

## **SENIOR COUNSEL CONFERRAL PROCESS PROTOCOL**

8 July 2010

1. The purpose of this protocol is to assist the President (or his/her nominee) to meaningfully participate in the consultation process prescribed by Direction 18(e) of *Practice Direction 10.3 - The Appointment of Senior Counsel in Western Australia* ("the Practice Direction").
2. Bar Council shall each year appoint the Senior Counsel Consultation Group ("SCCG"). The SCCG shall consist of: the President, the Vice-President, not less than two Senior Counsel nominated by the President, and approved by Bar Council and not less than one junior counsel who has not made application for silk during the year in question, nominated by the President and approved by Bar Council.
3. In the event that the President is not a Senior Counsel then Bar Council shall appoint a Senior Counsel to do all things that are by this protocol to be done by the President. In the event that the President is not a Senior Counsel, the President shall not be eligible to serve on the SCCG if an applicant for appointment for silk during the year in question.
4. In the event that the Vice-President is not a Senior Counsel, the Vice-President shall not be eligible to serve on the SCCG if an applicant for appointment for silk during the year in question.
5. None of the counsel nominated by the President pursuant to rule 2 shall be persons with whom the Chief Justice consults by reason of Direction 18(g) of the Practice Direction or otherwise.
6. The President shall provide to each member of the SCCG all papers received by the President as part of the consultation process prescribed by Direction 18(e) of the Practice Direction.
7. The SCCG shall consider these applications and, by reference to the information contained in them and the criteria for appointment prescribed by Direction 7 of the Practice Direction, provide the President (or his/her nominee) with a report stating whether in respect of each candidate who has provided materials to the President, the candidate in the opinion of the SCCG:
  - (a) suitable for appointment in accordance with the criteria for appointment prescribed by Direction 7 of the Practice Direction and why the SCCG has formed this opinion.
  - (b) not suitable for appointment in accordance with the criteria for appointment prescribed by Direction 7 of the Practice Direction and why the SCCG has formed this opinion.

8. The President (or his/her nominee) shall for the purpose of the consultation process prescribed by Direction 18(e) of the Practice Direction convey to the Chief Justice the opinion of the SCCG referred to above in respect of each candidate.
9. Members of the SCCG shall be bound by the terms of Direction 22 of the Practice Direction in respect of all matters relating to silk applications and in particular shall treat as confidential and not disclose other than to members of the SCCG the fact that an application has been made or its terms.
10. To the extent that the SCCG in providing its opinion to the President (or his/her nominee) pursuant to this Protocol or the President (or his/her nominee) in conferring with the Chief Justice pursuant to the Practice Direction prepare any written material such material shall not be conveyed to any person and if maintained shall be kept strictly confidential.