



## ADAM SANDELL

### MAIN AREAS OF PRACTICE:

Discrimination and Equality  
Healthcare, mental health and  
mental capacity  
Human Rights  
Prison Law  
Public Law

Called to the Bar 2008

### CONTACT:

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Elizabeth Bousher, Senior Practice  
Manager  
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Adam's work focuses on the rights of people who are disadvantaged, marginalised or vulnerable, mainly in the area of health related public and human rights law. Adam is also an NHS doctor.

Prison law, health-related matters and general judicial review make up a large part of Adam's practice. He is often instructed in matters that draw on his expertise as a medical doctor. Adam has acted in cases ranging from parole boards to the UK Supreme Court.

Adam also works as a GP, with the flexibility to arrange that around his legal commitments. He has previously worked for an NHS service providing treatment to people with serious drug problems. He was, for four years, an elected member of Oxford City Council. Adam values working for, and has much experience of, people who may face particular difficulties dealing with the justice system. He enjoys working closely and informally with solicitors and clients.

### NOTABLE CASES

**R (Kenwards) v Director of Public Prosecutions and Attorney General [2015] EWHC 3508 (Admin)**. Successfully intervened, on behalf of the 'AM' of Nicklinson/Lamb/AM (see below), in this challenge to an amendment to the DPP's published policy on prosecutions for assistance with suicide.

**R (AM) v General Medical Council [2015] EWHC 2096 (Admin)**. Adam represents, with Philip Havers QC, the claimant 'Martin' in this right-to-die challenge to guidance to doctors, issued by the General Medical Council, about assistance with suicide.

**R (BUAV) v Home Secretary [2015] EWHC 864 (Admin)**. Judicial review considering the Home Office's duties when licensing experiments on living animals. Adam acted for the BUAV.

**R (Nicklinson) v Ministry of Justice, R (AM) v Director of Public Prosecutions [2015] AC 657**. Adam represented, with Philip Havers QC, the claimant Martin (AM), in this landmark right-to-die case before a Divisional Court, the Court of Appeal and the Supreme Court.

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## DIRECTORIES' RECOMMENDATIONS

### HERE'S WHAT THEY SAY:

Chambers & Partners 2018 recommends Adam for Civil Liberties & Human Rights (**'His medical knowledge on health cases is second to none'**)

Chambers & Partners 2017 recommends Adam for Civil Liberties & Human Rights (**'He is esteemed for his adroit handling of complex judicial reviews and demonstrates notable expertise in prison law and health-related matters'**)

Chambers & Partners 2016 recommends Adam for Civil Liberties & Human Rights (**'He is an incredibly impressive, intelligent and dedicated lawyer.'** 'A rising star at Matrix Chambers')

Chambers & Partners 2015 recommends Adam for Administrative & Public Law (**'an incredibly impressive, intelligent and dedicated lawyer'**) and for Civil Liberties & Human Rights (**'a very clever man who's great to work with, and a great street-fighting barrister who doesn't take any nonsense'**)

**BUAV v Home Secretary [2014] EWHC 43 (Admin).** Acting for the BUAV, Adam established the jurisdiction to order pre-action disclosure in relation to judicial review proceedings.

**R (Akram) v Home Secretary [2012] EWHC 1432 (Admin).** Successfully secured the claimant's release from immigration detention on Hardial Singh grounds.

**Inquest into the death of Jacob Michael.** Acted for the family in this month-long Article 2 jury inquest into a death of a young man in police custody, securing harsh criticisms of police failures and extensive rule 43 recommendations, currently being acted upon by Cheshire Constabulary.

**R (Suppiah) v Home Secretary [2011] EWHC 2 (Admin).** A leading case on the judicial review ground of unacceptable risk of unlawfulness. Led by Rabinder Singh QC and Nick Armstrong, Adam acted in this successful judicial review of the detention of two families with children in Yarl's Wood Immigration Removal Centre. The High Court concluded that detention was unlawfully imposed by default, and breached the section 55 child welfare duty, Articles 5 and 8 ECHR, and the Home Secretary's policy.

