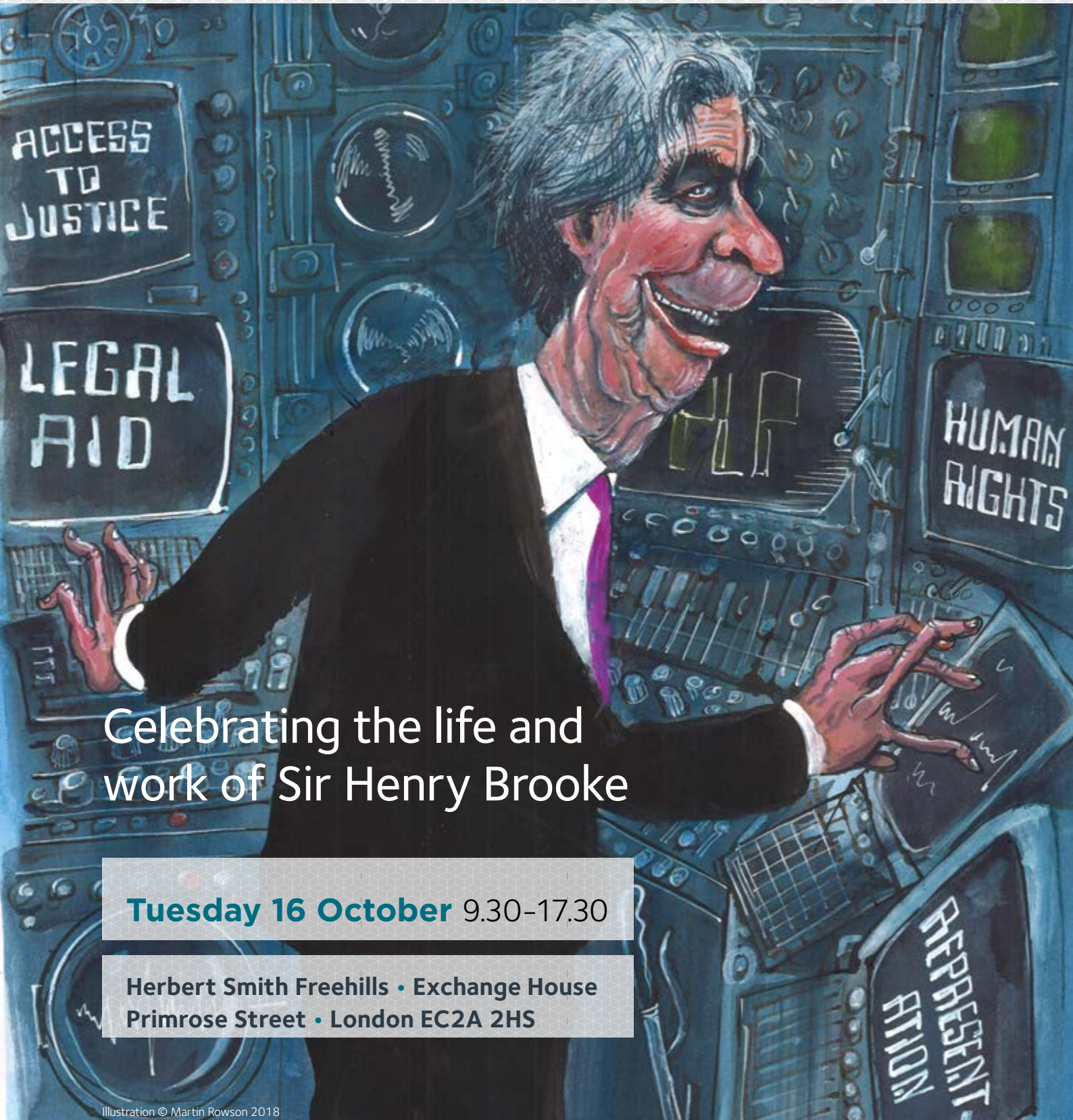


# Judicial Review Trends and Forecasts 2018



Celebrating the life and  
work of Sir Henry Brooke

**Tuesday 16 October** 9.30-17.30

Herbert Smith Freehills • Exchange House  
Primrose Street • London EC2A 2HS

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Public  
Law  
Project



HERBERT  
SMITH  
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Blackstone  
CHAMBERS

# MORNING SESSION

## 9.30 Introduction

Jo Hickman, Director, Public Law Project

## 9.35 Current Threats to the Rule of Law in the UK

The Rt Hon Dominic Grieve QC MP

## 10.00 The duty on the state to ensure women's rights

The case brought against the Metropolitan police by DSD and NBV, two of Worboys' victims, succeeded because it relied on a wider context of structural and institutional failings by the police to adequately investigate crimes against women. Subsequently those proceedings and the evidence arising allowed the same two claimants to bring an unprecedented judicial review of the parole board. This talk will look at the use of research and evidence in both cases and the difficulty in balancing the need to protect victims and ensure their rights with the independence of the parole board.

