**POSITION DESCRIPTION FOR LAY MEMBERS**

**OF THE NEW ZEALAND LAWYERS AND**

**CONVEYANCERS DISCIPLINARY TRIBUNAL**

***Nature of the work undertaken by the Tribunal***

1. The functions of the Tribunal are, broadly, to hear and determine: professional disciplinary charges laid against a legal or conveyancing practitioner; applications to have persons restored to the roll or register of practitioners, or to allow their employment by a practitioner; appeals against a refusal to issue a practising certificate to a practitioner; and, various associated applications, including orders affecting non-practitioner employees of practitioners.
2. The Tribunal has a wide ranging discretion as to conditions it may impose where granting an application, and may impose a range of sanctions in relation to its determinations on charges, including suspension of a practitioner from practice, striking off from the roll of barristers and solicitors, cancelling registration as a conveyancing practitioner, the imposition of up to $30,000 as a fiscal penalty, and the prohibition of employment in respect of non-practitioner employees working in a legal or conveyancing practice.
3. The legislation which set up the Tribunal had an orientation towards consumers of Legal Services. For that reason the participation of lay members was seen as valuable in the exercise of the Tribunal’s judicial powers, whether in respect of charges or the various applications and appeals which the Tribunal may consider from time to time. An equal number of lay and professional members (either lawyers or conveyancers, depending on the subject matter of the charge) sit on a division of the Tribunal, together with the Chair or Deputy Chair of the Tribunal.

***Appointments***

1. Lay members are appointed under s.233 of the Lawyers and Conveyancers Act 2006. Under S 228(c) between 7 and 15 lay members may be appointed, none of whom may be on the register of Conveyancers or on the roll of Barristers and Solicitors. The lay members are appointed by the Governor-General on the recommendation of the Minister of Justice after consultation with the Chairperson of the Disciplinary Tribunal, the Council of the New Zealand Law Society, and the Council of the New Zealand Society of Conveyancers. The term of appointment is for up to three years.
2. A daily fee of $577 is payable for the days members are required for Tribunal business.
3. The time commitment is around one to two days per month.

***Cultural awareness***

1. The ability to understand and take account of the values of other cultures and sensitivity thereto.

***Core competencies required***

1. The work undertaken by the Tribunal is almost invariably of a highly complex nature involving a wide variety of circumstances. The ability to assimilate and understand a large volume of material, absorb lengthy tracts of evidence and critically analyse is essential. More specifically the skills required are as follows:

**Analytical skills**

* Be able to assimilate large volumes of complex and at times competing information.
* Have the ability to interpret and question material relevant to the situation being considered.
* Be able to apply these to the relevant legislation.
* Have the ability to adopt a systematic approach to the analysis of material, its organisation and preparation for hearing, and consideration of evidence once this has been tested.

**Decision making and team membership**

* Be able to work as part of a team.
* Have the ability to exercise good judgement having regard to the particular facts and the purposes of the Lawyers and Conveyancers Act.
* Be able to be open minded and objective in approaching the task of analysing the material and of considering credibility.
* Be able to contribute to team decision making.
* To be able to respond and be available in a timely manner and process work efficiently.

**Communication skills**

* Have the ability to listen carefully and if required ask questions in an open minded manner.
* Be able to discuss and challenge the view of others when working in a team environment.
* Have the ability to write clearly and summarise factual situations coherently.

**Personal qualities**

* Have the ability to exercise extreme discretion in respect of sensitive or confidential matters.
* Be able to think independently and maintain high ethical standards.
* Be able to act fairly and impartially.