

## **PROTOCOL FOR RECEIPT OF THIRD PARTY INSTRUCTIONS BY PDS ADVOCATES**

1. This Protocol is designed to deal with the receipt of third party instructions by two or more PDS Advocates (whether QC, Junior or Solicitor Advocate) to act for co-defendants where a conflict of interest exists and separate Litigators are instructed. The objective is to establish clear procedures and processes to deal with the risk of a breach of confidentiality or lawyer-client privilege.
2. For the purpose of the handling of all confidential information any Advocate instructed on such a case will be assigned to a PDS office. Advocates acting for separate co-defendants where a conflict exists will always be assigned to different PDS offices.
3. Within each PDS office there will be two named individuals who will be responsible for handling all information relating to the case. Details of these named individuals (“the relevant individuals”) will be provided to Instructing Solicitors and all communications, whether paper or digital, will be addressed direct to the nominated individuals and marked accordingly. All digital communication to that office will be via a secure email address which can be accessed only by the nominated individuals.
4. All digital communication and record keeping will take place outside the PDS Case Management System and will be accessible only to the two nominated individuals. Before fulfilling these roles nominated staff will be given further training on issues of confidentiality and client privilege.
5. Any paper communication or case documents received from Instructing Solicitors will be dealt with separately from other incoming documents and will be opened and viewed only by the nominated individuals. They will then be responsible for ensuring that these are forwarded direct to the Advocate as required and that they personally deal with the handling of any outgoing documents.
6. Where there is a need to scan and forward documents to Counsel digitally that process will be done by the nominated individuals ensuring at all times that documents are not available to be viewed by any third party.
7. If it is necessary to retain papers in the PDS office they will be stored securely in a locked cabinet separate from any other files or papers and accessible only to the two nominated individuals. Where papers have been received from Instructing Solicitors but then forwarded digitally to the Advocate the original papers will be returned immediately to the Instructing Solicitor and will not be retained in the PDS office.
8. A log will be maintained of all documents received and the resulting action(s) taken. This log will be maintained by the nominated individuals and by the Advocate (in the event of direct communication from Instructing Solicitors). This log will be accessible only to the relevant individuals and Advocate.

9. No file or record will be opened in the PDS case management system for these cases  
Advocates will use secure IT systems for case working which will be accessible only to the Advocate (s) acting for that individual client. Where the Advocate requires administrative support in the preparation of documents this will be provided by the relevant individuals. Any such documents will be created outside the PDS case management system and will be accessible only to the relevant nominated individual and Counsel.
  
10. When working on such a case in a PDS office the Advocate would be provided with a secure room and would not work in the open plan areas of the office. Counsel would not attend at a PDS office for the purpose of working on a case where nominated individuals in that office were handling the case of any co-accused and a conflict exists.