Harriet Wistrich,  
Centre for Women's Justice and Birnberg Peirce

## 10.30 Top public law cases of the year

Hanif Mussa, Blackstone Chambers  
Alison Pickup, Legal Director, Public Law Project  
Jasveer Randhawa, Herbert Smith Freehills

## 11.15 Break

## 11.35 Update on Public Law Project research

Dr Tomlinson will introduce PLP's research strategy to 2020, published earlier this year. This includes research on online tribunals, Brexit and the Rule of Law, Access to justice, and judicial review, and modelling casework—research synergies.

Dr Joe Tomlinson, Lecturer in Public Law, King's College London and Research Director, Public Law Project

## 11.50 A tribute to Sir Henry Brooke

Baroness Helena Kennedy of The Shaws QC, FRSA

## 12.00 Morning breakout sessions

Please choose one of four:

### 1. Immigration law and policy after Brexit

Whatever settlement emerges from the ongoing negotiations between the EU and the UK, Brexit will lead

to significant changes in immigration law and policy in the United Kingdom. This breakout session explores the challenges that this will pose to public law, including:

- Proposed substantive changes to immigration law and policy, particularly the 'Settled Status' proposal for EU citizens currently resident in the UK.
- The administrative or regulatory infrastructure in place to implement these changes.
- Broader issues of justice (including human rights) arising in this specific context.

Chair: Byron Karemba, Public Law Project  
Adrian Berry, Garden Court Chambers  
Prof Elspeth Guild, Queen Mary University of London and Kingsley Knappley

### 2. AI Justice: Artificial intelligence decision-making and the law

Concerns about the introduction of AI technologies into decision-making processes within government and the justice system have been voiced for some time, yet their growing use is inevitable. Can AI deployment for greater efficiencies be separated from the potential for human rights breaches by algorithm, or 'bias by design' on a scale previously unheard of? Is AI decision making in the justice system a 'new frontier' in discrimination law?

Chair: Dr Joe Tomlinson, Public Law Project  
Robin Allen QC and Dee Masters, Cloisters Chambers  
Penelope Gibbs, Transform Justice  
Megan Goulding, Liberty

### 3. Cost Capping Orders (CCOs) and costs for interveners: Experiences of The Criminal Justice and Courts Act 2015

Louise and Jo will talk about how their organisations and their clients have fared under the new rules that came into force in 2016, using examples from their casework and including tips on how this works in practice in terms of funding cases and interventions in the future.

Chair: Ben Jaffey QC, Blackstone Chambers  
Jo Underwood, Shelter Children's Legal Service  
Louise Whitfield, Deighton Pierce Glynn

### 4. Judicial review of the Regulators

This seminar looks at the application of judicial review principles to the regulators across a range of commercial sectors, and focuses on recent cases and also particular trends.

Andrew Lidbetter and Mark Smyth,  
Herbert Smith Freehills

## 13.00 Lunch

# AFTERNOON SESSION

## 14.00 The public law panel: Brexit and our crumbling constitution

**Presentation:** Sir Jeffrey Jowell QC (Hon), Blackstone Chambers

**Chair:** Prof Jeff King, University College London

**Panel:** Prof Richard Ekins, Associate Professor, University of Oxford and Head of Policy Exchange's Judicial Power Project; Kate O'Regan, Director, Bonavero Institute of Human Rights; Alexandra Runswick, Director, Unlock Democracy

## 15.15 Break

## 15.30 Afternoon breakout sessions

Please choose one of four:

### 1. Discrimination law and minority rights update

From transgender rights to equality in education, civil partnerships to baking, discrimination law continues to be one of the fastest developing areas of public law. This session looks at key recent cases, with a focus on developments in trans rights and gender recognition and a close look at recent attempts by the courts to weigh competing rights and duties.

