

## Paul Bowen KC

YEAR OF CALL: 1993 YEAR OF SILK: 2012

*'A brilliant advocate who has a forensic memory and knowledge. Totally ace'*

Legal 500, 2021

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## Practice Overview

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Paul Bowen KC practises across the spectrum of public and administrative law, often with significant human rights, EU or other international law elements. Paul is ranked in the directories as a leading silk in Public and Administrative Law; Civil Liberties and Human Rights; and Offshore, among others. He acts domestically and internationally including in the Cayman Islands, Bahamas, Jersey, Jamaica, Trinidad and Tobago and St. Vincent and the Grenadines. He has appeared many times in the European Court of Human Rights and on over twenty occasions in the Supreme Court/ House of Lords and Privy Council. Paul is on the 'A' Panel of Counsel to the Equality and Human Rights Commission (EHRC).

Paul's clients range from corporations to ordinary individuals (often represented *pro bono*), NGOs (including the EHRC, Good Law Project, the Joint Council for the Welfare of Immigrants (JCWI), JUSTICE, Liberty, the Public Law Project, INQUEST and Mind, among others), public authorities and governments.

Paul's current and recent case-load gives an idea of his breadth of expertise: a £multi-billion commercial claim in the Commercial Court involving parallel criminal proceedings in another jurisdiction in relation to disclosure issues and the privilege against self-incrimination (UK); a judicial review of pensions regulations (UK, Administrative Court); a judicial review of a Coroner's refusal to certify an inquest under Article 2 following the death of a psychiatric patient from an overdose (UK, Court of Appeal); a judicial review of the Home Office '10 year route to settlement' as it applies to young migrants (UK, Administrative Court); a judicial review of the financial regulator in relation to alleged breaches of anti-money laundering regulations (Cayman Islands, Grand Court); a judicial review of a cross-border prisoner transfer (Cayman Islands, Court of Appeal); appeals against conviction and sentence, including the death penalty (Bermuda and Trinidad, Privy Council); a judicial review of tax information exchange notices in Jersey issued at the request of Norway (Jersey, Privy Council); a human rights case involving privacy and data protection in

relation to the harvesting of online profiles (European Court of Human Rights); and a judicial review of the regulator of the telecoms industry (Cayman Islands, Grand Court), among others.

## Public Law

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Paul is a judicial review expert and he has been recommended for many years as a leading silk in Chambers & Partners and the Legal 500 in Public and Administrative law. Paul advises and represents individuals, corporations, public authorities and NGOs both as claimant and defendant and in a number of different jurisdictions (see Offshore section). He practises across a range of areas from civil liberties/ human rights (see separate section Civil Liberties/ Human Rights) to financial and commercial cases (Chambers 2018: he ' *increasingly handles public law claims in the commercial and financial services spheres* ') including money laundering regulation, oil and gas, telecoms, tax, regulatory, licensing, data protection, discrimination, EU law, freedom of information, healthcare and public procurement.

Cases include:

- *R (Catt) v ACPO; R (T) v Met Police*, (Supreme Court) retention of sensitive data by police
- *R (Nicklinson) v Ministry of Justice* (Supreme Court), assisted dying and human rights
- *R (Public Law Project) v Secretary of State for Justice* (Supreme Court) 'residence test' for legal aid
- *R (Purdy) v. Director of Public Prosecutions* (House of Lords), assisted dying, human rights and DPP's discretion to prosecute.
- *Berge Larsen (1) Volaw Trust (2) v. Office of the Comptroller of Taxes* (Privy Council, Jersey) judicial review of legality of Disclosure Notices in foreign tax proceedings and application of the privilege against self-incrimination
- *R (EMS Ltd) v Secretary of State for Housing, Communities and Local Government* (Administrative Court), judicial review of the Local Government Pension Scheme (Amendment) Regulations 2020 on grounds that the retrospective extinction of £5 million pension 'exit credit' breached property rights under AIP1 and fair trial rights under Article 6
- *Datalink v. Office v. Utility, Regulation and Competition Office* (OfReg) (Grand Court, Cayman), acting for OfReg in telecoms judicial review
- *Douglas and Ramoon v. Governor of the Cayman Islands* (Grand Court and Court of Appeal, Cayman Islands), acting for the Governor in judicial review proceedings concerning the transfer of two prisoners to the UK
- *BDO, Deloitte, Ernst & Young, KPMG and PWC v. Governor of the Cayman Islands* (Grand Court, Cayman Islands) acting for Governor in judicial review claims by accountancy firms concerning the legality of C\$5 million of trading fees

