

Role Description

Solicitor Advocate



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|---------------------------|--|
| Cluster | Stronger Communities |
| Agency | Legal Aid NSW |
| Division/Branch/Unit | Criminal Law |
| Classification/Grade/Band | Legal Officer Grade VI |
| ANZCO Code | 271311 |
| PCAT Code | 1118192 |
| Date of Approval | 17 January 2020 Reviewed 20 January 2023 |
| Agency Website | www.legalaid.nsw.gov.au |

Agency overview

Legal Aid NSW is the largest legal aid agency in Australia, comprising a Central Sydney office and 28 regional offices in metropolitan and regional centres across NSW including two satellite offices located at Walgett and Bourke, and a number of specialist services and advice clinics. It was established under the *Legal Aid Commission Act 1979* as an independent authority to assist economically and socially disadvantaged people to understand and protect their rights in the legal system. People with disabilities, from people from culturally and linguistically diverse backgrounds, women and children, Indigenous people and people with mental illness are some of the groups who may experience difficulties when enforcing and defending their rights.

Working in partnership with private lawyers, Legal Aid NSW provides legal advice, information and minor assistance and legal representation to eligible people in many areas of law. Legal Aid NSW also provides alternative dispute resolution services, community legal education programs and publications on legal issues.

Primary purpose of the role

Provide legal advocacy in District Court trials and sentences, EAGP case conferences and other criminal matters on behalf of Legal Aid NSW.

Key accountabilities

- Prepare and conduct District Court trials and complex sentences
- Prepare and conduct mandatory case conferences and complex committal hearings in the Local Court
- Prepare and conduct other complex criminal matters
- Mentor staff within the Criminal Law Division on matters relating to advocacy
- Contribute to the planning, administration and management of advocacy services within Legal Aid NSW
- Assist with the development and delivery of training internally and externally across all areas of law

Key challenges

- Keeping abreast of the law, changes in Legal Aid NSW policies, systems, guidelines and practices, and government initiatives that may impact on the activities of the position
- Balancing heavy workloads and commitments and must meet strict time standards.

Key relationships

| Who | Why |
|--------------------------------------|---|
| Internal | |
| Crime Executive | <ul style="list-style-type: none"> • Resourcing |
| Solicitors In Charge / Section Heads | <ul style="list-style-type: none"> • Flow of work |
| Staff | <ul style="list-style-type: none"> • Mentoring |
| External | |
| Clients | <ul style="list-style-type: none"> • Advice and representation |
| Prosecuting Authorities | <ul style="list-style-type: none"> • Liaising / negotiating |
| Courts | <ul style="list-style-type: none"> • Administration |
| Judiciary | <ul style="list-style-type: none"> • Determination |

Role dimensions

Decision making

The Solicitor Advocate VI operates with a great level of autonomy in respect to their day to day work priorities and the coordination of work and resources.

Reporting line

Solicitor in Charge, Indictable Teams 1-3 or Solicitor in Charge of regional office (dependent on regional or metropolitan location)

Direct reports

Nil

Budget/Expenditure

Nil

Essential requirements

Admitted or eligible to be admitted as a Solicitor of the Supreme Court of NSW.

Highly developed advocacy skills and experience and capacity to personally conduct trials and other complex criminal proceedings as required.

Fully vaccinated against COVID-19 prior to commencement in the role





Capabilities for the role


The NSW Public Sector Capability Framework applies to all NSW public sector employees. The Capability Framework is available at www.psc.nsw.gov.au/capabilityframework

This role also utilises an [occupation specific capability set](#).

Capability summary

Below is the full list of capabilities and the level required for this role. The capabilities in bold are the focus capabilities for this role. Refer to the next section for further information about the focus capabilities.

| NSW Public Sector Capability Framework | | |
|---|-------------------------------------|-----------------|
| Capability Group | Capability Name | Level |
|  Personal Attributes | Display Resilience and Courage | Advanced |
| | Act with Integrity | Advanced |
| | Manage Self | Advanced |
| | Value Diversity | Advanced |
|  Relationships | Communicate Effectively | Advanced |
| | Commit to Customer Service | Adept |
| | Work Collaboratively | Adept |
| | Influence and Negotiate | Adept |
|  Results | Deliver Results | Adept |
| | Plan and Prioritise | Adept |
| | Think and Solve Problems | Advanced |
| | Demonstrate Accountability | Adept |
|  Business Enablers | Finance | Adept |
| | Technology | Adept |
| | Procurement and Contract Management | Intermediate |
| | Project Management | Intermediate |

| Legal Professionals Capability Set | | |
|---|-----------------------------------|----------------|
| Capability Group | Capability Name | Level |
|  Legal | Statutory Interpretation | Level 3 |
| | Legal Research | Level 3 |
| | Legal Advice | Level 3 |
| | Legal Drafting | Level 3 |
| | Litigation and Dispute Resolution | Level 2 |
| | Prosecution | NA |

| Legal Professionals Capability Set | | |
|------------------------------------|--------------------------------------|----------------|
| Capability Group | Capability Name | Level |
| | Advocacy | Level 3 |
| | Legislative Development and Drafting | NA |

