

Job description

Job Title: Solicitor - Court of Protection Team, Public Law & Human Rights Department

Reporting to: Partner in the Court of Protection Team

The Court of Protection Team is part of the Public Law & Human Rights Department.

The role

1. Our lawyers' expertise and commitment to the areas of law we undertake is unrivalled. We take on an unparalleled range of cases and regularly litigate in the highest UK courts, as well as the European Court of Justice and the European Court of Human Rights.
2. In the Public Law & Human Rights Department, we act for both individuals and organisations. Our lawyers are creative and pioneering. We have the knowledge and expertise to take challenging cases, and to achieve the best possible results for our clients.
3. Some examples of the work you would be expected to undertake include, but are not limited to:
 - Acting for parties (including P) in Court of Protection proceedings concerning health and welfare, property and financial affairs, and serious medical treatment.
 - Acting for parties (including the protected party) in proceedings brought under the Inherent Jurisdiction of the High Court concerning health and welfare, property and financial affairs, and serious medical treatment.
 - Advising on issues relating to the Mental Capacity Act 2005, and issuing proceedings where necessary/appropriate.
 - Recognising, and bringing (or signposting) civil claims, judicial review claims, and other claims (such as discrimination claims) arising.
4. You will be expected to be familiar with the Mental Capacity Act 2005 and the relevant practice and procedure. A working knowledge of ancillary legislation is desirable.
5. We would expect you to have proven case-management experience, and a track record of meeting or exceeding billing targets.
6. Ideally, you will have a good network of contacts within the field, including contacts with referral agencies.

Key responsibilities

The fee earners are responsible for the effective and efficient conduct of the client's case, in accordance with the overall policies and objectives of the firm, and for pro-active development and promotion of the firm's high standards and reputation. All of the firm's qualified fee earners (other than trainees) are specialists, and although they may have some opportunity to work outside their field of specialism, it is anticipated that the specialist areas will account for the great majority of their fee earning work.

For fee earning and case management purposes, the manager to whom the fee earner is responsible is a designated partner in the team.

The post primarily involves, in each case, with the support and assistance where necessary and available of other staff, including the partners:

1. Dealing effectively with enquiries from referral agencies and prospective new clients;
2. Accepting instructions from new clients, and in so doing advising them (a) of the likely costs and means of funding the advice, (b) of the firm's terms of business and (c) confirming all such advice in writing in accordance with the practice requirements of the LAA and/or the Solicitors Regulation Authority;
3. Preparing funding applications to the LAA where the client is eligible for public funding and having a detailed knowledge of the scheme and its operation;
4. Obtaining a realistic sum of money on account of costs and disbursements or, subject to approval, entering into a conditional fee agreement with the client, where the case is not publicly funded;
5. Notifying where appropriate the Court, Registry, Tribunal, Home Office or other body and any other party and/or their solicitors of the firm's interest, and maintaining all necessary correspondence in good order in paper and electronic files;
6. Providing detailed, high quality, advice to the client in the appropriate areas of law;
7. Undertaking all necessary preparation of the case or matter, including instructing counsel, assisting with the preparation and drafting of pleadings where appropriate, preparing documents for disclosure, taking the client's proof(s) of evidence, proofs of witnesses including expert witnesses, obtaining and perusal of all necessary documents, preparing and delivering instructions to experts where appropriate, attending or arranging attendance at conferences, consultations, or hearings, conforming with the requirements of the CPR or other applicable rules of procedure;
8. Maintaining a full and orderly file with comprehensive attendance notes of all meetings and telephone calls, and following the firm's system of time recording in a timely and accurate manner;
9. When appropriate, invoicing the client by delivery of a detailed narrative bill and applying for further private funds on account; alternatively, applying for legal aid funds on account of disbursements, where necessary making interim claims for costs; ensuring the prompt payment of disbursements; and at the conclusion of a matter, delivering papers to a costs draftsman and expediting the taxation process;
10. At the conclusion of any matter, giving the client all advice necessary at that stage, including advice as to the firm's policy as to retention and destruction of papers;
11. At all times, having strict regard to the Solicitors Regulation Authority's Standards of Professional Conduct and Ethics, and in particular to the strict requirement of confidentiality of clients' affairs;
12. Liaison within the firm with other fee earners engaged in similar and / or related cases matters or clients with a view both to maximising efficiency and avoiding conflicts of interest;

13. Maintaining such financial records and supplying such financial information as may be required by the Law Society/SRA or the firm, including providing calculations of work in progress from time to time; and adhering so far as possible to the billing target which will be calculated from time to time after consultation with the fee earner;
14. Becoming familiar with and observing the internal requirements of the firm as to file opening and closure, accounting procedures, and the maintenance of all necessary records and any other administrative requirement;
15. Working effectively and efficiently with the non fee earning staff;
16. Becoming familiar with and making best and most effective use of the firm's equipment;
17. Attending as required meetings within departments or otherwise to review case work or for the purposes of supervision;
18. To attend such training as may be approved by the firm as will be necessary to fulfil the Law Society/SRA's requirements and to maintain (and to supply to the firm) a record of all training undertaken;
19. To complete and maintain as necessary any professional documentation or records (such as a Practising Certificate) as the Solicitors Regulation Authority or any other professional body may require.

Person specification

The successful applicant will be responsible for developing and running an active and interesting Court of Protection caseload.

Essential qualities for this role are:

Knowledge

- A solid understanding of and familiarity with the key and ancillary legal principles and relevant legal procedures and a desire to excel when using them as a lawyer;
- Knowledge of and commitment to the professional duties of a solicitor or employed barrister, as applicable;
- Knowledge of the public funding system and LAA procedures as well as knowledge of private funding and CFA arrangements (training will be provided where needed);

Ability

- An ability to advise clients from a wide range of backgrounds both orally and in writing on complex legal issues (including the ability to adapt styles appropriate to the needs of different types of clients);
- The ability to draft persuasive representations and letters before claim, statements of case (when appropriate), witness statements and other documents;
- The ability to make sound strategic decisions when advising and during litigation to achieve the best results for clients whether in settlements or at trial;
- Excellent negotiating experience and skills;
- A good understanding of the relevant rules;
- Willingness to keep up to date with developments in the law by reading relevant publications and attending appropriate courses and meetings;
- Ability to research, analyse and evaluate complex fact patterns, legal concepts and related issues;

- Interest in and ability to develop links with potential referral organisations (as our work is largely dependent on referrals from satisfied clients and organisations);
- An interest in developing the practice areas by writing, lecturing and networking through a variety of forums;
- Strong financial management skills in managing clients, cases and internally to develop and sustain their practice;
- Effective, capable advocate with strong, appropriate communication skills - instilling confidence in clients, and being adaptive and persuasive;
- The ability to think creatively to accomplish clients' objectives;
- The ability to work as part of a team and attend and contribute to and organise departmental meetings;
- A positive role model, actively developing junior members of the team, provides guidance and supervision;
- The ability to win cases via effective settlements and at trial is important;
- To deal with the administration arising from the case conclusion, whether it is inter partes costs, CFA funded costs, legal aid only or some other form of funding through to payment of damages and clearing off of financial ledgers to archiving of files.