## Civil liberties and human rights

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Paul Bowen KC has been featured as a leader in civil liberties and human rights in both Legal 500 and Chambers and Partners since 2005. His cases cover a broad range encompassing property rights (A1P1); criminal investigations and prosecutions; equality and discrimination; mental health and mental capacity cases; community care cases for disabled adults and children; inquests and human rights claims arising out of deaths in custody; immigration; legal aid; and death penalty cases in the Privy Council. He has been instructed in many significant human rights challenges in the higher courts, appearing on over 20 occasions in the Supreme Court, House of Lords and Privy Council and in a number of significant cases in the European Court of Human Rights. In 2015 and 2019 he was appointed to the 'A' Panel of Counsel to the Equality and Human Rights Commission (EHRC). In 2019 he was honoured with the Legal Aid Lawyer of the Year (LALY) 'Outstanding Achievement' award for his long-time commitment to legal aid and pro bono work. Cases include:

- *R (Catt) v ACPO; R (T) v Met Police*, (Supreme Court) retention of sensitive data by police
- *R (Nicklinson) v Ministry of Justice* (Supreme Court), assisted dying and human rights
- *R (Public Law Project) v Secretary of State for Justice* (Supreme Court) 'residence test' for legal aid
- *R (Purdy) v. Director of Public Prosecutions* (House of Lords), assisted dying, human rights and DPP's discretion to prosecute.
- *R (Morahan) v West London Assistant Coroner* (Court of Appeal), whether death of psychiatric patient from drugs overdose engaged State's positive obligations under Article 2 ECHR
- *R (EMS Ltd) v Secretary of State for Housing, Communities and Local Government* (Administrative Court), judicial review of the Local Government Pension Scheme (Amendment) Regulations 2020 on grounds that the retrospective extinction of £5 million pension 'exit credit' breached property rights under A1P1 and fair trial rights under Article 6
- *R (AG, JE, LK) v Secretary of State for the Home Department* (Administrative Court), challenge to the Home Office '10 year route to settlement' for young migrants

## EU law

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EU Law plays a significant part in many of Paul's public law cases, for example:

- *R (Gudanaviciene & Others) v Director Legal Aid Casework* (Administrative Court) EU Charter of Fundamental Rights, Trafficking Directive and Qualification Directive.
- *R (Public Interest Lawyers) v Legal Services Commission* (Administrative Court), EU public procurement challenge.

## Offshore

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Paul has a particular interest and expertise in the legal systems of the United Kingdom's Overseas Territories and Crown Dependencies and has advised in, and appeared in cases, before the courts of the Cayman Islands, Bahamas, Jersey, Cyprus, Jamaica, Trinidad and Tobago and St. Vincent and the Grenadines, including on many occasions in the Privy Council. Paul is listed in Legal500 as a leading silk for Offshore work. Cases include:

- *Volaw Trust v. Office of the Comptroller of Taxes* (Privy Council, Court of Appeal and Royal Court, Jersey) legality of Disclosure Notices in foreign tax proceedings and application of the privilege against self-incrimination under Article 6
- *Thompson v Cayman Islands Health Services Authority* (Grand Court and Court of Appeal, Cayman Islands) human rights implications of a statutory exclusion from claims in clinical negligence brought against a national health service
- *Datalink v. Office v. Utility, Regulation and Competition Office (OfReg)* (Grand Court, Cayman Islands), acting for OfReg in telecoms judicial review
- *Douglas and Ramoon v. Governor of the Cayman Islands* (Grand Court and Court of Appeal, Cayman Islands), acting for the Governor in judicial review proceedings concerning the transfer of two prisoners to the UK
- *BDO, Deloitte, Ernst & Young, KPMG and PWC v. Governor of the Cayman Islands* (Grand Court, Cayman Islands) acting for Governor in judicial review claims by accountancy firms concerning the legality of CI\$5 million of trading fees

