**JOB DESCRIPTION**

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| **Post Title**: Lawyer (Dispute Resolution) |
| **Department**: Corporate Core | **Post No**: n/a |
| **Division/Section**: Legal & Democratic Services /Legal Services  | **Post Grade**: Grade 12 |
| **Location**: Town Hall, Knowsley Street, Bury | **Post Hours**: 37 hours per week Monday to Friday (Flexitime scheme in operation) |
| **Special Conditions of Service**: None |
| **Purpose and Objectives of Post**: The efficient execution on behalf of the Council of a variety of legal work relating to civil litigation with emphasis on debt recovery and insolvency. |
| **Accountable to**: Head of Legal Services/Director of Law and Democratic Services |
| **Immediately Responsible to**: Head of Legal Services / Team Leader |
| **Immediately Responsible for**: None |
| **Relationships: (Internal and External)****Internal**Elected Members, Chief Officers, Service Management Officers throughout the Authority Other related Council service providers e.g. ALMO’s, LATCO’s etc.**External**Solicitors in private practice, Counsel, Court Officers, Government Departments, Members of Parliament, Consultants, Members of the Public and Outside Agencies and Professional Bodies. |
| **Control of Resources**: 1. The payment of Court fees, Counsel’s fees and witness expenses; and the recovery of costs and fees where appropriate.2. Receipt of monies delivered in respect of outstanding debts owed to the Council, either from the debtor direct or through Court offices.3. Receipt and payment of monies under transactions.1. Responsible for ensuring the security of all files, equipment, computer data and software.
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| **Duties/Responsibilities**: 1. To undertake the conduct of litigation cases with the emphasis on debt recovery and insolvency in the civil courts including the County Court, High Court and Magistrates Court connected with debt, insolvency, business rates, commercial property litigation and other general litigation on behalf of the Council and other related Council service providers as required including advocacy at Hearings, encompassing:
2. the receipt and consideration of case evidence;
3. consideration of the relevant law;
4. consideration of possible courses of action;
5. drafting and issuing of pleadings, documents, witness statements and notices as required by statute, case law and Court rules;
6. process serving of claim form and statement of facts, pleadings and statutory notices or securing the services of a process server and arranging for the proper service of pleadings, documents and notices;
7. filing evidence in accordance with Court rules;
8. liaison with Court for hearing dates;
9. the preparation of cases for hearing / trial including preparation of witness statements, statement of costs and bundles;
10. appearing in the relevant court as advocate where appropriate or, alternatively, securing the services of Counsel and briefing Counsel accordingly;
11. ensuring instructing departments are kept advised as to the progress and understand the effects of any Court Orders made;
12. conducting negotiations to obtain the best possible terms where appropriate;
13. engaging in alternative dispute resolution as ordered by the Court or otherwise appropriate;
14. assistance with cases on appeal or by way of case stated;
15. the maintenance of litigation records;
16. repayment of awards of costs and damages/penalties to Council Departments;
17. conduct related correspondence with claimant/defendant and their representatives;
18. prepare for fast track and multi-track trials.
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| 1. To undertake advocacy in connection with litigation in cases appropriate to the post holders responsibilities in both the County Court and the Magistrates Court.
2. Undertake appropriate enforcement action of county court judgments, liability orders or other orders of the Court or other body to recover sums due to the Council in accordance with the civil procedure rules or other relevant statutory authority, to include but not limited to:
3. Warrants of Control;
4. Writs;
5. Attachment of Earnings;
6. Third Party Debt Orders;
7. Charging Orders;
8. Committal;
9. Forfeiture;
10. Order for Possession;
11. Enforced Sale;
12. Citation (Probate);
13. Insolvency process;
14. Injunction or similar relief.

Provide timely oral and written legal advice to Council Departments in relation to individual cases and statutory powers/duties encompassing:1. Consideration of relevant law
2. Consideration of available evidence and obtaining expert opinion where appropriate
3. Consideration of the range of possible courses of action
4. Where appropriate the briefing of Counsel.

Advise on changes in legislation, Government guidelines and significant case law decisions which may affect procedures, policies, service provision and/or individual cases.Advise on the drafting, creation, development and revision of policy and procedure documents/guidelines in respect of practice and statutory duties.Advise members of the public and occasionally Members of the Council both verbally or in writing on matters affecting or concerning the Council and which fall within the range of principal duties of the post holder.Undertake all necessary liaison with Court officials, Counsel, Solicitors in private practice, Agents, and any other external organisation/agencies as required in order to execute instructions from instructing clients and client departments.Attend professional education/development courses as required.To comply with quality systems adopted by the Legal Services. |
| **Safeguarding:**As an employee of Bury Council you have a responsibility for, and must be committed to, safeguarding and promoting the welfare of children, young people and vulnerable adults and for ensuring that they are protected from harm.**Equality Diversity and Inclusion:**Bury Council is committed to equality, diversity and inclusion, and expects all staff to comply with its equality related policies/procedures, and to treat others with fairness and respect.**Health and Safety:**The post holder is responsible for Employees Duties as specified with the Corporate and Departmental Health and Safety Policies.**Health and Wellbeing:**As an employee of Bury Council you should contribute to a culture that values and supports the physical and emotional wellbeing of your colleagues.Where an employee is asked to undertake duties other than those specified directly in his/her job description, such duties shall be discussed with the employee concerned who may have his/her Trade Union Representative present if so desired. (See paragraph 203 of supplemental Conditions of Service) |
| **Job Description prepared by:** | **Sign:**  | **Date:** |
| **Agreed correct by Postholder:**  | **Sign:** | **Date:** |
| **Agreed correct by Supervisor/Manager:** | **Sign:** | **Date:** |



**DEPARTMENT FOR RESOURCES AND REGULATION**

**LAWYER (DISPUTE RESOLUTION)**

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| **SHORT-LISTING CRITERIA** | **ESSENTIAL** | **DESIRABLE** |
| Qualified Solicitor, Barrister or CILEx Fellow | ✓ |  |
| Knowledge and experience of civil litigation  | ✓ |  |
| Knowledge and experience of civil procedure and debt recovery provisions | ✓ |  |
| Knowledge and experience of insolvency procedure  | ✓ |  |
| Knowledge and experience of commercial property litigation |  | ✓ |
| Experience of advocacy | ✓ |  |
| Ability to work as a member of a team |  ✓ |  |
| Experience of advising verbally and in writing including on new and/or complex matters |  ✓ |  |
| Ability to work with minimum supervision, display initiative and to take responsibility for decision making | ✓ |  |
| IT literate with an ability to use Outlook and case management systems | ✓ |  |

**CRITERIA FOR INTERVIEW AND OTHER ASSESSMENT METHOD**

**The short-listing criteria listed above only**