

# Sam Karim KC

Year of call 2002 | Year of silk 2017

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Sheikh Mohammed Samiul Karim KC (Sam Karim KC) is dynamic silk who is regarded as a leading practitioner by legal commentators who say that, *“When he is on his feet in a courtroom, he is simply captivating.”*, he is *“an outstanding advocate...and one of the leading practitioners”*, and that he remains *“remarkably calm and in control, he never gets fazed by the complexities of a case”*. It is also said that *“... His academic understanding of subject matter litigation is incredible.”*

He is specialist areas are four-fold:

- (a) **Domestic and international commercial arbitration** in which he acts as counsel and sits as panel or sole arbitrator;
- (b) **Procurement**;
- (c) **Judicial Review and Human Rights / Civil Liberties**; and
- (d) **Court of Protection**

Sam is a Member of the Chartered Institute of Arbitrators and is admitted as a practitioner in the Dubai International Finance Centre (DIFC) Court.

## Expertise

### Administrative and Public Law

Sam Karim KC is the head of the Administrative Law & Local Government Team at Kings Chambers.

Sam has been consistently recommended in this area as a leading specialist, and had been a member of the Attorney General Panel of Regional Counsel representing central government for almost a decade in cases of significance.

He is a well-known author in this field: (1) 'public law online', and online based legal knowledge database, (2) a book 'Judicial Review: Law & Practice', which is currently in its second edition and the co-author being the late Mrs Justice Patterson, and (3) the chapter on judicial review in Bullen & Leake & Jacob's Precedents of Pleadings.

#### Notable Administrative and Public Law cases

Commercial disputes arising from performance of government contracts such as benchmarking,

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Market testing and performance issues,

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Concessions and part B contracts,

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Health service procurement, and outside the EU,

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Project finance and PFI/PPP matters,

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Regeneration schemes, procurement by EU institutions, and

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State aid and procurement and utilities procurement.

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## ADR Arbitration

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Sam is a specialist lawyer in domestic and international commercial arbitration. He acts as counsel and sits as a panel or sole arbitrator. He is a Member of the Chartered Institute of Arbitrators (MCIArb) and is admitted as a practitioner in the Dubai International Finance Centre Court and the Abu Dhabi Global Markets. He is fully conversant in arbitrations under the AAA, Court of Arbitration for Sport, HKIAC, SIAC, ICC, LCIA, ARIAS, UNCITRAL and ICSID, as well as ad hoc arbitrations pursuant to the Arbitration Act 1996, particularly in the Middle East and Brazil.

Specific areas of Sam's work includes: (1) Investment Arbitration, (2) Energy Charter, (3) Treaty Arbitration, (4) WTO Arbitration, (5) Construction & Engineering, (6) Energy & Natural Resources, (7) Oil & Gas, Mining, (8) IT & IP, (9) Shipping, (10) Law of the Sea, (11) International Trade, Trade Finance, and (12) Islamic finance.

His expertise is demonstrated and recognised by his invitations to speak at leading global conferences, a few examples include:

- International Bar Association (IBA) Annual Conference in Seoul 2019 at an event jointly hosted by the Bar Council of England & Wales and the Korean Bar
- Council about conducting International Arbitration in London;
- GAR Live Paris 2019, when he spoke about how International Arbitration can remain at the forefront of international advocacy;
- At the University of Dubai in 2018, when he spoke about the future of Arbitration against the context of modern technologies;
- GAR Live Abu Dhabi 2019 when he moderated a distinguished panel on conflicts of interest and disclosure;
- Chartered Institute of Arbitrators regional events in 2017 and 2018;
- GAR Live Dubai 2019, when he spoke about Artificial Intelligence and the future of Arbitration;
- The British and Irish Commercial Bar Association Dispute Resolution Conference in Dubai 2015 when he moderated a distinguished panel on the practical approach to the enforcement of UAE judgments and arbitral awards; and
- Joint conference with the Ordem dos Advogados do Brasil (Bar Council of Brazil) in 2014 and 2015 on use of International Arbitration in resolving commercial cross border disputes.