## Criminal justice/regulatory

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Paul has a specialist interest in public law, civil actions and HRA challenges involving regulatory authorities, criminal justice agencies and other investigating authorities (arrests, questioning, the taking and retention of intimate samples, the execution of search warrants), prosecuting authorities (decisions to prosecute and not to prosecute), inferior courts and tribunals (issue of search warrants, orders for third party disclosure and the like) and detaining institutions (prisons, immigration detention, psychiatric hospitals). He appears in criminal appeals raising fundamental constitutional issues, in particular Privy Council appeals in death row cases. He also appears in other civil actions arising out of the actions of regulatory, criminal justice, investigatory and detaining authorities. Paul also has experience of the criminal justice system as a criminal Recorder (appointed 2018).

Relevant public law cases include:

- *Douglas and Ramoon v. Governor of the Cayman Islands* (Grand Court, Cayman Islands), acting for the Governor in judicial review proceedings concerning the transfer of two prisoners to the UK

- *Berge Larsen (1) Volaw Trust (2) v. Office of the Comptroller of Taxes* (Privy Council, Court of Appeal, Royal Court, Jersey) judicial review of legality of Disclosure Notices in foreign tax proceedings and application of the privilege against self-incrimination
- *R (Catt) v ACPO; R (T) v Met Police*, (Supreme Court) retention of sensitive data by police
- *R (Nicklinson) v Ministry of Justice* (Supreme Court), assisted dying and human rights
- *R (Purdy) v. Director of Public Prosecutions* (House of Lords), assisted dying, human rights and DPP's discretion to prosecute.
- *R (B) v. Director of Public Prosecutions* (Divisional Court), DPP's discretion to discontinue prosecution and human rights.

Relevant Criminal Appeals include:

- *Robinson v State* (Privy Council), constitutionality of mandatory death penalty in Trinidad.
- *R v Shorn Samuel*, Eastern Caribbean Court of Appeal (St. Vincent and the Grenadines) successful appeal against murder conviction and death sentence
- *R v Coonan* (Court of Appeal) (Yorkshire Ripper) appeal against whole life tariff
- *R v Kim John* (Privy Council) successful appeal against conviction on behalf of two defendants on death row
- *Benedetto v R (No.1)* (Privy Council) successful appeal against murder conviction in BVI
- *Pringle v R* (Privy Council) successful appeal against conviction on behalf of prisoner on death row

## Data protection and information law

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Paul advises and represents individuals and public bodies in relation to all aspects of freedom of information and data protection law. He also has experience in relation to the restraining of disclosure and press reporting of confidential and private information. Paul is a contributor to the latest edition of *Information Law* (Phillip Coppel (Ed.)). Cases include:

- *R (Butt) v. Secretary of State for the Home Department* (Court of Appeal), judicial review of government's counter-extremism 'Prevent' strategy as it applies to Universities and the collection, storage and use of private information by the Extremism Analysis Unit
- *R (Catt) v ACPO; R (T) v Met Police*, (Supreme Court) retention of sensitive data by police

Paul also has considerable experience as a Special Advocate in disputes concerning the disclosure of sensitive and secret material, in particular in the context of Closed Material procedures in a range of different courts and tribunals including Control Order (now TPIMs) proceedings in the High Court, SIAC, judicial review and employment and discrimination proceedings.

## Energy and natural resources

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Paul is a public law specialist with particular expertise in oil and gas regulation.

## Telecoms

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Paul appeared for the respondents in a recent telecoms judicial review *Datalink v Office v Utility, Regulation and Competition Office (OfReg)* (Grand Court, Cayman Islands).

## Public inquiries

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Paul chaired the public inquiry into the death of Welsh MP Carl Sargeant and has been instructed in many inquests, particularly those arising out of deaths in custody and other deaths engaging State responsibility under Article 2 including police shootings, self-inflicted deaths in prison and other detaining institutions, including acting for the family of *Connor Sparrowhawk*. He has a particular expertise in the rights of the deceased and their families arising under Article 2 and has spoken regularly on this subject at high profile conferences. Paul was a member of the JUSTICE Working Party 'When things go wrong' which reported in 2020 how improvements can be made to the system of public inquiries, particularly in major incidents.

