



KIRSTEN SJOVOLL

MAIN AREAS OF PRACTICE:

Civil Actions against the Police
Election
Healthcare, Mental Health and
mental Capacity
Human Rights
Immigration, Asylum and Free
Movement
Inquests and Inquiries
International Law
Media and Information Law
Prison Law
Public Law

Called to the Bar 2012

CONTACT:

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Alison Scanes, Senior Practice
Manager
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Kirsten practices predominately in the areas of media, public, and international law.

Kirsten's public law practice covers a variety of areas, in particular, human rights, administrative, inquest, immigration, prison, actions against the police and education law. She is also on the Independent Police Complaints Commission's list of approved counsel. Kirsten also has a strong background in public international law, having spent several years working for the United Nations International Criminal Tribunal for the Former Yugoslavia in The Hague. She graduated top of her class in the International Legal Studies LLM at Georgetown University in Washington DC. She has written and spoken on issues of public international law, and her article on the limits of universal jurisdiction in the Kiobel case has been published in the Georgetown University Journal of International Law.

Approximately half of Kirsten's practice comprises media and information law, although she has a particular interest in cases with both a media and public law component. She is currently instructed as common costs counsel for the claimants in the phone hacking litigation against News Group Newspapers, as well as for individual claimants in cases arising out of Operation Elveden (the payment by newspapers to public officials for information). She was junior counsel to the Claimants in *Hannon v NGN* and *Dufour v NGN* ([2014] EWHC 1580 (Ch)), cases which arise from Operation Elveden, the police investigation into corrupt payments by journalists to public officials. In addition to phone hacking, Kirsten undertakes a range of defamation, data protection, and privacy related matters and accepts instructions on behalf of both claimants and defendants. She is a "night lawyer" for the Independent newspaper and has experience of libel reading in a range of contexts.

RECENT CASES

Hannon v NGN and Dufour v NGN ([2014] EWHC 1580 (Ch)), Junior Counsel to the Claimants.

These are cases which arise from Operation Elveden, the police investigation into corrupt payments by journalists to public officials. The Defendant applied to strike out both claims on the basis that no claim for misuse of private information could be brought on the basis of damage to reputation. The Claimants were successful in defending the strike out applications.

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DIRECTORIES' RECOMMENDATIONS

HERES WHAT THEY SAY

"An incredible advocate who is very, very good with clients."

Chambers & Partners, 2018
(Inquests and Public Inquiries, Up and Coming)

Inquest touching upon the death of Wayne Broad

Acted as counsel for the family in a complex, three -week inquest concerning the death of an individual suffering from alcohol withdrawal. This inquest resulted in the coroner indicating that he would issue two prevention of future death reports aimed at SERCO's blanket policy of handcuffing detainees, without any risk assessment of the necessity or appropriateness of restraints in light of their ill health, and one to be issued at the national level asking for consideration of whether individuals suffering from alcohol withdrawal can be safely managed in a custodial environment. The Family was also successful in extending the scope of an Article 2 ECHR compliant verdict to cover circumstances where the deceased is not in custody at all times and suffers the "fatal" injury but does not die while in custody.

R (on the Application of Richards) v Secretary of State for the Home Department [2014] EWHC 4704 (Admin)

Counsel for the Claimant in a successful application to the High Court for immediate release from immigration detention. The Claimant had been detained for almost a year despite clear independent evidence that he was a victim of torture. The substantive damages action is ongoing in the Queen's Bench Division.

Various Claimants v News Group Newspapers

Counsel for the victims of phone hacking.

NOTABLE CASES INVOLVED IN DURING TRAINEESHIP: Equality and discrimination

R (on the application of RB) v (1) Devon County Council and (2) Devon Primary Care Trust

Second junior with Nick Armstrong and Karon Monaghan QC in a case challenging the award of a £132 million contract for integrated children's care services to Virgin Care. The Admin Court found that the cabinet and board which took the decision had not had their public sector equality duties drawn to their attention, in part because the view had been taken that a change in provider carried no negative impact. That misunderstood the duty, which required due regard to all nine of the needs set out in s 149 of the 2010 Act. The judge declined to quash the decision, because there was an urgent need to have a provider of ICS in place by April 2013, when PCTs would be abolished, but he issued a declaration that Devon had failed to discharge their duties.

Public Law

(Supervised by Nick Armstrong)

K v LBX & Ors (2012)

Appeal arising from a Court of Protection decision. Determining whether Art 8 compels a starting point or practical presumption in favour of existing living arrangements when determining best interests under s4 Mental Capacity Act 2005.

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Grant and Gleaves v Ministry of Justice [2011] EWHC 3379 (QB)

Complex test claims brought by prisoners under the Human Rights Act. The claims concerned prison conditions, and in particular sanitation.

Media Law

(Supervised by Hugh Tomlinson QC and Sara Mansoori)

Hunt v Times Newspapers Ltd [2012] EWHC 110 (QB) (2012)

Allegations by a newspaper publisher that the claimant was guilty of serious crimes were undoubtedly defamatory. The defence of justification was not pleaded with sufficient particularity and paragraphs, including those relied upon to support the allegations against the Claimant of "involvement in murder, drug trafficking and fraud" were struck out of the Amended Defence. In addition various matters in the Reynolds privilege defence had not been verified as required by responsible journalism; those passages in the Amended Defence were also struck out.

Various Claimants v (1) News Group Newspapers & (2) Glenn Mulcaire [2012] EWHC 397 (Ch)

Civil litigation arising out of the phone hacking scandal at the News of the World.

PUBLICATIONS/RESEARCH

Perspectives and Alternatives on the use of the Alien Torts Statute

Paper published in the Georgetown Journal of International Law and presented at a symposium in at Georgetown University in Washington DC on 27 March 2012. The paper offers a critical examination of litigation under the ATS in the US courts, particularly in light of the recent US Supreme Court hearings in Kiobel on corporate liability for human rights abuses abroad and suggesting alternative means of ensuring accountability. Available here:

http://www.matrixlaw.co.uk/uploads/other/04_12_2012_02_04_35_zsx00412001077.pdf

EMPLOYMENT HISTORY

Called to the Bar, 2012 (Honourable Society of the Inner Temple)

City University (September 2010-May 2011)

Bar Professional Training Course (Very Competent)

United Nations International Criminal Tribunal for the Former Yugoslavia

Associate Legal Officer, Appeals Chamber (August 2009-August 2010)

Legal Assistant, Defence (January 2009-August 2009)

Legal Intern, Defence (September 2008-January 2009)

Human Rights Watch (Washington DC)

Pro Bono research associate looking into matters relating to the use of Private Military Contractors in Iraq (October 2007-April 2008)

HIGHER EDUCATION

Georgetown University Law Centre (August 2007-May 2008)

LL.M. International Legal Studies with Certificate in International Human Rights Law (distinction, Dean's List)

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Highest marks in International Human Rights Law, Contemporary Issues in Human Rights; Highest scoring LL.M. in the year.

Durham University (October 2003-June 2007)

LL.B. (Hons) 2:1

AWARDS

Honourable Society of the Inner Temple (2009)

Horace Avory Scholarship Benefactor's Award

Duke of Edinburgh Entrance Scholarship

Georgetown University Law Centre (2007/08)

Thomas Bradbury Chetwood Sr. Prize for Most Distinguished Academic Performance leading to an LL.M.

CALI Excellence for the Future Award (for highest grades in International Human Rights Law; Contemporary Issues in Human Rights).

Kirsten accepts instructions under Standard Contractual Terms, details of which can be found on our website under Our Service.