



Deok Joo Rhee KC

Year of call: 1998 | Silk: 2017

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"Her approach to advocacy is modern and thoughtful and her written work is conveyed in a manner that is easy to understand yet forceful." "A fantastic advocate." Chambers and Partners 2022

"She is persuasive and packs a powerful punch. Her submissions are concise, and she is bright and good on her feet." "Very, very considered in her arguments; she delivers them in an understated way but is very persuasive." Chambers and Partners 2022

Deok Joo Rhee KC's practice covers all areas of constitutional, administrative, EU and human rights law and related areas of commercial and environmental law. Within these fields the particular focus of her practice is EU economic and social policy, including public procurement, state aid, free movement, immigration and asylum, and related areas of domestic and public international law.

Her expertise is attested to by her entries in the legal directories across all areas of her practice.

Recent instructions include acting in lead 'policy' challenges (*Medical Justice v Secretary of State on the Removal Window Policy*, *BF (Eritrea) v Secretary of State* on the policy approach to initial age assessments; *MA & HT v Secretary of State on the Secretary of State's policy for 'short' age assessments*; *Medway Council v Secretary of State* on the mandation of the National Transfer Scheme for UASCs), leading in multimillion pound procurement challenges for both providers and NHS Trusts, appearing in the lead cases on the rights of Turkish businesspersons under the EC-Turkey Association Agreement, appearing for the Trustees in Bankruptcy in a EU free movement challenge to UK insolvency law, challenging a broadcaster's decision to film and broadcast footage of 'looked after' children, advising on devolution and the EU's Fourth Railway Package, defending the rights of transgender women to be included on All Women Shortlists, acting for a Consortium of local authorities on a judicial discipline judicial review, advising on the recent Violence Against Women and Girls Strategy, advising UK and EU actors in respect of EU sanctions and anti-money laundering legislation, and advising in respect of draft primary legislation including the Procurement Bill and the proposed BDS Ban Bill.

In 2019, she was instructed in the *Miller* litigation challenging the prorogation of Parliament – in the Divisional Court and Supreme Court – as lead counsel for the Shadow Attorney General.

In addition to her domestic practice, Deok Joo also welcomes instructions from clients overseas. In recent

years, she has appeared in the Financial Services Division of the Grand Court of the Cayman Islands defending a series of economic tort claims on behalf of Cayman National Bank and its parent company, in an environmental and constitutional law judicial review in the Grand Court of the Cayman Islands challenging the open release of genetically modified mosquitoes, has advised commercial clients – in Malaysia – on the termination of utilities' licences, in South Korea – on EU law matters and in the Cayman Islands on the lawfulness of species conservation plans as well as on commercial matters (including share purchase agreements).

Deok Joo is a member of KCAB International's Panel of International Arbitrators.

Prior to taking silk, Deok Joo was a member of the Attorney General's 'A' Panel of Government Counsel and has acted for most Government Departments. In this capacity she has appeared as sole, lead and junior counsel – in many lead cases – including before the UK Supreme Court and the Court of Justice of the EU.

She is a former Référéndaire at the Court of Justice of the EU and judicial assistant at the (UK) House of Lords and prior to coming to the Bar was a lecturer in European law at Lady Margaret Hall (Oxford University).

Deok Joo is a member of the Bar European Group, Administrative Law Bar Association (former Committee member and Officer), Liberty (former Council member and member of Liberty's Conference and Appeals Committee), United Kingdom Association of European Lawyers, British Institute of International and Comparative Law and International Association of Korean Lawyers. She is a former member of the Bar Council's Remuneration Committee, European Committee and International Committees. She also served as a member of the Advisory Committee to the Pyeong Chang Winter Olympics (2017-2018).

She is proficient in French (legal and conversational) and Korean (conversational).

Areas of expertise

EU Law

Public Law and Human Rights

Public Law and Human Rights

Deok Joo has an established practice in administrative law and constitutional law. She is also well known for her expertise in related areas of EU law and private law. She is instructed as sole or lead counsel across all areas of her practice.

