.
- B7. Provide legal services as requested by staff of the Division of Industry Services.

**30% C. Representation of the Department and Regulatory Boards in hearings before administrative law judges and regulatory authorities on healthcare and business disciplinary matters and license denials.**

- C1. Research and prepare documents, including pleadings, affidavits, motions and briefs with respect to administrative proceedings.
- C2. Conduct discovery including depositions, drafting and responding to interrogatories, requests to admit, requests to produce and other discovery available under Wis. Stat. Chp. 804, in a fair, courteous, and fiscally responsible manner.
- C3. Where necessary, retain and prepare lay and expert witnesses to testify, in a fiscally responsible manner.
- C4. Develop litigation strategies; write memoranda and correspondence related to litigation, in a fair, transparent, fiscally responsible, and courteous manner.
- C5. Present evidence, cross-examine witnesses and present arguments, in a fair, courteous, and fiscally responsible manner.
- C6. Assure the adequacy and completeness of the hearing record for decision-making purposes and for review on appeal should the matter be appealed.
- C7. Draft post-hearing briefs when requested by the Administrative Law Judge.
- C8. Draft objections to proposed decisions when appropriate.
- C9. Draft accurate and complete Affidavits of Costs when requested/appropriate.
- C10. Provide legal services as requested by staff of the Division of Industry Services.

**3% D. Assistance in representing the Department of Safety and Professional Services where judicial review of an order is sought.**

- D1. Prepare case summaries for the Department of Justice, Department of Natural Resources or other entity or authority as requested.
- D2. Coordinate with other agencies and/or authorities to ensure efficient and timely presentation of facts of record and argument.

**2% E. Other duties as assigned.**

**KNOWLEDGE, SKILLS AND ABILITIES**

- **Legal Knowledge:** General legal principles and their applications, including administrative law, rules of evidence, and Wisconsin state and federal case law, statutes, and regulations.
- **Legal Research and Writing:** Skill in legal research and writing, including the preparation and evaluation of briefs, opinions, and pleadings.
- **Litigation Skills:** Skill and ability in trial practice and procedure before state and federal regulatory agencies, including the ability to litigate disciplinary cases in administrative hearings.
- **Government Agency Knowledge:** Knowledge of agency's mission, goals and plans including a general understanding of State & Federal governmental organizational structure and interagency relationships.
- **Open Meetings and Records:** Knowledge of open meetings and public records law.
- **Health care and Industry knowledge:** Knowledge of health and industry regulatory standards and terms.
- **Communication Skills:** Written and oral communication skills.

- **Organizational Skills:** Ability to assemble, appraise and organize facts and to logically, clearly, and concisely present evidence and other materials in accepted oral and written legal forms.
- **Rapport Skills:** Ability to establish and maintain effective working relationships with department management, political officials, and regulatory authorities, including the ability to reach consensus on potential conflict issues.
- **Prioritization Skills:** Skill in and ability to prioritize a high volume caseload.
- **Computer Skills:** Skill in Westlaw, Lexis/Nexis, Word Office Suite, and legal databases.
- **Demeanor:** Professional and courteous demeanor with supervisors, staff and stakeholders.
- **Professionalism:** Ability to represent the agency in a positive and professional manner and to participate enthusiastically and consistently in the implementation and enforcement of division directives, policies and procedures.
- **Professional and courteous demeanor** with supervisors, staff, opposing counsel, board members, other divisions, and stakeholders with a dedication to teamwork and professional collaboration to achieve team, division and agency objectives.

#### SPECIAL NOTE

Productivity with respect to these goals will be measured by production metrics for this position include but are not limited to:

- Formal orders negotiated or litigated;
- Informal closures obtained, including administrative warnings;
- Number of cases behind timeline (expectation of 0 in OLA, no more than 3 in hearing);
- Length of times from opening to closing cases (no more than 18 months for cases opened in 2012 or later);
- Number of cases in hearing status;
- Work quality (expectation that templates are used, citations are correct, errors are minimal and discipline is reasonable and within a consistent range, legal arguments are valid and writing is clear);
- Adherence to deadlines (internal and external) (zero tolerance for missed deadlines)
- Hours billed (expectation of 65% of time billed, not including screening);
- Representation of DSPS and DLSC in a positive and professional manner; and
- Attendance.