

CLIENT CONFIDENTIALITY WITHIN ATKIN CHAMBERS

INTRODUCTION

These guidelines are binding on all Members, Door Tenants and staff of Atkin Chambers, and are for use in circumstances where Members of Atkin Chambers are instructed on different sides of the same matter, or if and when both one or more of the counsel teams and the tribunal for the same matter both/all include one or more Members of Chambers or Door Tenant. The guidelines are designed to ensure and demonstrate that confidential information within Atkin Chambers will remain confidential when such circumstances occur.

The guidelines are also designed to assist Members from being in breach of CD6 and rC15.5 of the Code of Conduct (confidentiality). They do not relate to the circumstances in which a barrister must, for reasons of professional embarrassment such as a conflict of interest, decline a brief or instructions pursuant to rC21 of the Code of Conduct.

Chambers has a dedicated ADR clerk ensuring that matters remain confidential. This is especially important when a Member of Chambers or a Door Tenant act in this capacity when another Member of Chambers is instructed as Counsel for one of the parties.

GUIDELINES

1. ACCEPTING INSTRUCTIONS

1.1 There will be occasions, particularly at the outset of litigation, where rival parties will not want the fact that they have taken legal advice to be known by anyone other than their advisors. In such circumstances, each Member will ensure that their clerk / practice manager is aware of this fact and will inform them if the position changes.

1.2 Members of Chambers must always be alert to the possibility that other Members in Chambers may be instructed in the same case without their knowledge, and should always be aware of the need to exercise discretion in their discussions with other Members and the clerks / practice managers.

2. INFORMING BARRISTERS AND SOLICITORS

2.1 Where Members of Chambers are instructed for different parties in the same case, the following procedures will be implemented:

- a) As soon as practical (and subject to the point referred to in paragraph 1 above) all relevant Members and clerking staff will be told of the involvement of another Member of Chambers.
- b) Once both Members have been informed, both sets of solicitors, if indeed they do not already know, should be informed that they have instructed counsel in the same Chambers. Clerks will take care when disseminating this information in case there are other potential parties to the case who meet the criteria in section 1.1.

3. PRACTICE MANAGEMENT

3.1 Clerks / Practice managers and solicitors should consider whether any variation of usual Chambers practice is necessary in the particular circumstances.

3.2 A dedicated clerk / practice management team ("Clerking Team") will be allocated to the client's matter. Any changes to this dedicated team shall only be made with the prior approval of those involved in the matter.

3.3 A separate clerk / practice manager (i.e. not a person in the Clerking Team) will be provided to each Member of Chambers (or team) instructed by the other side in the matter. Details of the persons within this separate team shall be provided to ensure that such persons are not dealt with accidentally.

3.4 All telephone calls and other public dealings must be made with care to maintain confidentiality. Where a matter is particularly sensitive, or at the request of the client, the relevant clerk / practice manager will hold such discussions in a private break-out room.

3.5 Where the secretarial pool is used by Members and/or staff, the secretarial pool will follow a protocol to ensure confidentiality is maintained. As part of that protocol, all documents shall be returned promptly and directly to either the clerking team or the document owner to maintain confidentiality.

4. PAPERS

4.1 All papers must be kept confidential to the Member(s) working on the case. All papers must be kept in the relevant Member's room at all times and must not be left in public areas or otherwise in an unsecure location. Papers marked "Confidential" will be delivered to the addressee unopened. Members and clerks / practice managers should ensure that their solicitors are made aware of these guidelines to ensure that confidential papers are marked appropriately if so desired.

4.2 When not in their room, Members should ensure that sensitive papers are not left in a position where they might be viewed by another person entering that room.

4.3 Solicitors should be asked if they wish to use a suitable project name for the case, to remove any indication on the outside of papers as to what matter they relate to.

5. DIARIES

5.1 Secure electronic diaries are maintained via the LEX diary management system. No Member of Chambers has access to the diary of any other Member of Chambers.

6. EMAILS / COMPUTER SYSTEMS

6.1 Each Member of Chambers has their own password protected email address. No Member of Chambers has access to anyone else's email address.

6.2 No Member or clerk / practice manager has access to any barrister's e-mails, computer or any other files or client data without specific consent. Any such access required in relation to a particular matter will only be accessible with the Member's consent. Similarly, the computers(s) of each individual Member are protected by a firewall, individual password and encryption.

7. FAXES

7.1 If faxes are used:

- i) Solicitors should be aware that all faxes are received in the clerks' room. Members do not personally retrieve faxes.

- ii) A hard copy of the fax is automatically printed out. Those removing faxes from the machine will be told which clerk / practice manager is dealing with which Member of Chambers. Faxes will be shown to that person and then immediately delivered to the relevant Member's room. Solicitors are informed that all incoming faxes are received on one machine, to enable them to consider whether a particular document should be sent by fax or should alternatively be sent by email.
- iii) Solicitors may wish to ensure that no confidential information is placed on fax cover sheets.

8. PRINTERS

8.1 Chambers uses Follow-Me Secure printing. This requires each Member of Chambers to enter their own unique code on the printer for documents to be printed out. This prevents confidential information being left unattended on the printers. Some Members also have their own printers which they can use to print out any documents in the case. Where a Member or a member of staff requires printing to be done in relation to a particular matter by anyone other than him or herself, such printing shall only be undertaken by the clerking team and shall be returned promptly and directly to the document owner.

9. BARRISTER'S ROOMS

9.1 Each Member has their own room. In all cases, a Member's room is locked in their extended absence from Chambers when confidential papers remain there. During that period, any confidential papers are left in accordance with paragraphs 4.1 and 4.2 above.

9.2 Security measures tailored to specific client needs and concerns can be discussed. Some Members of Chambers have safes installed in their rooms to store sensitive documentation. If the papers are to be held by the clerking team, they will be stored in locked and secured drawers.

10. RETURN OF PAPERS

10.1 Redundant papers must not be stored in Chambers but must be returned to the client by the clerking team at the first available opportunity. Members of Chambers must ensure that all papers are given to the clerking team to ensure that the papers are correctly addressed for return or collection.

When there is uncertainty about whether the case has reached its ultimate conclusion, papers must be stored in one of Atkin Chambers' vaults. No Members have access to these vaults. The clerking team will ensure that the papers are secure and kept separate from the papers on the other side of the case.

11. DISCUSSION AMONGST MEMBERS OF CHAMBERS

11.1 Members on opposite sides will not discuss the case with each other, save on a formal basis.

11.2 Members will not discuss their cases with any other Member or member of staff at Atkin Chambers without the prior consent of the client on that matter.