Focus capabilities

The focus capabilities for the role are the capabilities in which occupants must demonstrate immediate competence. The behavioural indicators provide examples of the types of behaviours that would be expected at that level and should be reviewed in conjunction with the role's key accountabilities.

| NSW Public Sector Capability Framework | | |
|--|----------|--|
| Group and Capability | Level | Behavioural Indicators |
| Personal Attributes Act with Integrity | Advanced | <ul style="list-style-type: none"> Model the highest standards of ethical behaviour and reinforce them in others Represent the organisation in an honest, ethical and professional way and set an example for others to follow Ensure that others have a working understanding of the legislation and policy framework within which they operate Promote a culture of integrity and professionalism within the organisation and in dealings external to government Monitor ethical practices, standards and systems and reinforce their use Act on reported breaches of rules, policies and guidelines |
| Personal Attributes Manage Self | Advanced | <ul style="list-style-type: none"> Act as a professional role model for colleagues, set high personal goals and take pride in their achievement Actively seek, reflect and act on feedback on own performance Translate negative feedback into an opportunity to improve Maintain a high level of personal motivation Take the initiative and act in a decisive way |
| Relationships Communicate Effectively | Advanced | <ul style="list-style-type: none"> Present with credibility, engage varied audiences and test levels of understanding Translate technical and complex information concisely for diverse audiences Create opportunities for others to contribute to discussion and debate Actively listen and encourage others to contribute inputs Adjust style and approach to optimise outcomes Write fluently and persuasively in a range of styles and formats |
| Relationships Influence and Negotiate | Adept | <ul style="list-style-type: none"> Negotiate from an informed and credible position Lead and facilitate productive discussions with staff and stakeholders |

NSW Public Sector Capability Framework

| Group and Capability | Level | Behavioural Indicators |
|--|----------|--|
| | | <ul style="list-style-type: none"> • Encourage others to talk, share and debate ideas to achieve a consensus • Recognise and explain the need for compromise • Influence others with a fair and considered approach and sound arguments • Show sensitivity and understanding in resolving conflicts and differences • Manage challenging relations with internal and external stakeholders • Pre-empt and minimise conflict |
| Results Deliver Results | Adept | <ul style="list-style-type: none"> • Take responsibility for delivering on intended outcomes • Make sure team/unit staff understand expected goals and acknowledge success • Identify resource needs and ensure goals are achieved within budget and deadlines • Identify changed priorities and ensure allocation of resources meets new business needs • Ensure financial implications of changed priorities are explicit and budgeted for • Use own expertise and seek others' expertise to achieve work outcomes |
| Results Think and Solve Problems | Advanced | <ul style="list-style-type: none"> • Undertake objective, critical analysis to draw accurate conclusions that recognise and manage contextual issues • Work through issues, weigh up alternatives and identify the most effective solutions • Take account of the wider business context when considering options to resolve issues • Explore a range of possibilities and creative alternatives to contribute to systems, process and business improvements • Implement systems and processes that underpin high quality research and analysis |
| Business Enablers Technology | Adept | <ul style="list-style-type: none"> • Demonstrate a sound understanding of technology relevant to the work unit, and identify and select the most appropriate technology for assigned tasks • Identify opportunities to use a broad range of communications technologies to deliver effective messages • Understand, act on and monitor compliance with information and communications security and use policies • Identify ways to leverage the value of technology to achieve team/unit outcomes, using the existing technology of the business • Support compliance with the records, information and knowledge management requirements of the organisation |

Legal Professionals Capability Set

| Group and Capability | Level | Behavioural Indicators |
|-----------------------|---------|---|
| Legal Legal Advice | Level 3 | <ul style="list-style-type: none"> Independently identify the client, scope, purpose and form of legal advice required in complex, urgent or sensitive matters. Clarify and refine instructions where appropriate and assist others to do so. Deal independently with vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise. Independently analyse and apply relevant law to complex facts, incorporating policy, probity and operational considerations, and creatively formulating options. Independently identify and advise upon emerging legal risks and their strategic, commercial and policy implications. Provide guidance to others on selection of external legal services providers and approve briefing of external legal services providers. Conduct quality assurance of external legal advice provided and provide feedback to external legal providers. Provide professional supervision to other legal roles in preparing legal advice to assure the quality of the advice provided. |
| Legal Advocacy | Level 3 | <ul style="list-style-type: none"> Master the factual and legal issues of the case, advise on and manage complex evidentiary issues and case strategy. Proactively seek out complex criminal law matters including District Court trial work. Advise on appeal prospects and conduct of appeal in lower courts and/or tribunals. Use highly developed advocacy skills to prepare and present written and oral submissions which are clear, accurate and persuasive, in complex matters. Assess witnesses' evidence forensically and strategically with regard to the case plan and potential risk. Use developed advocacy skills to present effective evidence, including expert evidence; deal effectively with complex evidentiary issues and conduct cross-examination and re-examination in complex matters. Model appropriate conduct as an advocate and provide guidance on issues of advocacy conduct, ethics and etiquette. |