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**STATE OF WISCONSIN
CLASSIFICATION SPECIFICATION**

**PARALEGAL
CLASSIFICATION SERIES**

I. INTRODUCTION

A. Purpose of This Classification Specification

This classification specification is the basic authority under s. ER 2.04, Wis. Adm. Code, for making classification decisions relative to present and future professional positions that perform a variety of professional-level, law-related activities to assist legal counsel and/or staff attorneys. This classification specification is not intended to identify every duty which may be assigned to positions but is intended to serve as a framework for classification decision making in this occupational area.

Classification decisions must be based on the “best fit” of the duties within the existing classification structure. The “best fit” is determined by the majority (i.e., more than 50%) of the work assigned to and performed by the position when compared to the classification concepts and definition of this specification or through other methods of position analysis. Position analysis defines the nature and character of the work through the use of any or all of the following: definition statements; listing of areas of specialization; representative examples of work performed; allocation patterns of representative positions; job evaluation guide charts, standards, or factors; statements of inclusion and exclusion; license or certification requirements; and other such information necessary to facilitate the assignment of positions to the appropriate classification.

B. Inclusions

This classification series encompasses professional positions that perform a wide range and combination of professional-level, law-related activities to assist a state agency’s chief legal counsel and/or staff attorneys in the delivery of legal services. Positions allocated to this classification must meet the statutory definition of professional employee, as defined in s. 111.81(15), Wis. Stats.

C. Exclusions

Excluded from these classifications are the following types of positions:

1. Positions that meet the statutory definitions of confidential, management, or supervisor, as defined in s. 111.81(7), (13), and (19), Wis. Stats., as administered and interpreted by the Wisconsin Employment Relations Commission.
2. Positions that provide general secretarial support duties to legal counsel and/or attorneys for a majority of the time and are more appropriately classified as Legal Secretary.

3. Positions that perform paraprofessional legal office activities, act as Leadworkers for Legal Secretaries, provide paraprofessional assistance to legal counsel and/or staff attorneys and office management as the sole staff person for the majority of time in the local offices of the OSPD faced with handling situations as they arise and making decisions absent any supervisory or office administrator's input or presence, OR synopsize unemployment compensation hearing tapes for a majority of the time and are more appropriately classified as Legal Associate.
4. Positions that provide professional legal advice and services for a majority of time, where such worker activities would be deemed the practice of law requiring licensure to practice law in Wisconsin, and are more appropriately classified as Attorney.
5. Positions that provide administrative and/or program support in a wide range and combination of activities for a majority of the time and are more appropriately classified as Office Operations Associate or Operations Program Associate.
6. All other positions that are more appropriately identified by other classification specifications.

D. Entrance Into This Classification Series

This is not a progression series. Employees enter positions at both levels within this classification series by competitive examination. Evaluation of positions for reclassification to the Advanced level must be made on a case-by-case basis.

E. Terminology Used in This Classification Specification

Professional: Wisconsin statute s. 111.81(15) states, "Professional employee means: (a) Any employee in the classified service who is engaged in work: 1. predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; 2. Involving the consistent exercise of discretion and judgment in its performance; 3. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; 4. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (b) Any employee in the classified service who: 1. Has completed the courses of specialized intellectual instruction and study described in par. (a)(4); and 2. Is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in par. (a)."

Professional work cannot be standardized or routinized and requires independent judgment and discretion. Professional work involves many gray areas that require substantial analysis and judgment to reach the appropriate conclusion. Work classified as professional requires education and training in the principles, concepts, and theories of the occupational area. These are often gained through the completion of a four-year degree in a specified curriculum at a college or university. In a limited number of circumstances, such knowledge may be gained through on-the-job experience.

Professional work requires creativity, analysis, evaluation, and interpretation. It involves applying or interpreting natural law, principles, or theory; evaluating the research of others; and

assessing the need for and validity of proposed changes and improvements in procedures and methods. Professional responsibility involves the ability to reason from existing knowledge to unexplored areas; to adapt methods to circumstances that deviate from the standards; and to stay abreast of and evaluate technical subjects, analyses, and proposals.

Professional work requires a high order of analytical ability combined with a comprehensive knowledge of (1) the functions, processes, theories, and principles of the occupational area; and (2) the methods used to gather, analyze, and evaluate information.

II. DEFINITIONS

PARALEGAL

Positions at this level perform specifically delegated substantive legal work under the direction of a staff attorney or legal counsel within a state agency. For a majority of the time, positions perform a combination of three or more of the following worker activities: (1) conduct specialized or very complex legal research and the analysis of case law, (2) assist attorneys at trials and/or hearings, (3) draft and prepare a variety of legal documents, (4) negotiate settlements, and (5) independently manage or investigate assigned complex cases. Work is performed under general supervision.

Representative Positions:

Office of the State Public Defender, Trial Division - Provides complex professional support to assigned attorneys in case and document preparation and final trial preparation. Conducts client intake and evaluate indigency. Investigates cases and gathers information to assist attorney in case preparation. Performs special projects. Drafts legal documents, including pleadings and briefs; gathers investigative information from a variety of sources; analyzes investigative information; conducts complex legal research; briefs expert witnesses with background information necessary for case evaluation identifying, locating and interviewing witnesses; assists attorneys with trial preparation and at trial proceedings; drafts special jury instructions; and assists with pre-sentencing investigations.