## Terrorism and national security

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Paul acts in proceedings in which national security issues arise. He was a Special Advocate from 2007 to 2012, acting in the interests of terrorism suspects and other individuals in proceedings where national security is used to justify restrictions on disclosure and the use of Closed material. He has appeared in Control Order proceedings under the PTA 2005 (now TPIMs under the TPIMA 2011), Special Immigration Appeal Commission (SIAC) proceedings, cases before Employment Tribunals and judicial review proceedings in the Administrative Court and has relevant experience in Criminal Courts. Concluded cases include:

- *Douglas and Ramoon v Governor of the Cayman Islands* (Grand Court, Cayman Islands), acting for the Governor in judicial review proceedings concerning the transfer of two prisoners to the UK
- *SSHD v AF & Others (No 3)* (House of Lords) appeal on the Article 6 implications of closed material in Control Order proceedings
- *SSHD v BM* (Administrative Court), TPIM proceedings
- *Al Jedda v SSHD* (SIAC) deprivation of citizenship proceedings
- *Chahal v UK*, (ECtHR) PII in national security cases and Article 5(4)

## Court of Protection – health and welfare

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Paul is recommended as a leading silk (Band 1) in Court of Protection work in Chambers & Partners, which notes that '*he is highly regarded for his knowledge of human rights issues and their impact on the Court of Protection*' and '*He acts in some of the most important mental capacity cases and he is a true star.*' Paul appears mainly in health and welfare cases invoking the jurisdiction of the Court of Protection and the High Court involving disputed issues of care and residence, the withdrawal of life-sustaining treatment and deprivations of liberty, representing vulnerable adults and children (usually through the Official Solicitor), local authorities, health authorities and other interested parties. He is the author of 'Blackstone's Guide to the Mental Health Act 2007' (OUP, 2008), which considers in detail the health and welfare jurisdiction of the Court of Protection under the Mental Capacity Act 2005 and the amendments of the 2007 Act which introduced the 'deprivation of liberty safeguards'. He was involved in key cases in the development of this area of law including *R v Bournewood Community Mental Health NHS Trust ex p L*, (House of Lords) and *HL v United Kingdom* (ECtHR) and has been in a number of more recent important cases, including:

- *Cheshire West v P*, (Supreme Court) 'deprivations of liberty' and Art 5,
- *MH v United Kingdom* (ECtHR), Article 5(4) and incapacitated individuals
- *TA v AA* (Court of Appeal), detention under MCA 2005
- *CYC v PC* (Court of Appeal), capacity to consent to marriage
- *A Local Authority v DL* (Court of Appeal) jurisdiction of Court to make orders where individual lacks capacity due to coercion or undue influence
- *A Local Authority v E* (Peter Jackson J); Life-sustaining medical treatment: anorexia

## Healthcare

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Paul represents individuals and public authorities in advice work and judicial review claims concerning the provision of health, community care and education services including decisions relating to the assessment and provision of services; direct payments; the development and application of eligibility criteria; charging; and the closure of care homes, among others.

Paul also has a particular expertise in relation to the care, treatment and detention of psychiatric patients. He has been described in Chambers & Partners as '*a master of his field when it comes to mental health matters that raise human rights issues*'. He is the author of the *Blackstone's Guide to the Mental Health Act 2007*, published in January 2008 (OUP). Paul has been in many of the leading cases concerning the rights of psychiatric patients in the last 20 years. The following is a selection of the more important cases:

*European Court of Human Rights*

- *MH v United Kingdom* (ECtHR), Article 5(4) and incapacitated individuals
- *Munjaz v United Kingdom* (ECtHR), seclusion and Arts 3/5/ 8.
- *Wilkinson v United Kingdom*, (ECtHR). compulsory treatment and Arts 3/ 8
- *HL v United Kingdom* (ECtHR), Art 5 and 'de facto' detention of learning disabled adult

