



Jennifer Thelen

Year of call: 2007

Email: jennifer.thelen@39essex.com

Phone: +44 (0)20 7832 1111

“Jennifer provides excellent advice on complex matters. She is approachable and very practical in her advice which is always appreciated by clients.” Chambers and Partners, 2023.

Jennifer has a broad legal background, having practised both corporate and regulatory law before being called to the Bar. That breadth is reflected in her practice. Jennifer is a member of the Attorney General’s A Panel of Junior Counsel to the Crown. Jennifer has an active public law practice. She frequently represents central and local government and is experienced in national security, education, immigration prisons, tax, local government law and regulatory law. She has a growing information rights practice and frequently advises on and appears in data protection and freedom of information claims. She continues to advise public authorities on discrimination and employment claims.

Areas of expertise

Administrative and Public

Information and Media

Education

Administrative and Public

Jennifer has a broad public law practice. She has appeared in a large number of judicial reviews regarding healthcare, pensions, prisons, immigration, tax and education, both as sole and junior counsel. She is instructed, on behalf of the Secretary of State, in a number of matters before the Special Immigration Appeals Commission, including high-profile challenges to decisions to deprive individuals of their citizenship. She has, given her background a keen interest in commercial judicial review.

Cases of note:

- ***U3 v Secretary of State for the Home Department*** - The appellant was deprived of her citizenship and denied entry clearance on the basis that she had travelled to Syria and aligned with ISIL. The Appellant challenged these decisions, on the basis that she was not ora risk to national security. This was one of the first cases to be heard in the Special Immigration Appeals Commission (SIAC), which applied the approach to a national security assessment following the Supreme Court’s decision in ***R (Begum) v SIAC***. Currently, this case is on appeal to the Court of Appeal. Jennifer

served as junior counsel to the Secretary of State.

Judgment

- ***Wilson v Commissioner of the Police of the Metropolis*** - Jennifer served as Counsel to the Tribunal (junior counsel). The Claimant successfully challenged the use of undercover police officers to spy on protest groups in the 2000s. The Investigatory Powers Tribunal found that the practices used violated the Claimant's rights under Articles 3, 8, 10, 11 and 14 of the European Convention on Human Rights.

Judgment

- ***R (Khurana) v North London CCG & NHS England*** - Jennifer represented the CCG (as junior counsel) in this challenge to the sale of a number of GP practices to a large US corporation. The case was the first to examine the factors a CCG is required to take into account when considering a change of control clause.

Judgment

- ***R (Gaztony) v Secretary of State for the Home Department*** - Jennifer represented the SSHD in the High Court in this unlawful detention case considering the responsibility for detention of a person who is awaiting treatment for a mental health condition, and where there are issues identifying an appropriate treatment facility.

Judgment

- ***(R) BMA v Secretary of State for Health and Social Care*** - Jennifer represented the BMA in the High Court in a judicial review of regulations which brought back the power to suspend the receipt of a public service pension to charge rather than conviction of a serious offence. The Claimant successfully established its claim brought under A1P1, read with Article 14, as well as Article 6 and the public sector equality duty.

Judgment

- ***Shamima Begum v Secretary of State for the Home Department*** - Jennifer represents the Secretary of State in this appeal of a decision to deprive the Appellant of her citizenship following her travel to Syria as a 15-year old (as junior counsel).

- ***L3 v Secretary of State for the Home Department*** - Jennifer represented the Secretary of State in this challenge to the decision to exclude a Libyan citizen (as junior counsel). The Applicant received permission to appeal the decision of the Special Immigration Commission to the Court of Appeal on two grounds relating to his family and private life. The Court of Appeal's decision (awaited) will consider the approach to the best interests of the child, and Zambrano, in the context of a national security challenge.

Judgment

Recommendations

- *"...Jennifer is very pragmatic."* Chambers and Partners (2023)
- *"...Jennifer has extensive experience in acting in public law cases for both central government departments and local authorities. She has a huge capacity for hard work and her turnaround rate is quick and superb."* The Legal 500 (2022)
- *"...She has an encyclopaedic knowledge of education law and is exceptionally skilled cross-examiner."* The Legal 500 (2022)

Qualifications

- 2006-2008: BPP Law School, Graduate Diploma in Law.
- 1993-1996: Harvard Law School, Juris Doctor, cum laude.

- 1989-1993: Miami University, B.Phil, magna cum laude.

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com