

# Job description

**Job Title:** Mental Health Caseworker / Solicitor

**Department:** Public Law Team

**Reporting to:** Partner in the Public Law Team

Bindmans was founded in 1974. One of our founding principles was to ensure that people bringing public law challenges have access to specialist advice and representation that would always be a match for the legal teams acting for public authorities. This principle is just as important to us today. We are the only solicitors firm which has specialised in public law work for over 30 years. Our lawyers' expertise and commitment in this field are unrivalled. We take on a wide 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. We act for a wide range of clients, including individuals, groups and organisations, such as charities and NGOs, and regulatory bodies that share our values and businesses. We are committed to sustaining legal aid work.

## The role

1. We act for individuals and groups of people who believe their human rights or the human rights of their loved ones are being violated by the state or other powerful bodies.
2. We also act for organisations, such as public authorities, businesses, and NGOs. We offer timely, clear advice on how organisations can lawfully exercise their powers - or advise when they are facing a challenge from an individual about previous decisions. We help our clients ensure that their decision-making is fair and robust.
3. Our lawyers are creative and pioneering. We have the knowledge and expertise to take challenging, often one-off cases and achieve the best possible results for our clients.

## 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 very 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 so as to assess the nature of the matter and whether it falls within the firm's area of practice, and in a case where the firm is unable to act, offering signposting to other organisations;
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 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, and 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, complying 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, and 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 at meetings within departments or otherwise to review case work or for the purposes of supervision;
18. Attending 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 and points earned;
19. Completing and maintaining 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 an active and interesting caseload dealing primarily with Mental Health Law.

### Essential qualities for this role are:-

#### Knowledge

- A solid understanding of the key principles of law 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 case worker, 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);
- Relevant Legal Aid Agency supervisor status is essential.

The successful candidate will also have:

- experience in working with individual and organisational clients,
- an established referral network and handle work funded under the Legal Aid scheme and privately.

#### Ability

- An understanding of, and 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;
- A good understanding of the relevant rules and procedures;
- 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, 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 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.

- 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.