Sam is also an author in this area, some examples include:

- Joint editor (with Sir Maurice Kay) the book called 'International Arbitration: The Global Guide for Practitioners, to be published in 2020;
- Article in the International Arbitration Law Review, 'Artificial Intelligence: An Undiscovered Future of Arbitration', [2019] Int. A.R., Issue 2; and
- Article in the Annual Review 2019 by the International Islamic Centre for Reconciliation & Arbitration, 'A New Era for Arbitration in the UAE: The Federal Law Number 6 of 2018 on Arbitration'

## Court of Protection & Mental Health

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Sam is the head of the Court of Protection team at Kings Chambers. He has been a specialist in this area since the advent of the Mental Capacity Act 2005, and has been at the forefront of developing case law in this jurisdiction since the implementation of the Act, for instance:

- Defining the relevant information for making decisions about the use of the internet/social media, *Re B* [2019] EWCA Civ 913, *Re B (Capacity: Social Media, Care & Contact)* [2019] EWCOP 2;
- Defining the parameters of the limitation period relating to incapacitous individuals when claiming damages under the Human Rights Act 1998, *AP v. Tameside MBC* [2017] EWHC 65 (QB);

- Defining the extent of a deprivation of liberty in a private setting when there is little, if any input from the State, *Secretary of State for Justice v Staffordshire County Council & Anor*[2016] EWCA Civ 1317; and
- His involvement in the 'Blue Room' case, which was the first case in this jurisdiction considering whether seclusion amounted to a deprivation of liberty, *CP*[2012] EWHC 1944 (Admin) & [2012] EWHC 1944 (Costs), and ultimately leading to his publication of the international best practice guidance issued by the British Institute of Learning Disability.

## As a silk, his practice covers:

- (a) All types of disputes regarding the social welfare of incapacitated adults and children and medical treatment issues, and is regularly instructed by the Official Solicitor, families of patients, CCG's, local authorities and private care providers.
- (b) Urgent applications for life saving medical treatment, non-urgent medical treatment, "end of life" withdrawal of medical treatment, treatment of suicidal patients (including emergency treatment following overdose) and advanced directives, and
- (c) Property and affairs. He has extensive in appearing on contested applications for deputyships and on issues arising during deputyship and for registration of lasting powers of attorney (LPAs) and enduring powers of attorney (EPAs), and advising on issues arising for attorneys and in relation to disputed statutory will. His experience also includes advising and appearing in cases relating to the overlap of the Court of Protection and personal injury proceedings.

Sam undertakes urgent advice and representation on applications including declarations on an emergency basis. Please contact his Clerks.

His is also published in this area, a precise includes: (a) *End of life Decisions in 'Tolley's Finance and Law for the Older Client'*, and (b) *'A human rights perspective on reducing restrictive practices in intellectual disability and autism'* (BILD).

### Notable Court of Protection & Mental Health cases

Re BG [2019] EWCOP 19: the Court (it appears for the first time) is tasked with deciding whether a young adult should be provided serious medical treatment to achieve puberty, contrary to their express wish

Re B [2019] EWCA Civ 913: arguably redefined the test for capacity in relation to residence and consent to sexual relations

Re B (Capacity: Social Media, Care & Contact) [2019] EWCOP 3: first case deal with the relevant information need to make decisions about use of the internet and social media

CH v. A Metropolitan Council [2017] EWCOP 12: case relating to damages for the failure to provide education to promote P's ability to gain capacity to make decisions about consenting to sexual relations

North Cumbria University NHS Foundation Trust & Anor[2017] EWCOP 1 782 (Holman J): successfully obtained declarations that in relation to serious medical treatment, namely the removal of Basal Cell Carcinomas

Secretary of State for Justice v Staffordshire County Council & Anor[2016] EWCA Civ 1317: successfully defended an appeal relating to the definition of a deprivation of liberty in relation to packages of care with no direct state involvement. See also first instance decision, [2016] EWCOP 27 (Charles J)

AP v. Tameside MBC[2017] EWHC 65 (QB): defined the parameters of extending the statutory time limit for bringing a claim under the Human Rights Act 1998 for a breach of Article 5 of the ECHR, arising out of an deprivation of liberty that was not authorised

Bristol NHS Trust v. AB[2016] 1 EWCOP 67 (Baker J): successfully obtained declarations that in relation to serious medical treatment, namely the removal of cancer

BMC v. ST[2015] EWCOP 456 (Holman J): definition of sexual capacity deploying novel arguments relying on personal reproductive autonomy

County Durham & Darlington NHS Foundation Trust[2014] All ER (D) 06: successfully obtained declarations to withdrawn life sustaining treatment (artificial nutrition and resuscitation) on the basis that it would be futile, would not result in a therapeutic benefit and would not be in the patient's best interests

An NHS Foundation Trust[2014] All ER (D) 92: successfully obtained declarations to withdrawn life sustaining treatment (artificial nutrition) on the basis that it would be futile, would not result in a therapeutic benefit and would not be in the patient's best interests

CP[2012] EWHC 1944 (Admin) & [2012] EWHC 1944 (Costs) (Ryder J as he then was). The 'blue room case' which was the first decision of its kind dealing with

issues of seclusion, restraint and sought to define what amounted to a deprivation of liberty (under Article 5 of the ECHR) for those who have a diagnosis of intellectual disability and autism

MB & Others [2009] EWHC 1686 (Fam) & [2009] EWHC 2061 (Fam): defined the appropriateness of P's deputy for property and affairs instigating welfare proceedings

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## Health and Social Care

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Sam Karim KC is the head of the Administrative Law & Local Government Team at Kings Chambers. He is a specialist in coronial law.