Her experience in commercial judicial review extends across Article 1 Protocol 1 ECHR challenges to regulatory decisions (eg the challenge to DEFRA's reallocation of EU fishing quotas, licence revocations), financial regulation (eg the Equitable Life JR), EU law challenge to UK insolvency/ pensions law (*Re McNamara* – in which she is instructed in the High Court and before the CJEU by the Trustees in Bankruptcy), constitutional law challenges – both at EU level (eg the 'Ship source' pollution' case; the UK challenge to the EU Trans European rail network) and domestic law challenges ('Miller 2' – the challenge to the prorogation of Parliament in which she was lead counsel for the Shadow Attorney General), environmental law (eg challenge to the open release in the Cayman Islands of genetically modified mosquitoes), EU grant allocations including challenges to 'claw back' decisions (*Mansfield DC v DCLG*), agricultural subsidies, public procurement (eg the applicability of the 'Teckal' exemption to local authority insurance mutual in *Risk Management Partners v Brent*, LAML, infrastructure projects, extensive experience of NHS procurement challenges).

She has undertaken extensive advisory work – including for central and local government, Her Majesty's opposition as well as for private/commercial actors in the UK and overseas (including the Cayman Islands, Malaysia, South Korea) – on matters ranging from transport, rail reform, windfall taxation, medicinal products, pension fund guarantees, EU free movement, EU export regulations, environmental protection,

state aid and equalities and non-discrimination.

General Public Law and Human Rights

Cornwall CC v Secretary of State for Health & Ors (Supreme Court): [2015] UKSC 46, [2015] 3 WLR 213 on the determination of 'ordinary residence' where the service user lacks capacity in social care legislation.

Hotak, Kanu, Johnson v Southwark LB & Ors (Supreme Court) [2015] UKSC 30, [2015] 2 WLR 1341: Lead counsel for the Secretary of State for Communities and Local Government, on homelessness duties in Part 7 of the Housing Act 1996 and the public sector equality duty.

JN v Thameside HMP and Secretary of State for Justice (Admin, 2015): duties in relation to privatised prisons. (Sole counsel.)

LV v Secretary of State for Justice and the Parole Board for England and Wales [2014] EWHC 1495 (Admin): delay in conditionally discharging prisoner detained under the Mental Health Act 1983 – whether breach of Article 5 ECHR. (Sole counsel.)

Police Superintendents' Association v Chief Constable of Bedfordshire Police & Ors [2013] EWHC 2173 (Admin): instructed to defend challenge to Police Pension Regulations. (Sole counsel.)

Justice for Kids v Secretary of State for the Home Department (Admin, 2015) (Sole counsel).

Revisions to PACE Code C in relation to the detention of young persons and compatibility with Article 8 ECHR (following **HC v Secretary of State for the Home Department**).

Refugee Action v Secretary of State for the Home Department [2014] EWHC 1033 (Admin): challenge to asylum support rates.

Gallastegui v Westminster CC & Ors [2013] EWCA Civ 28, [2013] 1 WLR 2377, [2013] 2 All ER 579: Parliament Square protester.

Boosttower v Secretary of State for Business, Innovation and Skills (2012, Admin): procedural challenge alleging failure to consult in relation to establishment of 'Enterprise Zones' in the North East of England. (Sole counsel.)

Global Management Services Europe Ltd v Secretary of State for Business, Innovation and Skills (2012, Admin): Article 6 challenge to Secretary of State's investigatory powers under the Companies Act 1948. (Sole counsel.)

Pelling v Secretary of State for the Home Department & Ors : instructed by the Attorney General for the Speaker of the House of Commons to defend parliamentary privilege. (Sole counsel.)

Bailey v Brent LBC [2011] EWCA Civ 1586, [2012] EqLR 168, [2012] BLGR 530, [2012] BLGR 530: *Brent Libraries* case on the closure of libraries in Brent and the public sector equality duty.

VC & Ors v Newcastle City Council & Or [2011] EWHC 2673 (Admin) (Div Ct), [2012] 2 All ER 227, (2012) 15 CCL 194: lead case on primacy of section 17 Children Act 1989 duties over 'section 4' (asylum) support. (Sole counsel.)

