



Practice

Kate has been an accredited mediator since 2007. With ten years experience as a criminal defence practitioner and public lawyer, parties have confidence in Kate as a facilitative and dynamic mediator. Kate has a high settlement rate and is regarded as patient and intuitive. She has a wealth of litigation experience and is able to deal with complex legal and factual issues. She communicates sensitively and effectively in an emotionally charged environment, ensuring that parties have space to focus on reaching areas of agreement. Kate believes that mediation allows for parties to reach creative resolutions and that the mediation process can offer meaningful and practical solutions for people in a dispute.

Kate is an active member of the wider mediation community, she is a community mediator with CALM (Community and Legal Mediation), and has written commentary on developments in mediation.

Kate brings to her mediation experience her rich background as an established criminal defence practice and has a wide range of jury trial experience ranging from fraud to drug conspiracy and fire arms to GBH. She has a particular interest and expertise in representing young people and vulnerable defendants, offences involving public order and freedom of expression. She has represented defendants throughout the criminal justice system from fitness to plead proceedings to appeals against Anti-Social Behaviour Orders. Other areas of expertise include the Human Rights Act, disclosure and abuse of process.

Kate has an expanding practice of prison law. As part of her commitment to prisoners' rights she was actively involved in establishing the Foreign National Prisoners' Network. The group was established when growing numbers of foreign nationals within the prison estate were facing re-categorisation, immigration detention and removal and were unable to access to legal advice.

In addition to her work as a mediator and barrister, Kate provides training and seminars on prisoners rights and youth justice. At present she is helping to deliver the *Just for Kids Law* Youth Justice Training Programme in conjunction with the Prison Reform Trust. She has also provided research on young peoples' rights within the criminal justice system for a number of publications.

Background

Kate has a background in the voluntary sector, which has included work as a research assistant for Liberty (formerly the National Council of Civil Liberties). She is a trustee of a charity promoting development projects in Uganda and also spent several years working as a youth worker before becoming a barrister.

Notable Cases

Civil Liberties and Political Protest

Kate has successfully represented demonstrators and political activists. She has taken legal challenges where the accused's civil liberties have been infringed. These include:

- **R v Eastwood (2008)** - climate camp protestor acquitted of obstructing police after she superglued herself to an access gate, which prevented a

Year of Call

2001

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Education

BA Hons, CPE (Distinction, School Prize), BVC

Practice Areas:

Kate Aubrey-Johnson is a member of the following Practice Areas:

- Mediation
- Prison Law
- Public & Administrative Law

Garden Court Chambers

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large scale police operation within the camp.

- **R v Jones (2006)** [subsequently [2006] EWCA Crim 2942] - represented climate change protestor who received ASBO. Subsequently overturned by Court of Appeal.
- **R v Haw (2005)** - successfully represented Brian Haw in criminal proceedings arising during the removal by police of his display of political placards and banners opposite parliament
- **R v Bailey (2005)** - first instance decision successfully challenging the operation of s 44 of the *Terrorism Act 2000*. [This point of law was considered in *Gillan & Quinton v UK* [2008] ECHR 521 - breach of Article 8 held]

Fraud

- **R v Chahal and others**, Southwark Crown Court, 2008. £20 million Nat West Bank fraud. Complex. Use of Livenote at trial.
- **R v Kokabzadeh and others**, Northampton Crown Court, 2007. Large scale carousel fraud involving multi millions of VAT. Multi-handed, acquitted following successful application to dismiss.

Drug Importation

- **R v Snape**, Birmingham Crown Court, 2006. Multi-million pound cannabis importation, police operation included foreign intercept evidence.
- **R v Swaby and others**, Croydon Crown Court, 2005. Class A drug importation, cut throat defence. Included legal argument re admission of lip reading evidence and telephone billing.
- **R v Sutherland and others**, Croydon Crown Court, 2004. Large scale class A drug importation involving courier running cut throat defence.
- **R v McKeown and others**, Birmingham Crown Court, 2003, extensive police surveillance operation of class A drug business. Legal argument re admissibility of evidence from participating informant; video and audio footage.

Criminal Appeals

- **DWP v Richards** [2005] EWCA Crim 491 Interrelation between confiscation proceedings and the social security regime (question certified by the Court of Appeal, leave to the House of Lords refused)
- **R v Butler** [2004] Sentence reduced, small scale cannabis factory.
- **R v Nelson** [2002] Appeal against sentence - Breach of community penalty, failure to take into account level of compliance, sentence reduced to enable immediate release.

Publications

Contributing author to *Blackstone's Guide to the Criminal Justice and Immigration Act 2008*.

Articles published in *Legal Action* and *New Law Journal*. Kate has written case reports for the *European Human Rights Law Reports*.

Professional Membership

- Liberty



Barrister profile

Kate Aubrey-Johnson



- Administrative Law Bar Association (ALBA)
- Association of Prison Lawyers (APL)
- Legal Action Group

Kate is a member of Garden Court Mediation (affiliated to the Civil Mediation Council).

Profile updated March 2011