**Prison damages settlements.** Adam has negotiated substantial damages in public and private law proceedings for prisoners who have been mistreated, including by unnecessary restraint during intimate medical examinations, the use of a body-belt for 42 hours, the use of force by detention staff, and a failure to make reasonable adjustments for a learning disability, which resulted in the delayed release of a prisoner.

**British Union for the Abolition of Vivisection v Information Commissioner and Newcastle University [2011].** Freedom of Information Act 2000: Home Office licenses detailing scientific experiments upon living monkeys' brains. Considered exemptions relating to health and safety (section 38(1)) and commercial interests (section 43(2)). Acted successfully for the BUAV.

**R (GC & C) v Metropolitan Police Commissioner [2011] UKSC 21, [2011] 1 WLR 1230.** Adam was instructed by the Equality and Human Rights Commission, led by Alex Bailin QC, to intervene in this Supreme Court appeal about the indefinite retention of DNA samples and profiles of those who have not been convicted of any crime. The Supreme Court held that the current law was incompatible with Article 8 ECHR.

**Inquest into the death of James Yarnell [2010].** Three-week Middleton-type inquest into the death of a 32 year old prisoner as a result of a massive accidental overdose of medication incorrectly dispensed by an NHS hospital. Finding that neglect contributed to his death, the jury identified failings by hospital staff, the prison and the primary care trust, as well as defects in the hospital's management and systems. Adam represented Mr Yarnell's family.

**R (Regan) v Chief Constable of the West Midlands [2010] EWHC 2297 (Admin).** Acted for the claimant in a judicial review relating to responsibilities of the police when supplying information to be used by a prison for a decision about home detention curfew.

**Moulton v Chief Constable of West Midlands [2010] EWCA Civ 524.** Led by Cherie Booth QC, Adam acted in this Court of Appeal civil appeal concerning the nature of reasonable and probable cause and the malice requirement in the tort of malicious prosecution.

**R (E) v JFS [2009] UKSC 15, [2010] 2 AC 728.** Intervened in the Supreme Court on behalf of the British Humanist Association in this case on race and

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religious discrimination in state-maintained faith schools. Led by David Wolfe.

**Export Credit Guarantee Department v Information Commissioner and Campaign Against Arms Trade (EA/2008/0021), Information Tribunal. Section 36** Inhibition of free and frank provision of advice); delay by the Information Commissioner. Acted successfully for the Campaign Against Arms Trade.

**CDLA/1238/2007 (Social Security Commissioners' decision):** entitlement to representation and, where appropriate, to an adjournment to secure representation. Acted successfully for the appellant.

## ACADEMIC

Adam obtained a high first class degree in physiology (Oxford). His other degrees are in medicine (Oxford), law (London, external programme) and social policy research (Oxford), and he has a Certificate in International Human Rights Law and Practice from LSE.

He was classed as 'outstanding' on the Bar Vocational Course, coming third in his year. He was awarded a Lord Denning Scholarship, a Hardwicke Scholarship and a Buchanan Prize by Lincoln's Inn and a Phoenicia Scholarship by the Bar European Group.

Adam has taught at Oxford University, Newcastle University and Lancaster University and has trained volunteers for Medical Justice and for the Free Representation Unit.

## PUBLICATIONS

### Books

The Oxford Handbook of Patients' Welfare (Oxford University Press, 1998), a doctors' guide to patients' social and welfare rights.

### Articles

Nick Armstrong and Adam Sandell. Unlawful systems: the concept of unacceptable risk. [2011] Judicial Review 248.

Adam Sandell. Liberty, fairness and the UK control order cases: two steps forward, two steps back. European Human Rights Law Review 2008, 1:120-131.

Michael MacNeil and Adam Sandell. Legal aid: who speaks for users? Legal Action 2007, May, 6-8.

Articles published in national newspapers.

## MEMBERSHIPS

Human Rights Lawyers' Association  
Constitutional and Administrative Law Bar Association  
Association of Prison Lawyers  
Haldane Society of Socialist Lawyers  
Royal College of General Practitioners (fellow)

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## OTHER INFORMATION

Licensed to practice medicine

Conversational French

Adam is able to accept Direct Access instructions.

Adam is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.