

BRICK COURT CHAMBERS

BARRISTERS

Client Confidentiality within Chambers

Introduction

- These Guidelines are for use in circumstances where members of Brick Court Chambers are instructed on behalf of different parties or as arbitrator (etc) in cases involving other members of Chambers.
- The Guidelines are designed to assist barristers to comply with Core Duty 6 of the Bar Standards Board's Handbook (the duty to keep the affairs of each client confidential) and pursuant to rule rC89.5 of that Handbook. They do not relate to the circumstances in which a barrister must, for reasons of professional embarrassment such as a conflict of interest, decline to accept a brief or instructions pursuant to rule rC21 of the Handbook.

Guidelines

In devising the system we concluded that consideration should be given to the following areas where a breach could occur:

INFORMING SOLICITORS

- At the outset of litigation there may be a time when rival parties will not want the fact that they have taken legal advice to be known otherwise than to their advisers. We respect this confidentiality.
- In these circumstances each barrister must ensure that his/her clerk is aware of the fact and must inform his/her clerk when the position changes.
- In any event as soon as practicable both barristers should be told of each other's involvement.
- Once both barristers have been informed, both sets of solicitors should be informed that they have instructed counsel in the same chambers.
- Solicitors should be informed of Chambers' practice in such circumstances, to enable a client to decide if he wishes to continue to instruct the barrister in question.
- Clerks and solicitors should consider whether any variation of Chambers' usual practice is necessary in the particular circumstances.

CLERKING

- We provide separate clerking where members appear against each other.
- Solicitors are informed so that they can deal with the relevant clerk.
- Telephone calls can be taken away from the clerks' room and procedures implemented to separate electronic records to satisfy the client's requirements.

PAPERS

- Care is taken to ensure papers are kept confidential to the barrister working on the case.
- Solicitors should be asked if they wish to use a code name for the case, to remove any indication on

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the outside of papers as to what matter they relate to.

- Where particularly sensitive documents are to be delivered, clerks make arrangements with solicitors to ensure security. We also maintain security by ensuring secure disposal by security vetted waste disposal contractors. We also shred confidential documents if it is thought appropriate so to do.

DIARIES

- We maintain secure electronic diaries.
- Individual diaries are not available for inspection by other barristers.
- Chambers does not publish a daily diary page.

E-MAILS

- Each barrister has a personal e-mail address.
- Clerks are happy to discuss options for encryption of emails where required.

BARRISTERS' ROOMS

- Barristers' rooms are lockable and a number of members of Chambers have personal safes to store sensitive documentation.
- We are happy to discuss security measures tailored to specific client needs and concerns.

DISCUSSION AMONGST MEMBERS OF CHAMBERS

- Barristers on opposite sides will not discuss the case with each other, unless instructed to do so.
- Counsel will exercise discretion in discussing the matter with any other members of Chambers or other clerks.

For further information please contact the clerks.