

## Clare Wisson



Call: 2017

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### Profile

Clare has appeared in the Court of Appeal, High Court (led and unled), County Court, Crown Court and coronial courts. She is currently seconded part-time to Channel 5 where she provides advice on pre-broadcast issues and Ofcom complaints.

In Hilary term 2021 Clare spent 3 months in the Administrative Court as a full-time Judicial Assistant. She assisted Mr Justice Chamberlain and other High Court judges and masters with a wide range of public, media and international law matters, both procedural and substantive. In this role Clare drafted sections of judgments, researched discrete legal issues and discussed cases with the presiding judge(s).

From October to December 2020, Clare was seconded full-time to Reynolds Porter Chamberlain where she worked on all aspects of media and information law, including defamation, privacy, data protection and electronic communication regulation.

Prior to joining the Bar, Clare spent four years working in public policy and human rights. She has variously worked at the Registry of the European Court of Human Rights, at University College London teaching public and administrative law, at a cross-party political office as a parliamentary legal officer, at The Carter Center as an election observer and at the European Union External Action Service's Delegation to Myanmar as a political trainee.

## What Clients Say

*“Clare’s work has been excellent and her positive attitude is a tremendous bonus. We recommend her without hesitation and we will continue to instruct her in future.”*

*‘I have had a number of dealings with Clare recently and I personally think she is fantastic. She is great with clients and very attentive to detail. I would not hesitate to instruct in the future’*

*“I was very impressed not only with the result but the manner in which she had prepared the case. He was a difficult client to deal with and it was an awkward trial.”*

## Education

Bar Professional Training Course (BPP University) – Outstanding

Graduate Diploma in Law (City University) – Distinction (8th in year)

MSc in Human Rights (London School of Economics) –Distinction (top 5 in year)

BA in Modern History and Politics (Oxford University) – 2.1

## Related practice areas

Actions Against the Police and Public Authorities

Media, Defamation and Freedom of Expression

Data Protection and Information Law

Administrative & Public Law

International Media Law

International Law

## Media Law

Clare undertakes work spanning all aspects of media and information law, acting for both claimants and defendants. Her clients include national newspaper and magazine publishers, broadcasters, NGOs, charities, and private companies. She accepts instructions in all areas of media law, including defamation, privacy, harassment, data protection and freedom of information.

Clare has significant experience of providing pre-publication advice in relation to both print and broadcast media. She currently advises the BBC, Channel 5 and The Times. She was previously on the duty lawyer rota for Jewish News, The Guardian and The Sun. She provides regular pre-publication advice to NGOs, companies, freelance investigative journalists and private individuals. She is also a Contributing Editor to the quarterly Zoom-In magazine and the weekly Zoom-In Brief.

As a full-time Judicial Assistant in the High Court from January to April 2021, Clare worked on a variety of procedural and substantive matters with number of Media & Communications List judges and Queen's Bench Masters.

In addition, Clare spent three months on full-time secondment with Reynolds Porter Chamberlain in 2020, where she worked closely with the media team on a wide range of contentious and non-contentious matters.

In her media and information practice, Clare draws upon her experience before joining the Bar working on free speech issues as a parliamentary legal officer, including the passage of the Investigatory Powers Act 2016 and the independent review into the Freedom of Information Act 2000.

Clare is direct access qualified and accepts instructions from both professional and lay clients.

### **Data protection / privacy / breach of confidence work:**

- **Phone hacking litigation** (2021 – 2022) – acts for Mirror Group Newspapers in claims brought by numerous celebrities and other individuals relating to allegations of phone hacking and other unlawful information gathering activities (for D).
- **Fernie v Burton Waters Management Ltd and Banks Long & Co** (County Court) (2022) – successfully applied to strike out a claim for negligence, breach of the GDPR, misuse of private information brought by a litigant-in-person (for D2).
- **Warren v DSG Retail Ltd** [2021] EWHC 2168 (QB) – appeared in the High Court (unled) representing the Claimant in a strike out application in a claim for misuse of private information and negligence (for C).
- **Cox Powertrain Ltd v Green** - Assisted with an urgent application for interim injunctive relief against a current employee, namely a preservation order, an order restraining the disclosure of misuse of confidential information and an order for disclosure by affidavit

(judicial assistant to Chamberlain J).