#### Domestic cases: Supreme Court or House of Lords

- *Cheshire West v P* (Supreme Court) Article 5 and deprivation of liberty of incapacitated adults
- *Rabone v Pennine Care NHS Trust* (Supreme Court) Article 2 and death in psychiatric hospital
- *Savage v S Essex NHS Partnership Trust* (Supreme Court), Article 2 duties owed by psychiatric hospital
- *R (MH) v Secretary of State for Health* (House of Lords), HRA compatibility of Mental Health Act
- *R (Munjaz) v Mersey Care NHS Trust* (House of Lords) seclusion of mental patients under Articles 3 and 8
- *R v Tower Hamlets Mental Health NHS Trust, ex p. Count Von Brandenburg*, (House of Lords), detention of mental patients and Art 5
- *R v Bournewood Community Mental Health NHS Trust ex p L*, (House of Lords), 'de facto' detention of learning disabled adult

#### Court of Appeal

- *R (G) v Notts. Mental Health NHS Trust* (Court of Appeal) human rights and smoking ban in high secure psychiatric hospital
- *R (AN) v Mental Health Review Tribunal* (Court of Appeal) standard of proof in Tribunal
- *R (Wilkinson) v Broadmoor RMO (1) MHAC (2)* (Court of Appeal) human rights and compulsory treatment of detained patient
- *R (H) v Mental Health Review Tribunal*, (Court of Appeal), human rights incompatibility of 'reverse burden of proof' requirement in Tribunals

## Publications

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Contributor to 'Information Law', Phillip Coppel (Ed.), 2020.

'Blackstone's Guide to the Mental Health Act 2007' (OUP, 2008). In his foreword Lord Justice Munby writes 'Those who use the book ... will benefit enormously from [Paul Bowen's] detailed knowledge and illuminating analysis of an area of law which is as technically complex as it is socially important'.



## Education & Qualifications

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Former solicitor:

Clifford Chance, 1991-1993

### **Previous chambers:**

Doughty Street Chambers, 2000-2014; Cloisters Chambers, 1999-2000

### **University:**

Exeter, 1986-'89 (LLB 2.1; EU law, 1st)

### **Appointments:**

Deputy High Court Judge (2021) (including Administrative Court)

Member, JUSTICE Working Party 'When things go wrong' (2019)

Chair, Independent KC Investigation into the death of Carl Sargeant MSP (2018)

Recorder of the Crown Court (2018)

Queen's Counsel (2012)

Equality and Human Rights Commission 'A' Panel (appointed 2015 and re-appointed 2019)

Called to the Bar of St. Vincent & the Grenadines (2012)

Legal Services Commission Special Controls Review Panel (2011-2013)

Advisory Panel to the Children's Commissioner (2011-2013)

Special Advocate (2007-2012).

### **Membership of associations:**

JUSTICE; ALBA; HRLA; Liberty

### **Awards:**

2019 – Winner 'Outstanding Achievement', at the Legal Aid Lawyer of the Year awards held by the Legal Aid Practitioners' Group

2009 – Winner 'Advocate of the Year' at the Law Society Excellence Awards.

2007 - Short-listed as 'Barrister of the Year' at the Legal Aid Lawyer of the Year awards, held by the Legal Aid Practitioners' Group.

## Directory Quotes

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Since 2005 Paul has been consistently recommended in Chambers & Partners and the Legal 500 as a leading barrister in Administrative and Public law and Human Rights and Civil Liberties and, now, Offshore. In Chambers & Partners he is named as a leading silk in these two areas and two more: Court of Protection and Community Care.

### Chambers & Partners 2024

- "Paul is good on his feet and has an excellent grasp of the detail."
- "He demonstrates a thorough knowledge of the case law. His advocacy has been incredibly flawless and he has navigated the courts through uncharted waters. A brilliant resource."

### Legal 500 2024

- Administrative & Public Law (Leading Silk, Band 2) "Paul is excellent in providing well thought out, persuasive and authoritative advice. He is strong on human rights matters."
- Offshore (Leading Silk, Band 3) "Paul is a go-to leading counsel with respect to public law and, in particular, judicial review proceedings with a regulatory element. He is an excellent advocate – persuasive, and tough when he needs to be, whilst staying on the right side of the judge."

