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

Illustration © Martin Rowson 2018
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 Knapley

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
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 Brighthouse, 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
The easiest and quickest way to book is online at 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 (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

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.