



Stephen Clark

YEAR OF CALL: 2013



Stephen has substantial experience of the full range of public law work in Chambers, spanning civil actions, inquests and inquiries, immigration and asylum work and judicial review. He is the author of *The Reform of Civil Justice* with Sir Rupert Jackson and able to help with complex civil procedure and costs disputes.

If you would like to get in touch with Stephen please contact the clerking team:

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ADMINISTRATIVE AND PUBLIC LAW

Stephen has a thriving practice across the full range of public and administrative law work, but with an emphasis on cases involving civil liberties, state surveillance and vulnerable individuals. He appears in the High Court and Upper Tribunal, challenging decisions ranging from the recognition of victims of trafficking, children's nationality claims and security clearance for special constables.

Before starting practice, Stephen's pupillage was supervised by Amanda Weston and gained valuable and

training in claims covering unlawful detention, mental capacity, national security (including deprivation of citizenship) and nationality cases (including challenges to refusals to register children as British nationals).

INQUESTS AND INQUIRIES

Stephen regularly appears in Coroners' Courts across the country, in both *Middleton* and *Jamieson* inquests - recent cases include deaths in custody, a suspected drugs overdose by a vulnerable witness in a criminal trial and a nursing home death of a woman under deprivation of liberty safeguards. Stephen is particularly adept at arguments over the engagement of Article 2 and is able to draw on his time working on inquest cases in the Divisional Court and the European Court of Human Rights.

IMMIGRATION: ASYLUM AND HUMAN RIGHTS

Stephen has extensive experience in the First-Tier Tribunal, handling complex asylum appeals and deportation cases. He has handled a number of difficult cases where the clients lacked capacity and were represented by a litigation friend or where they had severe learning disabilities and/or mental illnesses, including unaccompanied asylum seeking children.

He acts in all areas of immigration and asylum law including the Refugee Convention, the European Convention on Human Rights, European Economic Area law, nationality law, detention and bail, removal and deportation, and the Immigration Rules (including entry clearance).

NOTABLE CASES

AM v Secretary of State for the Home Department [2018] Newport FTT (IAC)

A successful Article 3 medical treatment claim on behalf of a profoundly disabled young boy with a rare, incurable genetic disorder involving taking live evidence-in-chief from a medical expert.

SB v Secretary of State for the Home Department [2017] Newport FTT (IAC)

A successful asylum and humanitarian protection appeal on behalf of an adult with severe learning disabilities and lacking capacity to give evidence.

MIA v Secretary of State for the Home Department [2018] UT(IAC) Newport

A complex asylum, humanitarian protection and human rights appeal instructed by a litigation friend due to the client's ongoing lack of capacity. Successfully appealed to the UT, awaiting rehearing.

FT v Secretary of State for the Home Department [2018] Newport FTT (IAC)

A asylum and Article 4 appeal where it was successfully argued that the FTT was not bound by a negative Conclusive Grounds decision and, in any event, that decision was irrational.

INTERNATIONAL HUMAN RIGHTS

Stephen has experience of working in both the European and Inter-American Courts of Human Rights, developing a granular level of knowledge about the procedural and substantive law of the two systems. He has a particular interest in issues surrounding jurisdiction under Article 1 of the European Convention on Human Rights.

PRO BONO WORK

Stephen regularly accepts instructions from Bail for Immigration Detainees. He is always happy to assist charities and NGOs on a pro bono basis.

BACKGROUND

Before commencing pupillage, Stephen spent a number of years working for a range of non-governmental organisations and courts.

Immediately before commencing pupillage, Stephen worked as a judicial assistant to Lord Justice Jackson and Lord Justice Burnett. He gained experience across the Civil and Criminal Divisions of the Court of Appeal, as well as the Divisional Court. While there, he was able to observe cases dealing with Shaken Baby Syndrome, covert surveillance, the deportation regime, national security, extradition, removals under the Dublin Regime, Article 2 inquests and balancing open justice, privacy and freedom of expression.

After his LLM, Stephen worked for the charity JUSTICE. He assisted the team in challenging the imposition of the criminal courts charge, briefing parliamentarians on the new civil orders in the Modern Slavery Bill.

Stephen has worked at the European Court of Human Rights in Strasbourg for the Head of the UK's Legal Division. While there, he worked on diverse issues of human rights law ranging from the retention and deletion of historic criminal records, the compatibility of whole life orders with Article 3 and Article 1 jurisdiction over extra-territorial State activity.

He returned to the UK to work at the AIRE Centre for Matthew Evans and Nuala Mole, combining providing front line legal assistance to EEA nationals with drafting third party interventions before domestic and international courts. Stephen also worked at the Inter-American Court of Human Rights as a visiting professional.

PUBLICATIONS

Stephen co-authored *The Reform of Civil Litigation* (2nd ed) with Sir Rupert Jackson, former Lord Justice of Appeal. The new edition looks at reforms to the broader civil justice system and what they mean for access to justice.

Stephen has an extensive history in drafting policy papers, Parliamentary briefings and submissions, dating back to his work with the Constitution Unit, JUSTICE and the AIRE Centre.

Stephen worked closely with the Police Actions Lawyers Group (PALG) and was instrumental in formulating their written submissions to the Jackson Review on Fixed Recoverable Costs, which resulted in the review finding that police actions would 'seldom be suitable' for any fixed costs regime. He remains involved in formulating PALG's response to the subsequent Ministry of Justice consultation.

TRAINING AND SEMINARS

Data Protection for Immigration Practitioners, with Amanda Weston QC

AWARDS

Sir Joseph Priestley Scholar (2014)

Inner Temple Exhibition Award & Duke of Edinburgh Entrance Award (2012)

School Of Law Prize (2012)

Dean's Commendation (2012)

Clyde & Co European Law Prize (2011)

Clifford Parker Mooting Prize (2011)

EDUCATION

- **LLM, Clare College, University of Cambridge (2014)**
- **BPTC, Kaplan Law School (2013)**
- **LLB (Hons), First Class, University of Exeter (2012)**

PROFESSIONAL MEMBERSHIP

- **Administrative Law Bar Association (ALBA)**
- **Human Rights Lawyers Association (HRLA)**
- **Honourable Society of the Inner Temple**
- **Inquest Lawyers Group (ILG)**
- **JUSTICE**
- **Police Action Lawyers' Group (PALG)**
- **Trans Equality Legal Initiative (TELI)**

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