### Chambers & Partners 2023

- Civil Liberties & Human Rights (Band 2) "A fantastic leader who inspires confidence and sets the strategy in a collaborative manner."
- Administrative & Public Law (Band 3) "He really throws everything into his cases; every point is thoroughly researched, he structures his arguments really well and he has a great imagination for taking new points." "He is very incisive: he cuts through factual complexity with ease and provides advice that is extremely clear."
- Court of Protection: Health & Welfare - All Circuits (Band 3) "Paul Bowen KC has a good reputation and is a well-respected barrister."

### Legal 500 2023

- Administrative Law & Human Rights (Leading Silk, Band 2) 'One of the most innovative thinkers in public law cases. Very strategic and able to boil down complex legal arguments to clear propositions - very effective advocate and good with clients.'

### Chambers & Partners 2022

- Administrative & Public Law (Leading Silk, Band 3) 'He has a wealth of experience in public law issues.'
- Civil Liberties & Human Rights (Leading Silk, Band 2) 'Paul is really committed to bringing strategic cases and pushing the boundaries of the law; he is fearless in that respect so for the right case he will be exactly the person you need. He is willing to take risks which pay off, but he is thorough and careful and committed as well.'
- Court of Protection: Health & Welfare (Leading Silk, Band 3) 'He is extremely clever and fights his client's corner like no one else.'

## Legal 500 2022

- *Administrative & Public Law (Leading Silk, Tier 2)* 'He has a first-class brain with an encyclopaedic knowledge of the law, coupled with enormous attention to detail.'
- *Civil Liberties and Human Rights (Leading Silk, Tier 3)* 'Hard-working and gets to grips with matters very quickly'
- *Offshore (Leading Silk, Tier 3)* 'He has a first-class brain with an encyclopaedic knowledge of the law, coupled with enormous attention to detail.'

## Chambers & Partners 2021

- *Administrative & Public Law (Leading Silk, Band 3)* "He's got great attention to detail and is able to get information across extremely quickly. He is very robust in the way that he advises and supports us." "Adored by lots of different groups in the legal community, which says a lot about the breadth of his expertise and commitment. Courageous and committed, and willing to press points and think about progressing human rights law in a way that many others won't."
- *Civil Liberties & Human Rights (Leading Silk, Band 2)* "He's willing to press points and think about progressing human rights law." "Charming and easy-going, he listens to solicitors, writes well and is an excellent advocate."
- *Court of Protection: Health & Welfare (Leading Silk, Band 2)* "A courageous and committed barrister."

## Legal 500 2021

- *Administrative & Public Law (Leading Silk, Tier 2)* " Very intelligent, articulate, erudite, hard working and eloquent."
- *Civil Liberties and Human Rights (Leading Silk, Tier 3)* " A brilliant advocate who has a forensic memory and knowledge. Totally ace."
- *Offshore (Leading Silk, Tier 3)* "One of the best black-letter lawyers at the Bar."

## Chambers & Partners 2020

- *Administrative & Public Law (Leading Silk, Band 3)* "He's a phenomenal and extremely highly regarded barrister. He has been involved in a lot of ground-breaking public law." "His key

advocacy skill is rolling with the punches. When the judge asks something unexpected you really get to see his mental agility and preparation."

- *Civil Liberties & Human Rights (Leading Silk, Band 2)* " A distinguished practitioner who regularly handles both domestic and international human rights and public law claims. His broad-based expertise covers areas such as data protection, mental health and disability rights. He acts for claimants and defendants, including regulators, NGOs, private individuals and governments. He is a familiar face at the Supreme Court and the Privy Council." "He puts in a phenomenal amount of work and does an absolutely brilliant job. He's also a great team leader." "A go-to KC for cases involving difficult or challenging applications of human rights principles."
- *Court of Protection (Leading Silk, Band 2)* "Vastly experienced silk who is accomplished in both the High Court and the Court of Protection. He is an expert in capacity and mental health law, and is particularly active in cases that concern disputes around life-sustaining treatment and deprivations of liberty. He has been a member of the Equality and Human Rights Commission's 'A' Panel since March 2015." "He's excellent on all matters in relation to the Mental Capacity Act and ECHR jurisprudence."

