**JOB DESCRIPTION**

**The Office of Human Rights Proceedings - Solicitor**

**Position:** Solicitor

**Location:** Auckland

**Responsible to:** Director of Human Rights Proceedings

**Salary Band:**  2B or 2A

**Position Summary:** To assist the Director of Human Rights Proceedings to perform his functions, powers and duties under the Human Rights Act 1993 and the Privacy Act 1993

**Liaises with:** Staff of the Office of Human Rights Proceedings

Staff and Commissioners of the Human Rights Commission as required by the Director

**Issued:**  August 2019

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**1.0 The Office of Human Rights Proceedings**

* 1. The Office of Human Rights Proceedings (the Office) is headed by the Director of Human Rights Proceedings (the Director). The Director can provide free legal representation to complainants or the Human Rights Commission (the Commission) in respect to complaints of unlawful discrimination and can bring proceedings as plaintiff alleging interference with an individual’s privacy.
  2. The Office is part of the Commission crown entity and is located on the same floor as the Commission, but the Director with the assistance of the staff of the Office, exercises his duties, powers and functions independently of the Commission.
  3. The Office aspires to be a Treaty Based Organisation. It has offices in Auckland and Wellington.
  4. The Office actively seeks a diverse applicant pool and we encourage candidates of all backgrounds to apply. We welcome all kinds of diversity and the different perspectives such diversity brings to our work. We are an equal opportunity employer and do not discriminate on any ground. We are open to flexible working arrangements.

**2.0 General description of the solicitor’s role**

*General*

2.1 It is anticipated that the solicitor will:

1. Assist the Director to carry out his role.
2. Have litigation experience and be able to appear in the Human Rights Review Tribunal (the Tribunal) with supervision.
3. Work closely with the Director but have initiative and also work independently.
4. Assist the Director in preparing training materials for internal and external outreach.
5. Provide administrative assistance as and when required.

*Human Rights Act 1993 (the HRA)*

2.2 The solicitor’s role includes assisting the Director by:

1. Reviewing applications for representation to assess whether representation should be granted by reference to statutory criteria.
2. Preparing draft reasons to assist the Director in deciding whether to provide legal representation to lay applicants or to the Commission pursuant to ss 90 and 92 of the HRA.
3. Preparing cases for hearing including drafting statements of claim, statements of evidence, and legal submissions.
4. Assisting the Director or senior counsel with cases under the HRA (acting as junior counsel).
5. Communicating with applicants, clients, witnesses, the Tribunal, senior counsel, opposing counsel and/or defendants, attending telephone conferences with the Tribunal, negotiating and drafting settlement agreements.

*Privacy Act 1993 (PA)*

2.3 The solicitor’s role includes assisting the Director with:

1. Referrals from the Office of the Privacy Commissioner, the “opportunity to be heard” procedure, and the assessment of whether proceedings should be brought.
2. Drafting pleadings, witness statements, and legal submissions.
3. Supporting the Director or senior counsel with cases under the PA (acting as junior counsel).
4. Communicating with aggrieved individuals, witnesses, the Tribunal, senior counsel, opposing counsel and/or defendants, attending telephone conferences with the Tribunal, negotiating and drafting settlement agreements.
5. **The solicitor’s tasks and responsibilities**

3.1 The solicitor’s tasks in respect to litigation include:

1. Liaising with clients, complainants, applicants, aggrieved individuals and witnesses.
2. Drafting correspondence, pleadings and legal submissions.
3. Legal research.
4. Discovery.
5. Preparing briefs of evidence.
6. Attending teleconferences.
7. Preparing Trial bundles.
8. Communicating with opposing counsel and/or defendants.
9. Communicating with the Tribunal and the courts.
10. Appearing as junior counsel in cases before the Tribunal, and the courts.
    1. The solicitor is also responsible for:
11. Proactively identifying cases that may be resolved through alternative dispute resolution and negotiating settlements.
12. Writing case notes and articles.
13. Keeping up to date with developments in human rights law, privacy law, evidence, and procedure.
14. Establishing and maintaining appropriate contacts.
15. Briefing the staff in the Office on relevant legal updates.
16. Attending file management meetings with the Director and the staff of the Office.
17. Researching and drafting legal opinions.
18. Delegating work to the Legal Executive and Administrator as appropriate.
19. Presenting seminars.
20. Other administrative, legal and case management tasks as directed by the Director.

**4.0 The Director’s Expectations:**

4.1 The Director’s expectations of the solicitor include, that they will:

1. Work openly and constructively with all members of the Office.
2. Ensure that information is shared quickly and openly within the Office.
3. Comply with the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008, including maintaining solicitor/client privilege.
4. Comply with the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013 and initiating and managing their own personal development.
5. Work within the framework of all Commission policies that apply to the Office including complying with the Commission’s statement of values and code of conduct to the extent they apply to the Office.
6. Will efficiently manage their work to ensure proficient and timely output to the Director’s functions, client expectations, and Tribunal timetables.

**5.0 Key Accountabilities**

5.1 The solicitor is accountable to the Director for all aspects of work and performance. Specific personal objectives may be negotiated as part of a performance review system.

**6.0 Skills and Attributes**

6.1 The solicitor will ideally have the following skills and attributes:

*Required*

1. A law degree.
2. The entitlement to be enrolled as a Barrister and Solicitor of the High Court of New Zealand.
3. Sound judgement.
4. Excellent intellectual and analytical skills.
5. The ability to present written work in a clear, concise manner, with high attention to detail in content and structure.
6. Excellent legal research skills and the ability to practically apply research results.
7. The ability to be a constructive and open team member.
8. The ability to work with people from a wide range of backgrounds.
9. The ability to plan, organise and self-manage to achieve work goals, including proactively assisting in the management of the Office’s case load.
10. A high level of initiative, and the capacity to work independently, but seeking guidance from the Director where appropriate.

*Desired*

1. Advocacy experience, and ideally at least one to two years’ experience working in a litigation role.
2. An interest in discrimination, privacy, human rights in New Zealand and the international human rights framework.
3. A sound working knowledge of the rules of civil procedure and the law of evidence.
4. An understanding of or the ability to gain an understanding of Te Tiriti o Waitangi and Te Reo Māori.
5. Availability to travel (possibly for periods extending to over a week)**.**