He is regularly instructed in inquests and inquiries for, individual interested persons, for public/corporate bodies, and families His experience includes. 'Article 2' inquests following deaths in prison, after police contact or in psychiatric detention. Sam has experience of inquests following death in custody, in a health setting, in the work place, in a holiday or leisure setting and transport -related deaths. His recent experience includes a high-profile case involving a man who had committed suicide following significant failures in his psychiatric care, and a patient who died in hospital in which a finding of neglect was made.

In HM Coroner County Durham & Darlington [2014] EWHC 3688 (Admin), Sam successfully made an application by Mr Andrew Tweddle (Senior Coroner for the Coroner area of County Durham Darlington) with the fiat of the Attorney General. The question was whether the existence of new information should result in the matter being remitted.

Sam has also advised on:

- (a) The adequacy of assessments and care plans for the provision of residential care,
- (b) Good practice in the provision of services to vulnerable adults and children in a residential setting,
- (c) Health issues in residential care homes, and
- (d) Demarcation of responsibilities between local authorities, health care providers and other service providers.

He is also routinely instructed to advise upon and act in public inquiries, in particular inquiries arising from catastrophic health and safety failures in public bodies that have resulted in fatalities and serious injuries.

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## Inquests

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## Judicial Review

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He is a well-known author in this field, a sample of his publications include: (1) 'public law online', and online based legal knowledge database, (2) Patterson & Karim (3<sup>rd</sup> Edition) 'Judicial Review: Law & Practice', and (3) the chapter on judicial review in Bullen & Leake & Jacob's Precedents of Pleadings.

Sam is also the administrator and founding member of the Public Law Pro Bono Scheme, which provides free legal advice on public law matters, including representation at renewal hearings at the Administrative Court in Manchester.

As a silk his specialist practice includes:

(a) Commercial judicial review and public procurement. His experience includes:

- Commercial disputes arising from performance of government contracts such as benchmarking
- Market testing and performance issues
- Concessions and part B contracts
- Health service procurement, and outside the EU
- Project finance and PFI/PPP matters,
- Regeneration schemes
- Procurement by EU institutions
- State aid and procurement and
- Utilities procurement

(b) Regulatory and disciplinary. He has experience in:

- Professional Disciplinary Hearings, e.g. relating to accountants, solicitors, healthcare professionals (GMC and GDC) and police officers
- Breaches of planning regulations, fly tipping, Medicines Act breaches, trading standards, food standards and environmental offences
- Care Standards Tribunal
- Immigration Services Tribunal
- General Social Care Council
- Represented former Primary Care Trusts in hearings before the Family Health Services Appeal Unit (FHSAU) and
- Civil penalty regimes, such as the regime for employing illegal migrant workers

(c) Employment: advising local government on disciplinary and employment law compliance issues and Equality Act duties. Sam has provided advice on the implementation and proper conduct of disciplinary and capability procedures in relation to senior managers in local government and advised on the lawfulness and application of voluntary severance and early retirement provisions to senior management team members in local government.

(d) Data protection, freedom of information, human rights issues, privacy and breach of confidence. Sam has advised a wide range of public sector and commercial organisations regarding their use of personal information, and relating the implications of sharing confidential personal sensitive information with other public authorities for the prevention of crime and fraud. He has experience of RIPA at the First-Tier Tribunal, and in appeals from that Tribunal, and also appearing in the county court in proceedings under the DPA 1998 for public and private sector data controllers. Sam was recently a keynote speaker on Data Protection Compliance for the European Fraud Network in Brussels.

(e) Immigration, nationality and prison. His extensive experience derives from representing central government for a decade in this in cases of significance (see below).

(f) Community care and health care law. Sam has also advised on: (1) The adequacy of assessments and care plans for the provision of residential care, (2) Good practice in the provision of services to vulnerable adults and children in a residential setting, (3) Health issues in residential care homes, and (4) Demarcation of responsibilities between local authorities, health care providers and other service providers.