### ***Legal 500 2020***

- *Administrative & Public Law (Leading Silk, Tier 3)* 'The go-to silk for cases involving challenging applications of human rights principles'
- *Civil Liberties and Human Rights (Leading Silk, Tier 3)* 'A brilliant mind who has a subtle and tactful manner in tackling sensitive issues'
- *Offshore (Leading Silk, Tier 4)* 'The go-to silk for cases involving challenging applications of human rights principles'

### ***Chambers and Partners 2019***

- *Administrative & Public Law (Leading Silk, Band 4)* "A creative, inventive barrister." "Very ambitious in developing the law, he will read the entire case law of an area, and then crystallise it into a single piece of law."
- *Civil Liberties & Human Rights (Leading Silk, Band 2)* "A great advocate who is very good at pushing the boundaries of civil liberties."
- *Court of Protection: Health & Welfare (Leading Silk, Band 2)* "Paul is phenomenally bright and a very creative person, as well as being an exceedingly strong advocate." "He handles cases skilfully and brilliantly, and he really is an expert on capacity law."

### ***Chambers and Partners 2018***

- *Administrative & Public Law (Leading Silk, Band 4)* Handles judicial reviews that involve the application of human rights law to the criminal justice system. He increasingly handles public law claims in the commercial and financial services spheres. He receives instructions from claimants, respondents and interveners. Strengths: "He is a hugely inventive and creative barrister who is always looking to move the case forward." Recent work: Intervening for the

Office for the Children's Commissioner in a judicial review challenge brought by the Public Law Project to the Secretary of State for Justice's 'residence test' for legal aid.

- *Civil Liberties & Human Rights (Leading Silk, Band 2)* Distinguished practitioner who regularly handles both domestic and international human rights and public law claims. His broad-based expertise covers areas such as data protection, mental health and disability rights, and his highly active practice sees him making regular appearances before the Supreme Court and the Privy Council. He acts for claimants and defendants and his clients include regulators, NGOs, private individuals and governments. Strengths: "Paul is someone who fights his client's corner very hard but remains sensible and someone you can do business with." "He is very bright and has an imaginative and ingenious way of looking at cases." Recent work: Acted for the claimant in *R (Salman Butt) v Secretary of State for the Home Department* in a judicial review of the Prevent Duty Guidance.
- *Court of Protection: Health & Welfare (Leading Silk, Band 2)* Acts for a broad range of clients including claimants and public authorities. He is particularly well known for his work in cases concerning persons with mental disabilities, and is also an expert in cases concerning the closure of care homes and the assessment of services. Strengths: He's a very innovative and creative thinker - he'll always find a new angle to a problem. He's highly intelligent and very easy to work with." Recent work: Acted in *Dorset Clinical Commissioning Group v P*, a case seeking clarity as to whether a number of incapacitated adults are deprived of their liberty when receiving care in their own homes.

### ***Chambers and Partners 2017***

- *Administrative & Public Law (Leading Silk, Band 4)* "A really creative lawyer and a great advocate. He is dynamic and pioneering."
- *Civil Liberties & Human Rights (Leading Silk, Band 2)* "A creative lawyer and a great advocate, he is dynamic and pioneering." "His ability to retain information really stands out; he is effective, informative, personable and good fun to work with."
- *Community Care (Leading Silk, Band 2)* "He is really impressive, and both intelligent and creative in his approach."
- *Court of Protection: Health & Welfare (Leading Silk, Band 2)* "Paul is a good operator, campaigner and lawyer, and he's fearless in the points he takes."

### ***Chambers and Partners 2016***

- *Civil Liberties and Human Rights (Leading Silk, Band 2)* "Continues to solidify his reputation in the field of civil liberties and has developed a focus on work related to policing, data protection and health. He routinely appears before the Supreme Court, Privy Council and ECHR. Strengths: "A very inventive lawyer who thinks outside the box but at the same time masters the detail." "Very bright, committed and feisty." Recent work: Acted in a significant case concerning the compatibility of mental capacity law in the UK with Article 5 ECHR."
- *Administrative and Public Law (Leading Silk, Band 4)* "Frequently entrusted with significant, high-profile public law and human rights cases, he appears before the Supreme Court and

the Court of Appeal on a regular basis. His broad expertise sees him handle a variety of instructions in this area, including cases relating to disability rights, EU law and data protection. Strengths: "He is hard-working, committed to the clients and has a fast turnaround." "Paul is a pioneer, he is extremely creative with the law, committed to inventing the legal tools to address injustices and he can always be turned to for fresh ideas." Recent work: Represented two private clients in the judicial review concerning assisted suicide and its interaction with Article 8 of the ECHR"