**Chair:** Sara Lomri, Public Law Project  
Anne Collins, Clifford Chance LLP  
Sarah Hannett, Zoë Leventhal, Matrix Chambers

### 2. The devil is in the data – public remedies to private intrusions

How public law can provide redress for the wrongs caused by profiling, data retention, and disclosure, whether by public authorities or private actors, including Cambridge Analytica, and an overview of current public law challenges to profiling and data retention by public authorities such as the police.

**Jude Bunting, Doughty Street Chambers**  
**Frederike Kaltheuner, Privacy International**  
**Ravi Naik, ITN Solicitors**

### 3. The position of "retained" EU law in domestic law after Brexit

The purpose of the European Union (Withdrawal) Act was to "provide a functioning statute book on the day the UK leaves the EU" while, as a general rule, providing that "the same rules and laws will apply" after exit day as before. However the Act does not simply convert EU law into domestic law but places limitations on the scope of EU law that is converted, and on its status. The index of defined expressions in the Act identifies no less than

8 different types of retained law. This session will give some preliminary views on the following questions:

- what kinds of EU law have been retained?
- how can that law be amended by the executive, and what constraints are there on amendments?
- what supervisory role will the courts play?

**Chair:** Lord Anderson of Ipswich KBE QC  
**Maya Lester QC, Brick Court Chambers**  
**James Segan, Blackstone Chambers**  
**Prof Alison Young, Sir David Williams Professor of Public Law at Cambridge**

### 4. Public protection and the criminalisation of vulnerable people

Is the use of injunctions and orders aimed at protecting the public and curbing anti-social behaviour, such as ASBIs, ASBOs and PSPOs, leading to the unnecessary and inappropriate criminalisation of vulnerable people? Would legal representation lead to substantially different outcomes for those affected by orders and injunctions? What should services for the vulnerable, including in mental health, addiction and homelessness, consider their role to be when faced with inappropriate state action against their clients?

**Chair:** Jo Hickman, Public Law Project  
**Rosie Brighouse, Liberty**  
**Christina Marriott, Director, Revolving Doors Agency**  
**James Stark, Garden Court North**

## 16.40 Legal aid and access to justice

**Carol Storer OBE, Director, Legal Aid Practitioners Group**

## 17.00 Closing address

**Dinah Rose QC, Blackstone Chambers**

# BOOKING FORM

Please use a separate booking form for each delegate

The easiest and quickest way to book is online at [www.publiclawproject.org.uk](http://www.publiclawproject.org.uk)

I would like to book a place at **Judicial Review Trends And Forecasts 2018**,  
on **Tuesday 16 October 2018** at **Herbert Smith, Exchange House, Primrose Street, London EC2A 2HS**,  
**9.30–17.30 (9.00 for coffee and registration)**

## WORKSHOP SESSIONS (please mark first choice for both morning and afternoon)

**MORNING**

**AFTERNOON**

NAME:

POSITION:

ORGANISATION:

ADDRESS:

POSTCODE:

TEL:

FAX:

EMAIL:

ACCESS REQUIREMENTS:

DIETARY REQUIREMENTS:

**Standard fee: £354 per delegate (£295 + VAT per delegate)**

**Discounted fee (charities, voluntary sector, academics, students, trainee solicitors and pupils):  
£228 per delegate (£190 + VAT)**

Discounts are available for block bookings of 3 or more delegates when booking together from the same organisation. Please see website for details.

Fees include refreshments and lunch.

I enclose a cheque for £ \_\_\_\_\_  Please invoice me for £ \_\_\_\_\_

If paying by purchase order, please raise it with your accounts department before booking.

Please note: Payment in full is required before your place on the course will be confirmed.

Cheques should be made out to 'The Public Law Project'

Please return to: Training, Public Law Project, 150 Caledonian Road, London N1 9RD

Tel: 020 7843 1266 Fax: 020 7837 7048

Email: [bookings@publiclawproject.org.uk](mailto:bookings@publiclawproject.org.uk) (you can just scan and e-mail us this form)

For booking forms, more programmes and information or to book online go to [www.publiclawproject.org.uk](http://www.publiclawproject.org.uk)

A refund of fees will be made only for cancellations received in writing (including by e-mail) at least 10 working days before the event. Should you cancel less than 10 working days before the event, no refund is payable.

However, a substitute delegate will be accepted at any time before the event. This programme is correct at the time of going to press. However, we reserve the right to alter or cancel the programme due to unforeseen circumstances.