Significant reported cases include:

- Lyons v. Criminal Cases Review Commission [2019] EWHC 183 (Admin): Divisional Court decision when he successfully defended a challenge against the decision to refuse to make a reference to the Court of Appeal
- FK [2016] EWHC 56 (Admin): a case considering the definition of human trafficking under the Trafficking Convention
- Bhudua v. Secretary of State for the Home Department [2016] All ER (D) 82
- P v. Gangmasters Licensing Authority [2015]: EWHC 1487 (Admin): successfully challenged the decision of the Authority to revoke a licence
- Chimuka [2015] EWHC 2531(Admin): defended a challenge relating to a prisoner's life sentence and whether he was deprived of a proper review by the Parole Board
- CH [2015] EWHC 453: data access request by an individual who was subject to serious criminal allegation whilst holding a public office. Those allegations, which formed part of family law proceedings, were subsequently dismissed. The individual sought various data access requests from the local authority in respect of investigations and evidence

## Notable Judicial Review cases

- Dong v. Secretary of State for the Home Department [2014] EWHC 3100 (Admin). Whether the period of grant in respect of discretionary leave was appropriate in the circumstances
- Aziz v. Secretary of State for the Home Department [2014] EWHC 2589. A challenge to the lawfulness of the decision relating to Tier 1 Post Study Work pursuant to Part 6A of the Immigration Rules
- Peters v. Secretary of State for the Home Department [2014] EWHC 1336 (Admin). Whether the defendant's decision to grant discretionary leave rather than indefinite leave was lawful or not
- R (1st Choice Engines Limited) v. the Secretary of State for Business, Innovation and Skills [2014] EWHC 1765 (Admin). Considering whether the decision made by the defendant in relation to a notice pursuant to sections 447 and 452A of the Companies Act 1985 was lawful or not
- HM Coroner County Durham & Darlington [2014] EWHC 3688 (Admin): application is made by the Senior Coroner for the Coroner area of County Durham Darlington with the fiat of the Attorney
- SN v. Secretary of State for the Home Department [2014] EWHC 1111 (Admin). Whether the defendant's decision to certify under was section 94(2) of the Nationality, Immigration and Asylum Act 2002 was lawful or not.
- Jaferi v. Secretary of State for the Home Department [2013] EWHC 1275 (Admin). Legacy case
- MJ (Iraq) v. Secretary of State for the Home Department [2013] EWCA Civ 932. Delay and whether the Claimant would have benefited from the earlier policy towards asylum seekers
- R (Kheirollahi-Ahmadroghani) v Secretary of State for the Home Department [2013] EWHC 1314 (Admin). Council Regulation (EC) No343/2003 of 18 February 2003 ("the Dublin II Regulation
- R (Touray) v. Secretary of State for the Home Department [2014] EWHC. Challenge to request for further leave
- R (Khan) v. Secretary of State for the Home Department [2013] EWHC 3430(Admin). Article 8
- Reed v. Parole Board [2013] EWHC 3329 (Admin). Refusal to make recommendations to release
- Thomas v. Parole Board [2013] EWHC 2112 (Admin). Refusal to transfer a prisoner to open conditions, and also not to provide an oral hearing pursuant to Article 5 of the ECHR
- R (Simpson) v. Governor of HMP Wakefield [2013] EWHC 2652 (Admin). Entitlements under the Prison Rules
- R (Bibi) v. Secretary of State for the Home Department [2013] EWHC 671 (Admin). Nationality
- R (Smith) v. Parole Board [2013] EWHC 218 (Admin). Transfer to open condition and the requirement to undertake balancing exercise
- R (Amin) v. Secretary of State for the Home Department [2013] EWHC 2813 (Admin). Domestic violence and indefinite leave to remain under IR 289
- A [2012] EWCA 1879 (Fam). Data Protection and Freedom of Information. Redaction and disclosure of personal sensitive information to a third party and a disciplinary body
- R (M) v. Secretary of State for the Home Department [2012] EWHC 1244. Deportation, detention and reasonable prospect of removing a deportee within a reasonable time
- R (S) v. Secretary of State for the Home Department [2012] EWHC 2825 (Admin). Certification
- R (Manchester College of Higher Education & Media Technology) v. Secretary of State for the Home Department [2012] EWHC 1463 (Admin). Sponsor under the tier based system
- R (Ajibade) v. The Nursing and Midwifery Council [2012] EWHC 2790 (Admin). Disqualification

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R (Ian Morris) v. Chester West & Cheshire Council [2012] EWHC 3016 (Admin). Non-Domestic Rates Liability Order

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R (Jalal) v. Secretary of State for the Home Department [2012] EWHC 4035 (Admin). Delay and whether the Claimant would have benefited from the earlier policy towards asylum seekers