Department of Justice - For a majority of the time, independently investigates complaint allegations and drafts answers to the complaint; conducts complex legal research; identifies, locates, compiles and arranges exhibits in preparation for hearings and trials; prepares a variety of legal documents, including pleadings, interrogatories, requests for admissions and requests for production of documents; identifies, locates, interviews and assists in preparing witnesses for hearings and trials; and assists assistant attorneys general with trial preparation, including assisting with presentation of evidence, gathering background information regarding defense witnesses and researching background information relative to prospective jurors.

Other state agencies - Performs a combination of duties similar in scope and complexity to positions described above within the central legal office of the agency for a majority of the time.

PARALEGAL-ADVANCED

This is advanced-level paralegal work providing legal assistance to attorneys on cases involving the most complex litigation across the spectrum of litigation performed in state agencies. In addition to satisfying requirements for the objective level, positions at the advanced level: are delegated the maximum amount of independent authority without engaging in the practice of law requiring attorney licensure in Wisconsin; assist with document/witness presentation activities during trials and hearings; and are consistently assigned cases of considerable size and complexity (i.e., those involving: a large volume of evidence; multiple issues,

parties and sources of investigation; constitutional or other very difficult legal issues; and considerable variability in legal issues presented). Factual situations vary significantly from assignment to assignment and the paralegal at this level must devise or evaluate and adapt previous factfinding and problem-solving methods to cope with voluminous documentation, effectively organize data into exhibits, and develop corroborative evidence to fill gaps or resolve conflicting statements. The work for the paralegal at this level is further complicated by multiple assignments or the need to combine case development with other functions. Work is performed with a minimum of supervision and is reviewed through oral or written reports and personal conferences.

Representative Positions:

Department of Justice, Civil Litigation & Employing Unit - Independently plans and conducts complex investigations pertaining to medical malpractice, tort and civil rights claims; interviews appropriate witnesses and experts; collects, analyzes, evaluates and summarizes all relevant evidence to determine whether violations occurred and develops recommendations for the appropriate legal action by an assistant attorney general; drafts motions, briefs, interrogatories and other related legal documents; and assists assistant attorneys general during trials. The majority of the cases assigned: are of considerable size and complexity and involve a large volume of evidence (documents, witnesses, etc.) and multiple issues, complainants, defendants, and sources of investigation; involve represented clients (typically with very sophisticated legal representation); and include very difficult legal issues which must often be settled at a full trial (rather than through administrative hearings, summary judgment or other non-trial means).

Department of Justice, State Programs, Administration & Revenue Unit (SPAR) - Responsible for coordinating the agency collections litigation program; independently planning and conducting state and nation-wide investigations of complex business practices incident to the recovery of assets which are the subject of bankruptcy and collection proceedings; coordinating escheat, probate, abandoned property, charitable trust, private foundations and foreclosure actions; and providing support to assistant attorneys general in litigation of contract, and bankruptcy collection actions.

Department of Justice, Criminal Litigation, Antitrust, Consumer Protection & Public Integrity Unit - Independently plans, organizes and formulates an investigative strategy utilizing applicable legal theories and a wide variety of sources of information to conduct comprehensive, statewide investigations of complex business practices which may violate state and federal antitrust laws; collects/analyzes data, prepares appropriate legal documents and presents facts to support effective enforcement action by an assistant attorney general; participates in the negotiation of agreements and represents the state in multi-state antitrust investigations and litigation; and assists the prosecuting attorney during all facets of trials/hearings.

Department of Health and Family Services - Independently represents DHFS in matters before the Circuit Court in small claims actions and the Department of Administration, Division of Hearings and Appeals (DHA). Subject areas may include long term care, quality assurance for the regulation and licensing of all adult care programs and facilities, caregiver regulation, health care financing, rehabilitation review, Women, Infants and Children (WIC) program, child welfare, physical and developmental disability programs, sensory disability programs, AODA and mental health, public health, health care for low income, elderly and disabled persons, regulation and licensing of a variety of facilities, operation of care and treatment facilities, sex predators, and collection issues. Independently manages cases of considerable size and complexity involving multiple factual and legal issues and subject areas. Independently plan and conduct investigations, determine parameters, identify witnesses, obtain evidence, examine witnesses and present evidence at hearing.

III. QUALIFICATIONS

The qualifications required for these positions will be determined on a position-by-position basis at the time of recruitment. Such determinations will be made based on an analysis of the goals and worker activities performed, and by an identification of the education, training, work, or other life experience which would provide reasonable assurance that the knowledge and skills required upon appointment have been acquired.

IV. ADMINISTRATIVE INFORMATION

This specification was created to respond to both management and union concerns that these specialized positions be identified by a separate and distinct classification. It is the original specification for this classification, created as a result of the Professional Program Support Personnel Management Survey effective January 5, 1997, and announced in Bulletin CC/SC-62. It was modified effective July 20, 1997 in Phase II of the Paralegal Study, a subset of the Professional Program Support Personnel Management Survey, to expand the use of the Advanced level to any agency which has positions performing work equivalent to advanced level positions in the Department of Justice. See DER Bulletin CC/SC-68. The specification was modified effective May 20, 2001, and announced in Bulletin CLR/SC-130, in order to remove reference to confidential allocations (see the Paralegal-Confidential classification specification, also created effective May 20, 2001). This classification specification was again modified effective July 9, 2006, and announced in Bulletin OSER-0121-MRS/SC as a result of the 2004 Legal Support Staff survey.

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