University of Birmingham

Graham Gee

Senior Lecturer

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About

Graham Gee is a senior lecturer in law. His research and teaching focus on the British constitution.

Qualifications

- LLB (Exeter)
- LLM (Harvard)
- MSt (Oxford)

Biography

Graham is a graduate of Exeter, Harvard and Oxford Universities. After completing his undergraduate studies, Graham worked at the London office of Freshfields Bruckhaus Deringer, qualifying as a solicitor in 2002.

Teaching

- Public Law
- Advanced Constitutional Law

Postgraduate supervision

Graham welcomes inquiries from prospective postgraduate research students keen to work in the following fields:

- Constitutional law
- Constitutional Theory (and in particular: the nature, content and limits of political constitutionalism; and connections between conservatism and constitutionalism).
- Judicial Independence, Judicial Appointments and Court Administration

Current doctoral supervision

Graham is currently supervising postgraduate students undertaking research in the following areas:

- Independence Constitutionalism in the Caribbean (Matthew Gayle)
- Commonwealth Constitutionalism and Political Rights Review (Matthew Burton)
- Political Constitutionalism and the Human Rights Act 1998 (Robert Greally)

Research

Graham's primary research interests lie in constitutional law and he has worked with UCL's Constitution Unit, including as the coordinator of an ESRC-funded project on Law and Devolution. Together with colleagues from UCL and Queen Mary, he has been awarded AHRC Large Grant funding for a 3-year project on *The Politics of Judicial Independence in Britain's Changing Constitution*. The project runs from January 2011 to December 2013.

Other activities

Graham heads the School's Public Law and Human Rights Research Cluster, co-convenes the PL&HR Discussion Group (with Jane Norton) and convenes the CEPLER-sponsored "Perspectives on Public Law" lecture series. He is also Co-Director (with Marianne Wade) of the School's Institute of Judicial Administration and, from January 2014, is Deputy Director (PGR) at the CAL Graduate School.

Publications

Books

- *The Politics of Judicial Independence in the UK's Changing Constitution* (Cambridge: CUP, forthcoming) [with R. Hazell, K. Malleson and P. O'Brien].

Edited Works

- *Leaving the EU? The Legal Impact of Brext on the UK: Special Edition of European Public Law* (2016) (with L. Rubini and M. Trybus)

Chapters in Books

- 'Judicial Policy in England & Wales: A New Regulatory Space' in R. Devlin and A. Dodek (eds.), *Regulating Judges* (forthcoming).
- 'The Persistent Politics of Judicial Selection' in A Seibert-Fohr (ed) *Judicial Independence in Transition* (New York: Springer, 2012) 121-145.
- 'The Politics of Judicial Appointments in Canada' in ***Judicial Appointments: Balancing Independence, Accountability and Legitimacy*** **(http://jac.judiciary.gov.uk/static/documents/JA_web.pdf)** 99-114 (London, 2010). A collection of essays prepared under the auspices of the Judicial Appointments Commission.
- 'Defending Judicial Independence in the British Constitution' in A. Dodek and L. Sossin (eds) *Judicial Independence in Context* (Toronto: Irwin Law, 2010) 381-410.
- 'Devolution and the Courts' in R. Hazell and R. Rawlings (eds)*Devolution, Law Making and the Constitution* (Exeter: Imprint, 2005) 252-294.

Journals

- 'Introduction: Leaving the EU? The Legal Impact of Brexit on the UK' (2016) 22 European Public Law (with L. Rubini and M. Trybus).
- 'Brexit: Regaining Sovereignty?' (2016) 22 *European Public Law* (with A.L. Young) [Special Edition on The Legal, Political and Economic Implications of Brexit].
- 'The Financial and Administrative Independence of the UK Supreme Court' (2015) European Journal of Current Legal Issues. [Special Edition on Alan Paterson's *Final Judgment: The Last Law Lords and the Supreme Court*]
- 'What are Lord Chancellors For?' [2014] *Public Law* 11-27.
- 'A Grammar of Public Law' (2013) 14 *German Law Journal* 2137-2155 (with Grégoire C.N. Webber) [Special Issue on Political Constitutions].
- 'Rationalism in Public Law' (2013) 76 *Modern Law Review* 708-735 (with Grégoire C.N. Webber).
- 'Guarding the Guardians: The Chief Executive of the UK Supreme Court' [2013] *Public Law* 538-554.
- 'Same-Sex Marriage and *Perry*: A Case for Judicial Minimalism?' (2013) 37 *NYU Review of Law & Social Change* 265-275.
- 'What is a Political Constitution?' (2010) 30 *Oxford Journal of Legal Studies* 273-299 (with Grégoire C.N. Webber).
- 'The Political Constitutionalism of J.A.G. Griffith' (2008) 28 *Legal Studies* 20-45.
- 'Regulating Abortion in the United States after Gonzales v Carhart' (2007) 70 *Modern Law Review* 979-992.
- 'A Confused Court: Equivocations on Recognizing Same-Sex Relationships in South Africa' (2006) 69 *Modern Law Review* 631-642 (with Grégoire C. N. Webber).
- 'Same-Sex Relationships in Canada: Contributions from the Courts, the Executive and Parliament' (2005) *Kings College Law Journal* 132-143 (with Grégoire C. N. Webber).
- 'Same-Sex Marriage in Massachusetts: Judicial Interplay between Federal and State Courts' [2004] *Public Law* 252-265.