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R (Riley) v Upper Tribunal [2012] EWHC 3436 (Admin). Article 8

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R (Cardao-Pito) v. Office of Independent Adjudicator for Higher Education [2012] EWHC 203 (Admin). Complaint to the Adjudicator regarding the treatment of a pupil at a university

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R (Tologiwa) v. Secretary of State for the Home Department [2012] EWHC 2386 (Admin). Certification

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R (Fox) v. Secretary of State for Justice [2012] EWHC 2411 (Admin). Oral hearing entitlement

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Al-Halal & Wajid Ali v. Secretary of State for the Home Department [2012] EWHC 128. Costs under the civil penalty regime for employing illegal migrant workers

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R (Kaur) v. Secretary of State for the Home Department [2012] All ER (D) 68. Certification

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R (Adetola) v. Secretary of State for the Home Department [2010] All ER (D) 145. 3197 (Admin). Marriage and evidence

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R (Austin) v. Parole Board [2011] EWHC 128 (Admin). Open transfer and balancing exercise

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R (Leach) v. Parole Board [2011] EWHC 2470 (Admin). Open transfer and balancing exercise

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R (D'Cunha) v. Parole Board [2011] EWHC 128 (Admin). Open transfer and balancing exercise

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R (Jacob) v Parole Board [2010] EWHC 2475 (Admin) & [2010] EWHC 3035 (Admin). Release and oral hearing

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R (Akram) v. Secretary of State for the Home Department [2010] EWHC 3437 (Admin). Article 8

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R (Ahmed) v. Secretary of State for the Home Department [2010] EWHC 2779 (Admin). Sufficiency of protection

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R (Da Costa) v Secretary of State for the Home Department [2010] EWHC 2259 (Admin). Further leave to remain and evidential requirement

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R (Alam) v. Secretary of State for the Home Department [2010] EWHC 1303 (Admin)

---

R (Mohamed) v. Secretary of State for the Home Department [2010] EWHC 1244 (Admin). Deportation and Article 8

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R (Sanyalou) v. Secretary of State for the Home Department [2010] EWHC B9 (Admin). Certification

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R (Howden) v. Secretary of State for Justice [2010] All ER 140 (D). Release on licence and recall

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R (McDonagh) v. Secretary of State for Justice [2010] EWHC 369 (Admin). Release on licence and recall

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R (Byran) v. Secretary of State for Justice [2010] EWHC 2507 (Admin). Contact with children, prisoner and Article 8

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R (Westwater) v. Secretary of State for Justice [2010] EWHC 2403 (Admin). Contact with children, prisoner and Article 8

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R (Sarwat) v. Secretary of State for the Home Department [2009] All ER (D) 316. EWHC 2825 (Admin). Fresh claim

---

R (AS) v. Secretary of State for Justice [2009] EWHC 1315 (Admin). Licence and recall

---

R (Boswell) v. The Parole Board & Secretary of State for Justice [2009] All ER (D) 176. Right to speedy review of lawfulness of detention

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R (Hinds) v Liverpool City Council [2008] EWHC 665 (QB), 1 FLR 475. Care proceedings, contact and Article 8

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R (J) v. The Healthy Futures Joint Committee of PCT & Others [2007] EWCA 1611 (Admin). Reconfiguration of health care services and consultation

## Licensing

Sam is able to deal with all aspects of licensing work including: premises licences (for sale of alcohol and entertainment), betting shops and bookmakers, gaming (bingo and casinos), street trading, gangmasters, taxis and environmental waste.

Sam recently successfully obtained injunctive proceedings regarding unauthorised traveller encampments on land owned by a Council. Arguments were raised in respect of an alleged unlawful interference of Articles 8 and 14.

He was also involved in the only case involving the Gangmasters Licencing Authority in the Administrative Court, A Company v. Gangmasters Licencing Authority [2014] EWHC 4910 (Admin) where he successfully sought interim relief to reinstate a licence following revocation pending a determination by an Appointed Person.

## Local Government

**“he knows his stuff when it comes to judicial review – [one person said] I wish he was a worse opponent.”**

*(Chambers and Partners, 2016)*

**“... a seasoned hand at representing both claimants and defendants in judicial review proceedings...”.**

*(Chambers and Partners, 2015)*

**“[he]... has an excellent public law practice that involves handling judicial reviews for central government and other defendants in the areas of community care and human rights generally.”**

*(Chambers and Partners, 2015)*

**“was... a driving force behind the development of administrative law in the North West generally”.**

*(Chambers and Partners, 2013)*

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vii. Procurement by EU institutions,

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Significant reported cases include:

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## Notable Local Government cases

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Aziz v. Secretary of State for the Home Department [2014] EWHC 2589. A challenge to the lawfulness of the decision relating to Tier 1 Post Study Work pursuant to Part 6A of the Immigration Rules.

