



Laura Hoyano

Call: 2015

Phone: 0207 520 6000

Email: chambers@18rlc.co.uk

After many years of trial and appellate advocacy experience at the Canadian Bar (Alberta Bar 1983), Laura Hoyano has developed a high-profile academic career at the University of Oxford. She has an international reputation for her academic research in all criminal, civil and human rights aspects of child abuse and child sexual exploitation and trafficking cases, and the handling of vulnerable witnesses. She has lectured on these topics over many years before for the Criminal Bar Association, Judicial Studies Board, Family Justice Council, Old Bailey Mess and Middle Temple, as well as internationally. She is frequently sought as an expert commentator by British and international media. She has carried out research commissioned by the Home Office, Ministry of Justice and the Scottish Government, as well as by foreign inquiries into sexual offences and child abuse. She now practices as a barrister in those fields.

In December 2018 Laura published a high-profile study of the operation of cross-examination of sexual offences complainants on their previous sexual behaviour (under section 41 of the Youth Justice and Criminal Evidence Act 1999) which had been commissioned by the Criminal Bar Association (<https://www.criminalbar.com/wp-content/uploads/2018/12/REPORT-FOR-CBA-WEBSITE-FINAL-ERRATA-with-Executive-Summary.pdf>). This was the largest empirical study ever conducted on how controls on cross-examination on sexual history actually operate in practice, including out-of-court discussions and agreements between counsel, and was unique in obtaining the full perspective on section 41 from prosecuting and defence barristers, instead of relying upon what could be observed by researchers in open court.

As a consequence of this study, in May 2019 Laura was invited by the Ministry of Justice and Home Office to serve on the Criminal Justice Board's end-to-end review of the prosecution of serious sexual offences, where she represents the Criminal Bar Association. The Review (colloquially known as "The Rape Review") has a high profile in the media. It is examining the causes of the drastic decline in prosecution rates of serious sexual offences compared to a steep incline in complaints. It is expected to report later in 2020.

Her practice at the Canadian Bar was wide-ranging: she handled complex commercial and insurance cases including fraud, tort, contract and compulsory appropriation. She had a substantial trial and

appellate practice with many reported judgments.

Her expertise in criminal and civil issues vaulting across juridical boundaries, and across practice and academic research, makes her adept in developing lateral and creative strategies.

Because of her acknowledged expertise Laura is frequently interviewed in the media on child complaint issues. As a result, she is often contacted directly by persons seeking legal advice or representation. Unfortunately, Laura is not permitted to accept instructions or offer legal advice other than through a solicitor: she is not a Direct Access practitioner. Any enquires should be referred to [Chambers clerks](#).

Crime

Crime and Human Rights

Laura excels at resolving difficult points of law and in presenting nuanced arguments on evidential and human rights points, and is keen to resume her appellate practice. Until recently she was the Criminal Law Review case commentator concerning vulnerable witnesses and vulnerable defendants, and evidence in sex offence prosecutions. She is the author of the chapter of Blackstone's Criminal Practice on vulnerable and anonymous witnesses, which has been quoted with approval by the Court of Appeal Criminal Division, and is a contributor to all editions of Achieving Best Evidence in Criminal Proceedings. She has completed vulnerable witness training and can undertake any work requiring sensitive witness handling and the use of special measures.

Her primary areas of interest are child abuse in all forms, especially in an institutional setting, child sexual exploitation, human trafficking, and the trial of sex offences more generally, including of historic complaints.

Medical Law and Related Human Rights Issues

Consultant to the NHS Litigation Authority in leading 'wrongful conception/wrongful birth' cases:

- **Rees v Darlington Memorial Hospital NHS Trust** [2003] UKHL 52 (with Jeremy Stuart-Smith QC)
- **Parkinson v St James and Seacroft University Hospital NHS Trust** [2002] QB 266 (CA) (with Jeremy Stuart-Smith QC)

Other cases were settled before trial, including one on incomplete abortion resulting in a live birth.

Laura is particularly interested in being instructed in end-of-life issues and other applications for directions as to medical care in the Court of Protection.

Child Abuse, Human Trafficking and Human Rights

Because Laura's expertise extends across interlocking areas in relation to child abuse across public inquiries, criminal prosecutions, tort and human rights litigation and (to a lesser extent) family law, her advice is often sought on the conduct of parallel proceedings. She has considerable experience in the sensitive handling of vulnerable clients and witnesses.

Inquiries & Appellate Work

Public Inquiries

Laura was previously instructed on behalf of Core Participant claimants in several investigations of the [Independent Inquiry Into Child Sexual Abuse](#) (2017 and ongoing) appearing as counsel in live-streamed hearings in October 2017, March 2018.

She is interested in inquests, particularly those under ECHR Article 2 rules, as well as public inquiries, especially those into institutional failings and failures of governance.

Publications, Lectures and Training

Teaching and Lectures

Laura's teaching portfolio at Oxford has included Evidence, Criminal Law, Tort Law, Contract Law, Medical Law & Ethics, and Children Families & the State. She supervises postgraduate students, especially in relation to sex offences and the functioning of the criminal justice system.

Laura has delivered numerous lectures and training sessions around the world on all of the subjects within her fields of expertise, to the House of Lords Science and Technology Committee, members of the judiciary, practitioners in a wide range of professions such as forensic medical examiners and psychiatrists, law reform bodies, child advocacy and child protection bodies, and at international academic conferences.

