Judicial Review Trends and Forecasts 2019

Public law and technology

Wednesday 30 October

Herbert Smith Freehills
Exchange House
Primrose Street
London EC2A 2HS
9.30 Introduction
Jo Hickman, Director, Public Law Project

9.35 Opening address
Making the administrative court electronic: The case management system of the future!
Mrs Justice Cockerill

10.00 Top public law cases of the year
Tristan Jones, Blackstone Chambers
Alison Pickup, Public Law Project
Mark Smyth, Herbert Smith Freehills

10.45 Duty of candour and cooperation
Charlotte Kilroy QC, Doughty Street Chambers
Iain Steele, Blackstone Chambers

11.15 Break

11.30 Explaining algorithms and automation: A guide for lawyers
An overview of the different technologies, relevant research on human-computer interaction including algorithmic ‘fairness’ and other technologies, the use and application of which will be of interest to public lawyers and those working in the public sector.
Reuben Binns,
Oxford University Department of Computer Science

12.00 Morning breakout sessions
Please choose one of four:

1. Automation and evidence
How do you prove that an automated decision may have impacted adversely on people’s rights? What are the practical implications for design and delivery that the state needs to consider when making systems lawful, and what evidence would need to be presented to challenge automated decisions through judicial review?
Chair: Katy Sheridan
Megan Goulding, Liberty
Christopher Knight, 11KBW
Dr Joe Tomlinson, Research Director, Public Law Project and Senior Lecturer in Public Law, University of York
Amanda Weston QC, Garden Court Chambers

2. The child’s voice in public law
Public law provides a unique and necessary function when it represents the interests of children. This session looks at recent challenges to policy including the ‘child spies’ case and developments in the law for child refugees.
Chair: Jason Pobjoy, Blackstone Chambers
Fiona Couzens, Simpson Millar
Prof Helen Stalford, University of Liverpool
Jennifer Twite, Head of Strategic Litigation, Just for Kids Law

3. The Modern Slavery Act, public law and technology
This session looks at the implementation of The Modern Slavery Act, the use of technology in ensuring that obligations imposed by legislation are being met, and recent case law developments in modern slavery and trafficking.
Chair: Naina Patel, Blackstone Chambers
Daniel Hudson, Herbert Smith Freehills
Craig Melson, Programme Manager, Tech UK
Nusrat Uddin, Wilson Solicitors LLP

4. Judicial review of the regulators – An update
This session is an update on judicial review of the regulators, and will include a focus on the effect of Brexit on commercial JR as a topic of particular relevance.
Marie Demetriou QC, Brick Court Chambers
Andrew Lidbetter, Herbert Smith Freehills

13.00 Lunch
14.00 Accountability in the digital state
Digitisation is revolutionising Government, but along with greater efficiencies and insight comes the potential for abuse of power. Will public lawyers be applauding transparent, efficient and fair state decision making or will technology subvert the Rule of Law?

**Introduction:** Dr Joe Tomlinson, Research Director, Public Law Project and Senior Lecturer in Public Law, University of York
**Chair:** Lord Anderson of Ipswich KBE QC
**Panel:** Carly Kind, Director, The Ada Lovelace Institute
Joanna Cavan OBE, Director Strategy, Policy and Engagement at GCHQ
Catherine Miller, Director of Policy, Doteveryone

15.00 Update on the work of PLP

15.15 Break

15.30 Afternoon breakout sessions
Please choose one of four:

5. Public law and online courts
It has been three years since the announcement of the Transforming Our Justice System programme. Since then court closures have preceded the widescale arrival of digital, or ‘assisted digital’, courts and tribunals, and while the potential for a digitally transformed system is undoubtedly vast, questions remain around operation, access and digital exclusion. This session looks at the current state of play with the online courts programme and what is at stake with regard to public law and access to justice.

**Chair:** Matt Ahluwalia, Public Law Project
Mary Clarke, Regional Judge of the First-tier Tribunal
Penelope Gibbs, Transform Justice
Prof Sue Prince, Law School, University of Exeter

6. Digitisation and immigration
Digitisation in the immigration context has been with us for some time and is about to face its largest systems test yet with the Settled Status scheme. This session will look at digital exclusion, public law and rights issues with data sharing and automated decision-making flaws. It will also look at problems with individuals accessing, and potentially paying for, outsourced systems essential to making online applications.

**Swee Leng Harris,** Legal Education Foundation
Bijan Hoshi, Public Law Project
Jonathan Kingham, North Star Law
Adam Straw, Doughty Street Chambers

7. Compliance at all levels?
Enforcing the Human Rights Act
Following the cases of Carmichael and RR, what powers do tribunals have to interpret or disapply secondary legislation that violate a claimant’s rights under the European Convention on Human Rights?

**Chair:** Nick O’Brien, Judge of the First-tier Tribunal
Rosie Brighouse, Liberty
Carla Clarke, Child Poverty Action Group
Jennifer MacLeod, Brick Court Chambers

8. The future of environmental judicial review
From fracking to pest control, climate change to air quality, environmental judicial review continues to be at the cutting edge of public law with new and experienced NGOs and campaign groups committed to enforcing environmental legislation and challenging Government decision making. Our panel looks at current and future trends and also asks whether, in a post-Brexit UK, environmental standards are at risk.

**Chair:** Nina Pindham, No5 Chambers
Carol Day, Leigh Day
Katie de Kauwe, Friends of the Earth
David Wolfe QC, Matrix Chambers

16.30 The public law to do list
Mike Fordham QC, Blackstone Chambers

17.00 Closing address
Public law and human rights: The challenges ahead
Kate O’Regan,
Director, Bonavero Institute of Human Rights, University of Oxford

17.30 Close
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 2019, on Wednesday 30 October 2019 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 ❶ ❷ ❸ ❹  AFTERNOON ❺ ❻ ❼ ❽

NAME: ________________________________
POSITION: ________________________________
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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, less an administration fee of £50. 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.