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Peters v. Secretary of State for the Home Department [2014] EWHC 1336 (Admin). Whether the defendant's decision to grant discretionary leave rather than indefinite leave was lawful or not.

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HM Coroner County Durham & Darlington [2014] EWHC 3688 (Admin): application is made by the Senior Coroner for the Coroner area of County Durham Darlington with the fiat of the Attorney<sup>2</sup>

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R (Touray) v. Secretary of State for the Home Department [2014] EWHC. Challenge to request for further leave

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R (Khan) v. Secretary of State for the Home Department [2013] EWHC 3430(Admin). Article 8.

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Reed v. Parole Board [2013] EWHC 3329 (Admin). Refusal to make recommendations to release.

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Thomas v. Parole Board [2013] EWHC 2112 (Admin). Refusal to transfer a prisoner to open conditions, and also not to provide an oral hearing pursuant to Article 5 of the ECHR.

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R (Simpson) v. Governor of HMP Wakefield [2013] EWHC 2652 (Admin). Entitlements under the Prison Rules.

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R (Bibi) v. Secretary of State for the Home Department [2013] EWHC 671 (Admin). Nationality.

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R (Smith) v. Parole Board [2013] EWHC 218 (Admin). Transfer to open condition and the requirement to undertake balancing exercise.

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R (Amin) v. Secretary of State for the Home Department [2013] EWHC 2813 (Admin). Domestic violence and indefinite leave to remain under IR 289.

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A [2012] EWCA 1879 (Fam). Data Protection and Freedom of Information. Redaction and disclosure of personal sensitive information to a third party and a disciplinary body.

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R (M) v. Secretary of State for the Home Department [2012] EWHC 1244. Deportation, detention and reasonable prospect of removing a deportee within a reasonable time.

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R (S) v. Secretary of State for the Home Department [2012] EWHC 2825 (Admin). Certification.

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R (Manchester College of Higher Education & Media Technology) v. Secretary of State for the Home Department [2012] EWHC 1463 (Admin). Sponsor under the tier based system.

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R (Ajibade) v. The Nursing and Midwifery Council [2012] EWHC 2790 (Admin). Disqualification.

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R (Ian Morris) v. Chester West & Cheshire Council [2012] EWHC 3016 (Admin). Non-Domestic Rates Liability Order.

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R (Jalal) v. Secretary of State for the Home Department [2012] EWHC 4035 (Admin). Delay and whether the Claimant would have benefited from the earlier policy towards asylum seekers.

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R (Riley) v Upper Tribunal [2012] EWHC 3436 (Admin). Article 8.

R (Cardao-Pito) v. Office of Independent Adjudicator for Higher Education [2012] EWHC 203 (Admin). Complaint to the Adjudicator regarding the treatment of a pupil at a university.

R (Tologiwa) v. Secretary of State for the Home Department [2012] EWHC 2386 (Admin). Certification.

R (Fox) v. Secretary of State for Justice [2012] EWHC 2411 (Admin). Oral hearing entitlement.

Al-Halal & Wajid Ali v. Secretary of State for the Home Department [2012] EWHC 128. Costs under the civil penalty regime for employing illegal migrant workers.

R (Kaur) v. Secretary of State for the Home Department [2012] All ER (D) 68. Certification.

R (Adetola) v. Secretary of State for the Home Department [2010] All ER (D) 145. 3197 (Admin). Marriage and evidence.

R (Austin) v. Parole Board [2011] EWHC 128 (Admin). Open transfer and balancing exercise.

R (Leach) v. Parole Board [2011] EWHC 2470 (Admin). Open transfer and balancing exercise.

R (D’Cunha) v. Parole Board [2011] EWHC 128 (Admin). Open transfer and balancing exercise.

R (Jacob) v Parole Board [2010] EWHC 2475 (Admin) & [2010] EWHC 3035 (Admin). Release and oral hearing.

R (Akram) v. Secretary of State for the Home Department [2010] EWHC 3437 (Admin). Article 8.

R (Ahmed) v. Secretary of State for the Home Department [2010] EWHC 2779 (Admin). Sufficiency of protection.

R (Da Costa) v Secretary of State for the Home Department [2010] EWHC 2259 (Admin). Further leave to remain and evidential requirement.

R (Alam) v. Secretary of State for the Home Department [2010] EWHC 1303 (Admin).

