

**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES AND COMPLIANCE
ATTORNEY (Board Counsel)
Position # 306548**

Position Summary:

Working under general supervision, this position is responsible for providing legal services to the Department of Safety and Professional Services and attached regulatory authorities. This position is located within the Division of Legal Services and Compliance. This position is responsible for providing legal services to Boards and the Department as described below.

GOALS AND WORKER ACTIVITIES:

70% A. Provide Legal Guidance and Work-Product to Boards and the Department.

- A1. Provide legal guidance to boards, councils, committees, and agency staff on issues including:
- a) Authority and jurisdiction of the board with respect to legal review of disciplinary matters, including formal stipulations and orders, administrative warnings, case closings, summary suspensions, monitoring issues, and proposed decisions of administrative law judges.
 - b) Procedure at meetings, such as, voting, quorum and parliamentary procedural issues.
 - c) Compliance with open meetings and public records laws.
 - d) Participate in informal settlement conferences.
 - e) Assist with legal issues related to credential (e.g., permit, certificate, license, etc.) applications and denial hearings as assigned.
 - f) Identify the requirements for a credential (e.g., permit, certificate, license, etc.) within a regulatory framework.
 - g) Interpretation of statutes, and administrative rules affecting the board, council, committee, agency or credential holders.
 - h) Interpretation of judicial decisions affecting the board, council, committee, agency, or credential holders.
 - i) Advice to boards regarding litigation in which it is or may become involved.
 - j) Prepare for, attend, or be on call for scheduled board meetings as assigned.
 - k) Present legal analysis and advice in verbal or written (e.g.,

memorandum, email, opinion letter, etc.) form.

l) Assist with other legal issues as assigned.

A2. Draft, review and/or approve a variety of documents to carry out board, council, committee and agency business including:

a) Board orders following board action.

b) Full and limited credentials (e.g., permits, certificates, licenses, etc.).

c) Intent to deny application letters, denial of credential letters, etc.

d) Documents outside of litigation: Stipulations, settlements, memorandum of understanding, etc.

e) Follow-up documentation such as requests for additional information on behalf of board, council, committee and the agency.

f) Rules, policies and procedures.

g) Contracts.

h) Applications for a credential.

20% B. Represent the Boards in Hearings before Administrative Law Judges on Credential Denials.

a) Represent the boards in administrative hearings concerning credential application denials conducted pursuant to Wis. Stat. ch. 227.

b) Review credential (e.g., permits, certificates, licenses, etc.) application denials to determine legal sufficiency.

c) Research all necessary issues such as requirements for the credential, board action under similar circumstances in the past, etc.

d) Develop litigation strategies involving settlement pre-hearing, discovery, motions, briefs, expert witnesses, etc.

e) Retain and prepare witnesses.

f) Know and apply the rules of evidence and rules of civil procedure where applicable.

g) Conduct direct and cross examination.

h) Prepare and present evidence.

i) Prepare and conduct opening and closing arguments.

- j) Prepare, file and/or serve all necessary hearing documents such as hearing notice, complaint, motions, briefs, witness and exhibit lists, orders, etc.
- k) Negotiate settlements such as limited credentials outside of hearing if possible;
- l) Draft documents related to negotiated settlements such as stipulations and limited credentials.

10% C. Other Duties as Assigned.

KNOWLEDGE, SKILLS AND ABILITIES

1. General knowledge of legal principles and their applications, including administrative law, rules of evidence, and Wisconsin state and federal case law, statutes, and regulations.
2. Effective legal research and writing skills, including the preparation and evaluation of briefs, opinions, and pleadings.
3. Ability to analyze, interpret and apply statutes and administrative rules.
4. Knowledge of civil procedure.
5. General understanding of State and Federal governmental organizational structure and interagency relationships.
6. Knowledge of open meetings and public records law.

7. Effective written and verbal communication skills.
8. Ability to assemble, analyze and organize facts and to logically, clearly, and concisely present evidence and other materials in accepted oral and written legal forms.
8. Ability to establish and maintain effective working relationships with department management, political officials, regulatory authorities, co-workers, opposing counsel, parties to proceedings, and the public.
9. Conflict resolution skills.
10. Ability to prioritize a high volume workload.
11. Ability to use computers, computer programs and legal databases (e.g., Westlaw, Lexis/Nexis, LOIS, Microsoft Office Suite, etc.).
12. Ability to act in a professional and courteous manner.

Special Requirement: License to practice law in Wisconsin.