- *Community Care, London* (Leading Silk) "Represents predominantly claimants, but also local authorities and NHS clinical commissioning groups in cases that often make it to the Court of Protection, involving as they do incapacitated adults who have been deprived of their liberty. Strengths: "His knowledge is encyclopaedic, and he is very inspirational to listen to." Recent work: Represented the Equality and Human Rights Commission in *Cheshire West v P*, a landmark deprivation of liberty case regarding the right of adults who lack capacity to be exempted from local authority oversight."
- *Court of Protection: Health and Welfare (All Circuits)* (Leading Silk, Band 1) "A new arrival at the set having left Doughty Street Chambers. He is highly regarded for his knowledge of human rights issues and their impact on the Court of Protection. Strengths: "He acts in some of the most important mental capacity cases and he is a true star."

### ***Legal 500 2018-19***

- *Administrative & Public Law (Leading Silk, Tier 5)* "He commands the respect of judges."
- *Civil Liberties and human rights (Leading Silk, Tier 4)* "He combines a ferocious intellect with commercial pragmatism."

### ***Legal 500 2017***

- *Administrative & Public Law (Leading Silk, Tier 5)* "A tenacious and pugnacious advocate with a realistic approach to advisory work."
- *Civil Liberties and human rights (Leading Silk, Tier 4)* "A careful and conscientious lawyer, who pursues issues with great determination."

### ***Legal 500 2016***

- *Administrative and Public Law* (Leading Silk, Tier 5) "A fearless advocate, who is always prepared to make difficult points"
- *Civil liberties and human rights* (Leading Silk, Tier 4) "Extremely thorough and tenacious."

### ***Previous directory comments***

- "He is very clever and effective, and a good tactician." "He's a very good advocate who's hard-working and bold. He can take cases which others would consider unarguable, and make good progress." (*Chambers & Partners 2015*)
- "He is extremely good, particularly in relation to mental health cases." ( *Chambers & Partners*

2015)

- "He's not afraid to take challenging points and he shows real vision in the cases he takes." "He grasps the detail and the urgency of the situation clearly, and responds accordingly with great tactical awareness." (*Chambers & Partners 2015*)
- "A standout choice for difficult medical treatment cases." "He has a pretty encyclopaedic knowledge of cases relating to human rights and mental capacity, and is very thorough, approachable and very detailed." (*Chambers & Partners 2015*)
- "Experienced in high profile cases" (*Legal 500, 2015*)
- "very bright", "great both on his feet and on paper" (*Chambers and Partners 2014*)
- "a Renaissance man of public law, human rights and civil liberties work" (*Chambers & Partners 2013*)
- "excellent on his feet", "a well-earned reputation for intellectual incisiveness", "a very polished approach" (*Chambers & Partners 2012*)
- "an excellent reputation for his work on civil liberties cases"; "a great public law mind and is excellent on his feet." (*Chambers & Partners 2011*)
- "a well-earned reputation for intellectual incisiveness" (*Legal 500, 2010-2011*).
- "a "skilled advocate who turns things around very quickly", "reliable and great to work with," (*Chambers & Partners 2010*)
- "finds a way of pushing the boundaries of the law" and "an ideal choice in difficult disputes because of his "clinical ruthlessness and attention to detail; you know he'll see the wood from the trees." "A gritty advocate who vigorously fights his client's corner," he is "great before the Bench." (*Chambers & Partners 2009*)
- "excellent" (*Legal 500, 2008-9*)
- "Solicitors are full of admiration for Paul Bowen's "can-do spirit.", "always on top of issues and looking for a new angle, trying to push the boundaries." and ""with every year that passes, Paul Bowen gets better and better." This "helpful and clear" junior wins plaudits for his attention to detail and hard work. "He has a real passion for protecting people's rights and takes a truly innovative approach to challenging the law." (*Chambers & Partners 2008*)
- "thoughtful and academic", and "a lawyer who 'pushes the boundaries'" (*Legal 500 2007-8*)