R (Mohamed) v. Secretary of State for the Home Department [2010] EWHC 1244 (Admin). Deportation and Article 8.

R (Sanyalou) v. Secretary of State for the Home Department [2010] EWHC B9 (Admin). Certification.

R (Howden) v. Secretary of State for Justice [2010] All ER 140 (D). Release on licence and recall.

R (McDonagh) v. Secretary of State for Justice [2010] EWHC 369 (Admin). Release on licence and recall.

R (Byran) v. Secretary of State for Justice [2010] EWHC 2507 (Admin). Contact with children, prisoner and Article 8.

R (Westwater) v. Secretary of State for Justice [2010] EWHC 2403 (Admin). Contact with children, prisoner and Article 8.

R (Sarwat) v. Secretary of State for the Home Department [2009] All ER (D) 316. EWHC 2825 (Admin). Fresh claim.

R (AS) v. Secretary of State for Justice [2009] EWHC 1315 (Admin). Licence and recall.

R (Boswell) v. The Parole Board & Secretary of State for Justice [2009] All ER (D) 176. Right to speedy review of lawfulness of detention

R (Hinds) v Liverpool City Council [2008] EWHC 665 (QB), 1 FLR 475. Care proceedings, contact and Article 8.

R (J) v. The Healthy Futures Joint Committee of PCT & Others [2007] EWCA 1611 (Admin). Reconfiguration of health care services and consultation.

## Procurement

Sam has specific expertise in public procurement and State Aid having been involved in Lancashire County Council [2018] EWHC 200 (TCC).

His specialist practice includes:

- Commercial disputes arising from performance of government contracts such as benchmarking
- Market testing and performance issues
- Concessions and part B contracts
- Health service procurement, and outside the EU
- Project finance and PFI/PPP matters,
- Regeneration schemes
- Procurement by EU institutions
- State aid and procurement and
- Utilities procurement

## Technology and Construction

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Sam is a procurement specialist being ideally placed with expertise in public and commercial laws. He specialises in:

- Commercial disputes arising from performance of government contracts such as benchmarking;
- Market testing and performance issues;
- Concessions and part B contracts;
- Health service procurement, and outside the EU;
- Project finance and PFI/PPP matters;
- Regeneration schemes;
- Procurement by EU institutions;
- State aid and procurement; and
- Utilities procurement.

Sam is also the author of commercial judicial review & procurement law in the 3rd Edition of Patterson & Karim on Judicial Review: Law & Practice.

### Notable Technology and Construction cases

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Acted for the Claimants alleging that a private body was subject to the PCR as a contracting authority and/or alternatively that an implied/express contract existed and/or that the decision was amenable to judicial review

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Lancashire Care NHS Foundation Trust & Anor v Lancashire County Council [2018] EWHC 200 (TCC) relating to an application to lift an automatic stay under Regulation 96 of the Public Contracts Regulations 2015. This was also the first High Court decision post Nuclear Decommissioning Authority v Energy Solutions EU Ltd (now called ATK Energy EU Ltd) [2017] UKSC 34

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Acted for the Defendants concerning alleged breaches of obligations of equal treatment and transparency in the application in an allegedly abnormally low tender. This case was settled on confidential terms

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Acted for a Claimant in an alleged purported abnormally low tender and lifting of the statutory suspension

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Acted for the Defendant in proceedings concerning a claim for damages in respect of alleged breaches of EU law in the rejection of a tender as non-compliant

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Acted for the Claimant in relation to a challenge procurement of children's services in the North West

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Acted for the Defendant in relation to a lifted suspension and third-party disclosure

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## Memberships

- Member of the Executive Committee of the Administrative Law Bar Association (ALBA)
- Northern Administrative Law Association (NALA), Acting Chair

- Founding member and Chair of the Kings Community Care and Disability Rights Association

## Qualifications

- LLB (Hons), LLM (Lond.), PG Dip Law, MCI Arb (Intl. Arbitration)

## Appointments

- Attorney General's Regional Panel of Queens Counsel.
- UK Advisor to the Chinese Government on development of Administrative Reconsideration Law in China. Appointed by the Asia Foundation.
- Previously a member of the Attorney General's Regional Panel of Junior Counsel.
- Chairperson of the Legal Aid Working Group and co-chaired the Training Working Group relating to the Regionalisation of the Administrative Court.
- Director of Manchester Public Law Pro-Bono Scheme.
- Northern Circuit Education Committee Member.
- Head of Public Law 2017 to present

## Publications

1. 'Public law online', and online based legal knowledge database,
2. 'Judicial Review: Law & Practice', which is currently in its second edition and the co-author being the late Mrs Justice Patterson (Jordans)
3. Bullen & Leake & Jacob's Precedents of Pleadings, and
4. 'A human rights perspective on reducing restrictive practices in intellectual disability and autism',

## Recommendations

"Sam is an absolute genius at cross-examination. He immediately brings a calmness to proceedings."

