

BAR STANDARDS BOARD

REGULATING BARRISTERS

Prosecution Panel - Information Sheet

1. Introduction

This information sheet provides details about the work of the BSB prosecution panel, the criteria for joining the panel, the expectations of panel members and the selection process. It is designed to provide those considering applying to become a member of the panel, as well as new members, with an understanding of the nature and extent of BSB prosecution panel work.

2. Overview of the BSB Prosecution Panel

The Professional Conduct Committee (PCC) of the Bar Standards Board (BSB) maintains a panel of barrister prosecutors who can be called on to represent the BSB in relation to disciplinary proceedings for professional misconduct or disqualification brought against those regulated by the BSB who are subject to the terms of the BSB Handbook (as well as the Code of Conduct 8th Edition). Such proceedings could involve individual members of the Bar, entities authorised by the BSB and non-barristers employed by a chambers and/or an entity.

The panel is known as the "Prosecution Panel" and is effectively a list of approved barristers who are prepared to represent the BSB on a pro bono basis. Membership of the panel is not subject to any contractual arrangements, does not represent a formal "position" or "office" within the BSB and is not time limited. Panel members are instructed to act for the BSB on a case by case basis.

3. Criteria for joining the Prosecution Panel

Barristers wishing to join the prosecution panel are required to meet the following criteria:

- be of at least seven years' call;
- be of good standing i.e. not have any previous disciplinary findings;
- have "prosecution" and/or professional disciplinary tribunal experience and,
- not be a member of any of the Committees of the Bar Council or the BSB.

4. Extent of Prosecution Panel member work

In relation to Individuals, typically prosecutors are required to:

- Prepare a chronology;
- Provide advice;
- Provide advice on disclosure at the beginning of the Disciplinary Tribunal process and disclosure of unused material;
- Prepare summaries/opening notes;
- Advise on and settle the charges and directions;
- Deal with non-standard correspondence received during and at the disciplinary tribunal;
- Attend directions hearings and any other preliminary hearings
- Attend the Disciplinary Tribunal hearing;
- Reply to applications to strike out; and,
- Advise and attend on any appeals received and draft answers to appeals.

In relation to authorised bodies (Entities), prosecutors carry out the same tasks as listed for individual prosecutions with the following additions if/when required:

- Provide advice (recommendations for supervision/intervention); and,
- Provide advice on necessary referrals to other regulatory bodies or third parties.

5. Membership of the panel and expectations.

Membership of the panel is not time limited and once approved members remain on the panel until they choose to resign or the BSB consider their inclusion on the panel is no longer appropriate for whatever reason. While panel members are not required to take on a specific number of cases per year there is an expectation, if called upon, to take on at least one case every three months. However, it may be that the nature/volume of cases leads to members of the panel not being asked to take on a case for several months at a time. At other times, however, members may be asked to take on cases in quick succession or simultaneously. The Professional Conduct Department tries to distribute cases evenly and allocate no more than two cases to a panel member at the same time, however, panel member availability may mean that this is not always possible.

6. Nature of the cases

Cases will, in most instances, require a maximum of 30 hours input over the lifetime of the proceedings, which can last for eight months or more. Hearings, in general, last for no more than a day. However, some cases can become onerous where the issues are

complex and/or there are numerous challenges to the proceedings. Therefore members of the panel should be prepared for this.

The expectation is that panel members will provide the same level of service to the BSB as they would provide to any fee paying client and that requests for advice/assistance for the BSB will be addressed diligently within the deadlines set by the PCD staff and/or the requirements of the timetable for progression of proceedings.

7. Selection process

Anyone interested in joining the BSB Prosecution Panel should submit a CV to the Investigations and Hearings Team Manager of the Professional Conduct Department of the BSB. Following submission of a CV, checks will be made to establish that the criteria above are met (see paragraph 3). This will include a check of the applicant's disciplinary record. If the criteria are met, the CV will be submitted to the Chair of the Professional Conduct Committee for approval of addition to the list of panel members.