

Landmark Chambers – Confidentiality and Conflicts of Interest Policy

Introduction

1. Landmark takes client confidentiality very seriously. Chambers' barristers and staff will ensure that there is an appropriate degree of separation in place where clients may consider there to be a conflict of interest between those instructed.
2. This policy has predominantly been introduced to act as guidance for those members of Chambers who are instructed on behalf of different parties in the same case, but also to deal with issues arising under the 'cab rank rule'.

The Bar Standards Board Code of Conduct

3. The Code of Conduct stipulates, under its Core Duties, that barristers must keep the affairs of each client confidential CD6.
4. Counsel must not accept instructions where there is a real risk that information confidential to another former or existing client, or any other person to whom they owe duties of confidence, may be relevant to the matter, such that if, obliged to maintain confidentiality, they could not act in the best interests of the prospective client, and the former or existing client or person to whom they owe that duty does not give informed consent to disclosure of that confidential information (Rule C24.4).
5. Furthermore, under rC89.5., Chambers and its members must take reasonable steps to ensure that proper arrangements are made in chambers for the management of conflicts of interest and for ensuring the confidentiality of clients' affairs.
6. Rule C15.5. provides two exceptions to the rules protecting client confidentiality. Firstly, in relation to disclosures required or permitted by law; and secondly in circumstances where the barrister's client gives informed consent.
7. All barristers should ensure that they have read, and understood, CD6, rC24.4, rC89.5 and rC15.5 of the Code of Conduct and should abide by them at all times. Barristers and their Staff should also be conscious of the guidelines published in the January 2014 edition of The Bar Standards Board Handbook on the subject of confidentiality.

Guidelines

8. If it becomes apparent that two or more members of Chambers are instructed on behalf of different parties in the same case, the following action should be taken:
 - (i) The Practice Mangers will review the situation to decide which actions are appropriate in the circumstances and, if necessary, will communicate these to the clients' solicitors. He will also convey the relevant information to his colleagues, in order to ensure that confidential information is not disclosed inadvertently.
 - (ii) A note to this effect will be made on the case history logs in Chambers' LEX diary, detailing any correspondence and, if appropriate, any special controls agreed upon.
 - (iii) All barristers and staff must avoid any discussion of such cases on Chambers' premises or anywhere else in the presence of a member(s) of Chambers who are instructed on behalf of a different party.
 - (iv) Staff must ensure that papers are placed either directly in the relevant barrister's room or in their pigeon-hole in a sealed envelope to avoid accidental observation of their contents by opposing Counsel.
 - (v) All barristers similarly should ensure strict control over papers relating to the case to avoid accidental observation by their colleague(s). Private rooms should be kept shut in the absence of the barrister. Observation by any person should be guarded against, particularly when reviewing papers in public places.
 - (vi) Emails received in relation to the case are not to be left open when barristers or staff are away from their desks.
9. Landmark's members and Staff will ensure that, at all material times, Chambers is compliant with the relevant provisions of the Bar Standards Board's Code of Conduct.
10. In accordance with rC26.6 and rC27 of The Bar Standards Board Code of Conduct, Landmarks' members will advise their clients that they may have to cease to act on a matter in which they are instructed if they become aware of confidential or privileged information or documents of another person which relate to the matter on which they are instructed.

Version Control and History

#	Description	Updated by	Version	Date
1.	Approved by CMC		1.0 (Draft)	Apr 15
2.	Amended by CE		1.1	Jul 15
3.	Replaced job titles following restructure	RXB	1.2	05.10.2017