- **KEJ v The Chief Constable of X Police & the CPS** – successfully represented the Claimant in a breach of confidence and data protection claim for breaching her lifelong anonymity as survivor of ‘strange rape’ and disclosing her identity to the perpetrator (settled).
- Advising a search engine regarding a de-link request and on safe harbour obligations following the UK’s withdrawal from the European Union.
- Advising a dating app about its obligations under the ePrivacy Directive and monitoring for child sexual exploitation content.

### **Defamation work:**

- Regularly advise on and draft pre-action correspondence, on behalf of both Claimants and Defendants.
- **Millett v Corbyn** [2021] EMLR 19 – appeal by the former Leader of the Labour Party against decisions made at the trial of preliminary issues (judicial assistant to Warby LJ).
- **Campbell v MGN** [2021] EWHC 601 (QB) – trial on preliminary issues as to the meaning of an extract from a newspaper article (judicial assistant to Johnson J).
- **Davies v Carter** – assisted Beth Grossman in libel and harassment proceedings.

### **Open justice and reporting restriction work:**

- **LM, AW & Ors v Ministry of Justice, Secretary of State for Justice and Sussex Partnership NHS Foundation Trust (County Court)** – successfully represented the Claimants in a contested anonymity application.
- **R v Akle, Bond and Whiteley (Old Bailey)** – counsel for an NGO seeking remote attendance at a resumed jury trial in May 2020 pursuant to the Coronavirus Act 2020.
- **Re Contempt Application Against the BBC** [2021] EWHC 170 (QB) – Divisional Court case in which the BBC was fined £28,000 for making and transmitting a six-second unauthorised recording of court proceedings (judicial assistant to Warby J, as he then was).

- **R (Good Law Project) v Secretary of State for Health and Social Care** [2021] PTSR 1251 – an application for a television production company to record and re-broadcast judicial review proceedings in the interests of open justice (judicial assistant to Chamberlain J).
- As a pupil, Clare worked with her supervisor Jude Bunting on the Media Lawyers Association intervention in the Supreme Court in **Cape Intermediate Holdings Ltd v Dring** [2019] 3 WLR 429 on third party applications for court material.

## Interim hearings:

As a judicial assistant Clare gained experienced across a variety of procedural matters, including:

- **Hiazi v Yaxley-Lennon** – pre-trial review hearing determining multiple applications, including for non-party disclosure, relief from sanctions / extension of time, witness anonymity and a trial adjournment (assisting Nicklin J).
- **Whyte v CBS & Anor** – CCMC determining directions to trial, costs budgeting, a Part 18 application, a confidentiality application and costs application (assisting Senior Master Fontaine).
- **Assisted Master Gidden, Master Dagnall and Master Sullivan** with procedural hearings relating to various media law matters (data protection, libel and misuse of private information), including strike-out, anonymity and amendment applications.

## Administrative & Public Law

Clare has a broad public law practice. She has represented a wide variety of clients, including Claimants challenging local authority age assessments in the Upper Immigration Tribunal, Defendants facing committal proceedings for anti-social behaviour in the County Courts, and children pursuing Human Rights Act claims following flawed care proceedings.

Clare has appeared both led and unled in the High Court. She has worked across all stages of judicial review proceedings, from urgent judicial review claims to strategic litigation. As a judicial assistant to Chamberlain J in Hilary term 2021 Clare gained an invaluable insight into the Administrative Court working on substantive judicial reviews, paper permission decisions, oral renewal hearings, interim relief hearings, and 'immediate'/urgent applications. In addition,

she was tasked with editing of the Administrative Court Guide 2021 providing her with a solid grounding to advise on procedural aspects of judicial reviews.