"He is outstanding; fantastic with clients, easily accessible and highly knowledgeable."

(Chambers UK 2023)

'An outstanding advocate. He has a wonderful bedside manner and is very reassuring to clients.'

"Sam is calm under pressure, very sharp intellectually and is able to quickly analyse issues. He is not afraid to deal with difficult issues."

'Sam is an incredibly diligent barrister with a real skill in getting to the crux of the issues in the case swiftly. As an advocate, he is concise, pragmatic and focused in his drafting and as a result has no need to deliver his clear and succinct submissions forcefully or aggressively to aid persuasion. Sam is equally skilled at identifying legal arguments that require adjudication of the court.'

(Legal 500 2023)

"A pleasure to be against. He never loses his calm and is trusted by the judges in the Court of Protection." "He has a well-deserved reputation for acting in high-profile and interesting cases."

(Chambers UK 2022)

"Sam is an incredibly diligent barrister with a real skill in getting to the crux of the issues in the case swiftly. As an advocate he is concise, pragmatic and focused in his drafting and as a result has no need to deliver his clear and succinct submissions forcefully or aggressively to aid persuasion. Sam is equally skilled at identifying legal arguments that require adjudication of the court."

(Legal 500 2022)

"He's a very good advocate who makes very focused submissions."

(Chambers UK 2021)

"His advice is always very thorough and his advocacy is very effective." "His softly-spoken manner makes him ideal for dealing with vulnerable clients, and belies a razor-sharp advocacy which is effective and persuasive. He sees the issues with a clarity that compares with few others and is a pleasure to work with." "Excellent on his feet, very knowledgeable and approachable."

(Chambers UK 2021)

"He is a very polished, attractive advocate." "He is calm, methodical and committed to delivering the best result for those instructing him." "He has a good client manner and excellent subject matter knowledge. He is also a quick thinker on his feet."

(Chambers UK 2021)

"He is an articulate, persuasive advocate and has the ability to charm litigation friends."

(Legal 500, 2020)

"Excellent client manner and ability to explain often complex legal points in client friendly terms. Responsive and able to turn work around quickly when needed. Quick thinking, particularly when on feet in Court."

(Legal 500, 2020)

"Has in-depth knowledge in Court of Protection, and is very efficient and proactive in his approach."

(Legal 500, 2020)

"Proactive and knowledgeable."

(Legal 500, 2020)

"An extremely able advocate who can think on his feet."

(Legal 500, 2020)

"His advocacy is clear, concise, accurate and calm under pressure. He's very punctual as well."

"He's unflappable and very good at dealing with people." "He's very dedicated, researches his cases very thoroughly and really gets to grips with the main issues. He's a pleasure to work with." "He's knowledgeable, articulate in court and a very safe pair of hands."

(Chambers & Partners, 2020)

"Sam is an outstanding advocate. He is a pleasure to work with. He is always on hand at the drop of a hat to discuss a case, and he has an ability to put lay clients completely at ease even when dealing with difficult medical decisions."

"He understands the technical points of public law really well." "He is diligent and straight-dealing."

"He has a real breadth of knowledge. He is a measured and careful advocate." "He has a good knowledge of the law and is well-prepared. His submissions are underpinned by a knowledge of the law."

(Chambers & Partners, 2018)

'An outstanding advocate.'

(Legal 500, 2018)

'An outstanding advocate, who makes lay clients feel completely at ease.'

*(Legal 500, 2018)*

“Accomplished new silk”

*(Chambers & Partners, 2017)*

“When he is on his feet in a courtroom, he is simply captivating.”

*(Legal 500, 2016)*

“He’s excellent, and used by all parties – he’s very academic in his thought processes.”

*(Chambers and Partners, 2016)*

“... His academic understanding of subject matter litigation is incredible.”

*(Chambers and Partners, 2015)*

“He is one of the leading practitioners in the North”

*(Chambers & Partners, 2017)*

“He is innovative in the way he approaches cases and creative in the way he deals with matters...”

*(Chambers and Partners, 2015)*

“He’s a very skilful advocate who is always remarkably calm and in control, he never gets fazed by the complexities of a case... He puts his points across succinctly and never wavers.”

*(Chambers & Partners, 2017)*

## Accreditations