RM v Secretary of State for Work and Pensions [2010] UKUT 220: social fund, funeral payments, religious discrimination. (Sole counsel.)

A v Croydon LBC & Or; M v Lambeth LBC & Or [2009] UKSC 8, [2009] 1 WLR 2557, [2010] 1 All ER 469, [2010] HRLR 9, [2010] UKHRR 63, [2010] BLGR 183, (2009) 12 CCL Rep; [2008] EWCA Civ 1445, [2009] BLGR 24; [2008] EWHC 1364 (Admin): lead 'age assessment' cases (as both sole and junior counsel).

R (Equitable Members Action Group) v HM Treasury [2009] EWHC 2495 (Admin) DC, (2009) 159 NLJ.

Veolia Waters v London Fire and Emergency Planning Authority [2009] EWHC 3109 (QB): incidence and content of statutory duty to maintain fire hydrants 'in good working order'.

Taylor & Ors v Central Bedfordshire Council & Or [2009] EWCA Civ 613, [2010] 1 WLR 446, [2010] 1 All ER 516, [2009] BLGR 773: Article 8 ECHR as a defence to possession proceedings. (Sole counsel.)

Advisory work on draft amendments to primary legislation (eg in the fields of housing, mental health, social care, data protection and civil registration indexes).

Provided written Opinion for Liberty's successful campaign challenging Westminster City Council's proposal to ban 'soup kitchens' (2011).

Provided written Opinion for Liberty's successful campaign challenging Oxford City Council's proposals to introduce a public spaces protection order – criminalising begging and busking (June 2015).

Immigration and Asylum Law

Lead/country guidance cases in relation to safety of return to Somalia and Iraq, including – **MA (Somalia) v Secretary of State for the Home Department** [2010] EWCA Civ 426, [2010] Imm AR 563 (asylum seekers, safety of route of return); **MSM (Somalia) v Secretary of State for the Home Department & UNHCR** (UT, 2015) (imputed political opinion and reasonableness of modification under the EU Qualification Directive) (appeal pending before the Court of Appeal); **QD (Iraq) v Secretary of State for the Home Department** [2009] EWCA Civ 807, [2011] 1 WLR 689, [2012] 2 All ER 971, [2010] Imm. AR 132 (subsidiary protection, 'internal armed conflict' and Article 15(c) of the EU Qualification Directive); HH (Mogadishu: armed conflict: risk) Somalia CG [2008] UKAIT 00091 and AA and AM (armed conflict: risk categories) Somalia CG [2008] UKAIT 00091, [2010] EWCA Civ 426, [2010] UKSC 49.

Lead cases under Dublin II Regulation on safety of return to EU Member State: **NS v Secretary of State for the Home Department** [2010] EWCA Civ 990, [2010] EqlR 183.

Lead case on UK obligation to cooperate with UNHCR in relation to the resettlement of Syrian and Iranian refugees: ST (Iraq); **C1 & Ors v Secretary of State for the Home Department** [2014] EWCA Civ 188 (2 joined appeals from [2013] EWHC 855 (Admin) and [2013] EWHC 2415 (Admin)).

Lead cases on the interpretation of statutory appeal rights including:

RA, BF v Secretary of State for the Home Department & Office of the Children's Cmr (UT, Court of Appeal, judgments 13 and 22 April 2015): lead counsel – best interests of the child, and whether obligation to treat dependent child as having made own claim for international protection; statutory appeal rights and duties under the UN Convention on the Rights of the Child;

Mohan v Secretary of State for the Home Department [2012] EWCA Civ 1363, [2013] 1 WLR 922, [2013] Imm AR 210 – statutory appeal rights, deportation, family proceedings, Article 8 ECHR (sole counsel);

S v First-tier Tribunal & Or [2012] EWHC 1815 (Admin): EU procedural requirements – including the principle of effective protection of EU law rights and Article 6 ECHR in the application of the EU Procedures Directive (sole counsel);

Sapkota v Secretary of State for the Home Department [2011] EWCA Civ 1320, [2012] Imm AR 254: whether delay (in removal) going to interpretation of statutory appeal rights (sole counsel);

BA (Nigeria) & Or v Secretary of State for the Home Department [2009] UKSC 7, [2010] 1 AC 444, [2009] 3 WLR 1253, [2010] 2 All ER 95, [2010] Imm AR 363 (statutory appeal rights and asylum/human rights claims).