Book Reviews

- *Final Judgment: The Last Law Lords and the Supreme Court*by A. Paterson (2015) 78 Modern Law Review (forthcoming).
- Sitting in Judgment: The Working Lives of Judges by P. Darbyshire (2012) *Legal Studies* 680-682.
- The Limits of Judicial Independence by Tom S. Clark (2012) *Public Law* 374-377.
- The Inception of Modern Professional Education: C.C. Langdell 1826-1906 by Bruce A. Kimball (2010) 62 *Educational Review* 487-489.
- Inside and Outside Canadian Administrative Law: Essays in Honour of David Mullan by G Huscroft and M Taggert (eds) [2008] *Public Law* 401-403.
- Judicial Integrity by A. Sajó (ed) [2006] *Common Law World Review* 828-831.
- Same-Sex Marriage and the Constitution by E. Gerstmann [2005] *Common Law World Review* 85-89
- The Rehnquist Court: A Retrospective by M. Belsky (ed) [2004] *Common Law World Review* 182 - 185.

Reports and Evidence

- **Submission (https://www.ucl.ac.uk/constitution-unit/research/judicial-independence/responsetoukscselectionreview/)** to the UK Supreme Court's Review of the Process for Appointing Justices of the UK Supreme Court (with Hazell, Malleson and O'Brien)
- **Written (http://www.ucl.ac.uk/constitution-unit/research/judicial-independence/Constitution_Committee_on_the_Office_of_Lord_Chancellor_july_2014)** and **Oral (http://www.parliament.uk/documents/lords-committees/constitution/lord-chancellor-inquiry/ucCC160714ev1.pdf)** Evidence to the House of Lords Constitution Committee's Inquiry on the Office of Lord Chancellor.
- **Submission (http://www.ucl.ac.uk/constitution-unit/research/judicial-independence/jac-review-submission)** to the Ministry of Justice's Triennial Review 2014 of the Judicial Appointments Commission (with Hazell, Malleson and O'Brien).
- **Response (http://www.ucl.ac.uk/constitution-unit/research/judicial-independence/response-to-JAC-consultation)** to the Judicial Appointments Commission's Consultation on *Changes to the Judicial Appointments Process resulting from the Crime and Courts Act 2013: Consultation on Diversity Considerations where Candidates are of Equal Merit* (with R. Hazell, K. Malleson and P. O'Brien).
- Written Evidence to the House of Lords Constitution Committee ***Inquiry on the Judicial Appointment Process*** **(http://www.parliament.uk/documents/lords-committees/constitution/JAP/JAPCompiledevidence28032012.pdf)** (pp 97-102).
- **Submission (http://www.ucl.ac.uk/constitution-unit/research/judicial-independence/moj-submission.pdf)** to the Ministry of Justice Consultation Paper *Appointments and Diversity: A Judiciary for the 21st Century* (with Robert Hazell and Kate Malleson).

Other Publications

- **'Manifesto Watch: Five Thoughts on Conservatism and Constitutionalism' (http://ukconstitutionallaw.org/2015/04/22/manifesto-watch-graham-gee-five-thoughts-on-conservatism-and-constitutionalism/)** UK Const. L. Blog (22 April 2015)
- **'Selecting the Justices: Four Suggestions' (http://ukscblog.com/selecting-the-justices-four-suggestions/)** UKSC Blog (13 October 2014) (With Kate Malleson).
- **'Do Lord Chancellors defend judicial independence?' (G.%2520Gee,%2520%25E2%2580%2598Do%2520Lord%2520Chancellors%2520defend%2520judicial%2520independence?%25E2%2580%2599%2520U.K.%2520Const.%2520L.%2520Blog%2520(18th%2520August%25202014))** UK Const. L. Blog (18 August 2014).
- **'Judicial Appointments, Diversity and the Equal Merit Provision' (http://ukconstitutionallaw.org/2014/05/06/graham-gee-and-kate-malleson-judicial-appointments-diversity-and-the-equal-merit-provision/)**, UK Const. L. Blog (6 May 2014)
- **'The Lord Chief Justice and Section 5 of the Constitutional Reform Act' (http://ukconstitutionallaw.org/2014/04/14/graham-gee-the-lord-chief-justice-and-section-5-of-the-constitutional-reform-act/)** UK Const. L. Blog (14 April 2014).
- **'Who should have the final say in lower level judicial appointments?' (http://ukconstitutionallaw.org/2013/01/30/kate-malleson-and-graham-gee-who-should-have-the-final-say-in-lower-level-judicial-appointments/)** UK Const. L. Blog (30 January 2013) (with Kate Malleson).
- **'The Crime and Courts Bill and the JAC' (http://ukconstitutionallaw.org/2012/11/01/graham-gee-the-crime-and-courts-bill-and-the-jac/)** UK Const. L. Blog (1 November 2012).

- **‘What the Supreme Court Won’t Hear’ (http://www.theguardian.com/law/2011/nov/02/when-the-supreme-court-says-no)** The Guardian (2 November 2011) (with Robert Hazell).
- **‘Rights, Independence of Mind and Conservatives’ (http://ukconstitutionallaw.org/2011/05/02/rights_courts/)** UK Const. L. Blog (2 May 2011).
- **‘Are Executive-Judicial Relations Strained?’ (http://ukconstitutionallaw.org/2011/04/06/graham-gee-are-executive-judicial-relations-strained/)** UK Const. L. Blog (6 April 2011).

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