Publications

Selected Publications: (a fuller list is available from Oxford University [here](#))

Books

Laura Hoyano & Caroline Keenan, *Child Abuse Law and Policy across Boundaries* (OUP 2007), updated

paperback edition 2010; 2nd full edition by Laura Hoyano alone, forthcoming 2018): Winner of the Inner Temple Book Prize 2008 (a four year award for outstanding contribution to legal scholarship and public policy): described by the Judging Panel chaired by Lord Woolf as *a masterly book on a hugely important subject, and an invaluable source of ideas and law, theory and practice, not only for practitioner and academic but for policy makers and indeed for all concerned with reform and administration of the law.*

Nicholas Bamforth & Laura Hoyano, *Human Rights in the Contemporary UK Constitution* (OUP, forthcoming 2021)

Selected articles and empirical studies

- *Rationing Defence Intermediaries under the April 2016 Criminal Practice Direction* [2017] Crim LR 92 with Angela Rafferty QC
- *ECHR and Common Law Accountability of States for Past Atrocities (2016)* 132 LQR 357 with Nicholas Bamforth,
- *No Deal: a Refresher on the Barrister's Rule of Independence in Response to the Home Secretary's Proffered 'Deal' to Human Rights Lawyers* [2019] Counsel 16
- *Reforming the Adversarial Trial for Vulnerable Witnesses and Defendants* [2015] Crim LR 105
- *What is Balanced on the Scales of Justice? In Search of the Essence of the Right to a Fair Trial* [2014] Crim LR 4
- *Withholding Potentially Life-Sustaining Treatment and the Mental Capacity Act 2005* (2014) 36 J of Social Welfare & Fam Law 1
- *Criminal Child Maltreatment: the Case for Reform* [2012] Crim LR 871 with Rachel Taylor
- *Coroners and Justice Act 2009 -(3) Special Measures Directions Take Two: Entrenching Unequal Access to Justice?* [2010] Crim LR 345
- *The Child Witness Review: Much Ado about Too Little* [2007] Crim LR 849
- *Striking a Balance between the Rights of Defendants and Vulnerable Witnesses: Will Special Measures Directions Contravene Guarantees of a Fair Trial?* [2001] Crim LR 948 (cited with approval by Baroness Hale in *R v Camberwell Green Youth Court ex parte D* [2005] UKHL 4, [2005] 1 WLR 393 [55])
- *Variations on a Theme by Pigot: Special Measures Directions for Child Witnesses* [2000] Crim LR 251
- *House of Lords: Youth Justice and Criminal Evidence Act 1999: Special Measures Directions—Compliance with Article 6- Special Measures Directions—Compliance with Article 6* (2005) 69 Journal of Criminal Law 488
- *Straining the Quality of Justice for Children and Their Families in Public Law Cases* [2014] Family Law 598
- *Policing Flawed Police Investigations: Unravelling the Blanket* (1999) 62 MLR 912 (on *Osman v UK*)
- *An Assessment of the Admissibility and Sufficiency of Evidence in Child Abuse Prosecutions* (HMSO

August 2020) with Davies and others

- Laura Hoyano and John Riley, "Abusive Relationship offending – Modelling investigation and prosecution strategies: a real example" -a two-part series in August and September 2020 of Counsel
- Laura Hoyano, 'Judge-Alone Trials can Deliver Justice -- But Only if Defendants Choose Them' [2020] Counsel 32
- Nicholas Bamforth and Laura Hoyano, 'ECHR and Common Law Accountability for Failure to Investigate State Collusion: the Northern Ireland "Legacy Cases"' (2020) 136 Law Quarterly Review 24
- Laura Hoyano, 'ABE 2016/19 Has Gone AWOL' [May 2020] Counsel 38
- Laura Hoyano, 'Cross-Examination of Sexual Assault Complainants on Previous Sexual Behaviour: Views From the Barristers' Row' [2019] Crim LR 77
- Report on Sexual Behaviour Evidence: views from the barristers' row: an empirical study commissioned by the Criminal Bar Association <https://www.criminalbar.com/wp-content/uploads/2018/12/REPORT-FOR-CBA-WEBSITE-FINAL-ERRATA-with-Executive-Summary.pdf>
- Laura Hoyano, 'Video and live-link evidence: state of play' [2018] Counsel 2
- Laura Hoyano, 'Why We All Should Take the Vulnerable Witness Training Programme' [2018] Criminal Bar Quarterly 17
- Laura Hoyano, 'Putting the Case, in Every Case' [2018] Counsel 18
- *A Study of the Impact of the Revised Code for Crown Prosecutors* [1997] Crim LR 556 with A Hoyano and G Davies,

Criminal Law Review Case Commentaries on Fair Trial Rights

- [2014] Crim LR 150, 918
- [2013] Crim LR 168, 240, 849, 918
- [2012] Crim LR 39, 128, 553, 563, 565, 618, 621, 960
- [2011] Crim LR 9, 712-717, 765

Review Articles on Fair Trial Rights

- *The Internationalisation of Criminal Evidence: beyond the Common Law and Civil Law Traditions* by John D Jackson and Sarah J Summers (2012) [2013] Crim LR 939
- *Criminal Fair Trial Rights: Article 6 of the European Convention on Human Rights* by Ryan Goss [2015] Crim LR 232
- *Children and Cross-Examination: Time to Change the Rules?* (JR Spencer and ME Lamb, eds) (2014) 18 E&P 286

Education

MA (Oxon)

BCL (Balliol College, Oxford, First Class

JD (First Class) (Alberta)

MA (Mediaeval History) (Alberta)

BA Hons History (First Class, four year degree) (Alberta)

Memberships

Criminal Bar Association

Middle Temple: member of the Equality, Diversity and Social Mobility Committee, Education Committee

South Eastern Circuit Access to Justice Working Party (Chair of the Human Rights sub-group)

South Eastern Circuit

Oxford University Bar Society (Senior Member)

Society of Legal Scholars

Wadham College Law Society

Younger Society (Balliol College Oxford)

Previously: Canadian Bar Association