



KIRSTEN SJOVOLL

MEDIA CV

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

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Alison Scanes, Senior Practice
Manager
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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 was recently instructed as junior counsel for the Media Lawyers Association for their intervention before the European Court of Human Rights in *BIJ* and *Alice Ross v UK*, a claim arising out of the UK's mass surveillance programme. Kirsten carries out a range of pre-publication work for national newspapers and undertakes a range of defamation, data protection, and privacy related matters and accepts instructions on behalf of both claimants and defendants. She was 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). Kirsten is also a regular contributor to the Inform blog.

MEDIA LAW- RECENT WORK

- **Guardian Newspapers; Independent News and Media (night lawyer)**
Night lawyer since December 2014 (Guardian) and March 2014 (Independent) 4-5 shifts per month in total.
- **BIJ and Alice Ross v United Kingdom**
Junior counsel led by Anthony Hudson QC for the Media Lawyers Association intervening. Arguing that the current system authorising mass surveillance under the Regulation of Investigatory Powers Act 2000 is incompatible with art 10 ECHR, particularly with regard to the protection of journalistic sources.
- **Various Claimants v News Group Newspapers**
Junior counsel representing various claimants in the civil claims arising out of the News of the World phone hacking scandal.
- **Hannon v NGN and Dfour 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 and the claim was ultimately settled before trial.

PUBLIC LAW- RECENT WORK

- **Daniel & Anor v St George's Healthcare NHS Trust & Anor [2016] EWHC 23 (QB) (counsel for the Claimants)**

The claimants brought a claim for a declaration and damages under the Human Rights Act 1998, alleging that the defendants had breached ECHR, arts 2 and 3. They argued that there had been unreasonable and unnecessary delay in calling an ambulance for prisoner James Best, who had previously been part of the claimants' family as a foster child. Mr Best died as a result of cardiac arrest, brought on by exercise. The Claimants were successful in establishing that art 2 operational duty applies to clinical decisions in a detention setting.

- **Assad v Secretary of State for the Home Department [2015] WLR (D) 347 (Counsel for the Claimant)**

Claim brought against the Home Secretary alleging the Claimant had been unlawfully detained where he claimed to be a victim of torture. Held that where the Secretary of State was obliged by section 36(2) of the UK Borders Act 2007 to detain an individual in respect of whom a deportation order had been made, that statutory warrant prevented the claimant from making a claim for false imprisonment.

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

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.

INQUESTS AND INQUIRIES- RECENT CASES

- **Inquest touching upon the death of Abbi McAllister**

Counsel for the family in a 4 day inquest into the death of a young woman detained under the Mental Health Act who absconded and jumped from a car park. The jury returned a conclusion of suicide contributed to by neglect and identified a number of failings in the care provided to Ms McAllister. For further coverage please see The Guardian website.

- **Inquest touching upon the death of Matthew Seddon**

Represented family at 3 week inquest before the Reading Area Coroner into the death of a 19 year old man who died following a police pursuit. The jury delivered a narrative conclusion criticising aspects of the police pursuit tactics, including the placement of one officer ahead of the high speed chase without informing the control room which the jury concluded contributed to the crash. For further coverage please see the BBC, ITV and Reading Chronicle websites.

- **Inquest touching upon the death of Rebecca Jones**

Represented family at Article 2 inquest into death of 23 year old woman detained under the Mental Health Act having been brought in by police officers who feared she was a suicide risk. Ms Jones was brought to Lister Hospital as a 'place of safety'. The jury concluded that there was inadequate

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observation by a nurse who had worked a double shift at a private hospital that day, which led to Ms Jones going missing from the unit. She was found several hours later having fallen from a roof. The jury found that neglect contributed to her death. For further coverage please see The Sunday Times website.

• **Inquest touching upon the death of Derek Richards**

Represented family at 5 day inquest into death of a 39 year old man who died while sectioned under the Mental Health Act at Bethlem Royal Hospital. The jury found that the death of Derek Richards, who died on 19th May 2012 of a methadone and diazepam overdose, followed multiple failures by the hospital including inadequate training, lack of communication, poor record keeping and incorrect prescribing of medication. For further coverage please see the INQUEST website.

PAST WORK EXPERIENCE

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)

PROFESSIONAL QUALIFICATIONS

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

City University (September 2010-May 2011)

Bar Professional Training Course (Very Competent)

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)

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

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)

PUBLICATIONS/RESEARCH

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Note on the calculation of damages following Cairns v Modi published by Lexis Nexis on 13 November 2012

Note on whether anonymity in sexual offences cases should be left to the media, published by Lexis Nexis on 17 December 2012

Perspectives and Alternatives on the use of the Alien Torts Statute

Paper due to be published in the forthcoming issue of 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

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