Recent judicial review work:

- **R (The Motherhood Plan) v HM Treasury** [2021] PTSR 1202 (Admin) & [2021] EWCA Civ 1703 (led by Jude Bunting and with Donnchadh Greene) – discrimination challenge to COVID-19 income support payments to self-employed mothers ([here](#)).
- **R (AA) v Hammersmith & Fulham LBC (2020)** – successfully represented an unaccompanied asylum-seeking child in an age assessment challenge both at permission stage and in the remitted fact-finding hearing in the Upper Tribunal.
- **R (Good Law Project) v Secretary of State for Health and Social Care** [2021] PTSR 1251 – challenge to the Defendant’s approach to procurement law and policy in relation to contracts and goods and services awarded during the COVID-19 pandemic (judicial assistant to Chamberlain J).
- **R (GA) v Secretary of State for the Home Department** [2021] EWHC 868 (Admin) – challenge the Defendant’s refusal to disapply the law of Country X and to process the Claimant mother and children’s passport applications without the consent of their abusive father (judicial assistant to Chamberlain J).

## **Actions against the police and public authorities:**

Clare has represented a wide variety of clients, ranging from Claimants challenging local authority age assessments in the Upper Immigration Tribunal to children pursuing Human Rights Act claims following flawed care proceedings.

Clare has particular expertise in actions against the police. She has advised in claims concerning police assault, false imprisonment, malicious prosecution and failures to investigate. Clare is particularly well placed to advise on data protection and privacy issues, given her media and information law expertise. She has recently co-authored (with Steven Cragg KC) a book chapter on ‘The police, information rights and data protection’ ([here](#)).

## **Inquests and public inquiries:**

Clare exclusively represents families of the deceased in coronial proceedings and is regularly instructed in contentious Article 2 pre-inquest review hearings and inquests. She has a particular interest in inquests arising from deaths in custody and following contact with the police. Clare also advises on civil claims following inquests and on judicial review of coronial

decisions.

Recent work includes:

- **The Whyte Review (2021)**: instructed by British Gymnastics to assist in a large-scale disclosure exercise.
- **Inquest into the death of DG (2021)**: Instructed in a nine-day jury inquest. The deceased died by suspending himself from a railway bridge while intoxicated.
- **Inquest into the death of MH (2020)**: Instructed in a seven-day jury inquest. The deceased made a 999-call asking for emergency services, but there were no available patrols to send. He was later found suspended by his neck at home.
- **Inquest into the death of DA (2019)**: An eight-day death in custody inquest. The inquest revealed systemic failures to carry out observations recorded by prison staff in the ACCT log, which was the subject of a PFD report. The jury narrative highlighted five further failures in the care of the deceased, including one that possibly contributed to death.

## International Law

Clare has expertise in public international law, with a focus on international human rights law. She is well placed to provide holistic advice on international law mechanisms, having worked in the Registry of the European Court of Human Rights, for the European External Action Service in Myanmar and for a cross-party political office as a parliamentary legal officer. She is currently an assistant editor the European Human Rights Reports (2018 – present).

Clare has been instructed to draft submissions to the UN Working Group on Arbitrary Detention and Special Rapporteurs in sensitive cases involving dual nationals (see [here](#) and [here](#) led by Caoilfhionn Gallagher KC and Jennifer Robinson).

In addition, Clare has a particular interest in the application of international law in domestic proceedings. As a judicial assistant to Mr Justice Chamberlain in Hilary term 2021 Clare worked on a number of cases engaging public international law and the application of international treaties. For example, **R (GA) v Secretary of State for the Home Department** 2021] EWHC 868 (Admin) concerned the law applicable to the attribution of parental responsibility is governed by the 1996 Hague Convention.

## Select Publications and Talks

- Contributing author: “Police Misconduct: legal remedies” (Legal Action Group, 2022). Co-authored the Chapter on ‘The police, information rights and data protection’ with Steven Cragg KC ([here](#)).
- Speaker: “Data and Policing” panel, Public Law Project’s ‘Data law for public lawyers, Public law for data lawyers’ Conference (May 2022).
- Speaker: “Journalists, police and their interaction in the public space”, Media Law Resource Centre International Committee (July 2020).
- Assistant editor (2020-present) and headnote writer (2017-2020): European Human Rights Reports (Sweet & Maxwell) ([here](#)).
- Author: case analysis of R (Hallam) v Secretary of State for Justice [2019] UKSC 2 in the European Human Rights Law Review ([here](#)).
- Author: case law update for INQUEST Law magazine (Issue 40, Winter 2020) ([here](#)).