Recommendations

"She produces very impressive written argument. She is a superb administrative lawyer of good judgement, with a broad knowledge of the principles and the case law." The Legal 500 2022 (European Law)

"A very clever lawyer and a very good advocate. We did some bold, far-reaching stuff together and she was the brains behind it." "She's very approachable, very available and always gives clear, supportive advice."

Chambers and Partners 2021 (Administrative and Public Law)

"She has extremely detailed knowledge of our case. She is assiduous, hard-working and absolutely up to speed with every detail." *"She is open to suggestions for different ways of tackling cases"* and is *"excellent in her presentation of coherent written submissions."* Chambers and Partners 2021 (European Law)

"Her written and oral advocacy oozes erudition." Legal 500 2020 (Administrative and Public Law)

"Has an understated manner but commands the respect of the judges" Chambers and Partners 2020 (European Law)

"Very clever and considered; a careful advocate" Legal 500 2019 (Administrative and Public Law and EU Law)

"Very knowledgeable, especially on EU law issues" The Legal 500 2019 (Civil Liberties & Human Rights)

"Has an understated manner but commands the respect of the judges" Chambers and Partners 2019 (European Law)

"delightful and excellent to work with" The Legal 500 2018 (EU law)

"Remarkable; she is quietly passionate, extremely intelligent and great to work with" The Legal 500 2018 (Administrative and Public Law)

"Brilliant; her opinion is trustworthy and truly valuable" The Legal 500 2018 (Civil Liberties)

"Persuasive, very knowledgeable and incisive on the law" The Legal 500 2018 (EU law)

Memberships

Deok Joo is active in a number of professional associations, most notably:

- Constitutional, Administrative and Bar Association (ALBA) (Officer 2004 to 2014, and Committee Member 2004 to 2016)
- Liberty Council (2007 to 2011) and Liberty Conference and Appeals Committee (2012 to present).
- Bar Council International Committee (joined 2016), Bar Council European Committee (2006 to 2007), Bar Council Remuneration Committee (1999 to 2000).

She is also a member of:

- British Institute of International and Comparative Law (BIICL)
- Bar European Group (BEG)
- United Kingdom Association of European Lawyers (UKAEL)
- International Association of Korean Lawyers
- British Korean Lawyers Association (BKLA)

Qualifications

- 2013 Appointed to the Attorney General's 'A' Panel of Government Counsel.
- 2002 – 2004 Référendaire ('law clerk'), European Court of Justice (Luxembourg) (British Cabinet – for Sir David Edward and Sir Konrad Schiemann).
- 2000 – 2001 Judicial Assistant ('law clerk') to the Law Lords, House of Lords (Lord Slynn of Hadley).
- 1997 – 1998 College lecturer, European Law – Lady Margaret Hall, Oxford University.
- 1997 Birkenhead Scholar – Gray's Inn, London.
- 1997 – 1998 Bar Vocational Course – Inns of Court School of Law, London.

- 1996 – 1997 Bachelor of Civil Law – Hertford College, Oxford University.
- 1993 – 1994 Diploma in French Law, University of Paris II (Panthéon-Assas).
- 1993 College Scholar, Hertford College, Oxford University.
- 1992 – 1996 Law and French Law (BA Hons) – Hertford College, Oxford University: Law Moderations – 1st Class; Law Finals – 1st Class.
- 1989 – 1991 Westminster School, London – French, Latin, Mathematics, Further Mathematics, Art.

Additional Information

Publications

The Principle of Effective Protection Reaching Those Parts Other [Principles] Cannot Reach’ – Judicial Review, Dec2011, Vol. 16 Issue 4, p440. (Delivered at joint ALBA/BEG Summer Conference, July 2011.)

Contributor, Liber Amicorum: Essays in honour of Sir David Edward (Hart Publishing, 2004).

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