The Politics of Law and Judicial Review Training Course

Professional Development Training Course Outline

Category	Political Science and International Relations	**Duration**	5 Days
Base Fee	$1,500 USD	**Delivery Mode**	Online / On-site Hybrid

Course Introduction

The Politics of Law and Judicial Review Training Course offers a comprehensive exploration of the intricate relationship between **law, politics, and the judiciary**. It delves into how judicial review serves as a crucial **accountability mechanism** in modern democracies, examining the principles, procedures, and political implications of this powerful legal process. The course goes beyond theoretical concepts, providing practical insights into how judicial decisions are shaped by political context and how these decisions, in turn, influence policy and governance. Participants will gain a sophisticated understanding of the **constitutional framework** and the delicate balance of power among the executive, legislative, and judicial branches.

In an era of increasing government scrutiny and the **rise of public interest litigation**, understanding judicial review is essential for professionals in a variety of fields. This program is designed to equip participants with the **strategic skills** to navigate this complex landscape. By analyzing landmark **case studies** and exploring contemporary challenges, the training will highlight the dynamic nature of judicial power and its role in upholding the **rule of law** and protecting **fundamental rights**. From scrutinizing government decisions to anticipating legal challenges, participants will be empowered to make informed, lawful, and politically astute choices

Programme Curriculum

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Course Objectives

1. Deconstruct the political and constitutional foundations of judicial review.
2. Analyze the separation of powers and the judiciary's role in a democratic state.
3. Identify the legal and procedural grounds for initiating judicial review proceedings.
4. Evaluate the limits of judicial power and the doctrine of non-justiciability.
5. Examine the impact of judicial review on public policy and government decision-making.
6. Assess the influence of human rights law and administrative law on judicial review outcomes.
7. Explore the challenges of judicial activism versus judicial restraint.
8. Formulate an effective legal strategy for bringing or defending a judicial review claim.
9. Interpret key judicial review precedents and their broader political significance.
10. Discuss the role of public interest litigation and advocacy groups.
11. Anticipate and mitigate legal risks in public administration.
12. Master effective documentation and record-keeping for legal defensibility.
13. Apply legal principles to real-world scenarios through case-based learning.

Target Audience

1. Civil Servants and Public Administrators
2. Legal Professionals (lawyers, paralegals)
3. Policy Analysts and Researchers
4. Journalists and Political Commentators
5. Senior Executives in government and public sector organizations
6. Advocacy and NGO staff
7. Legal Students and Academics
8. Corporate Counsel advising on public sector engagement

Course Outline

Module 1: Foundations of Judicial Review

- Defining the Rule of Law and its connection to judicial power.
- Understanding the constitutional basis for judicial review.
- Exploring the historical evolution of judicial review.

- Analyzing the separation **of powers doctrine** in practice.
- **Case Study:** *Marbury v. Madison* (USA) or *R (Miller) v The Prime Minister* (UK) on the limits of executive power.

Module 2: Grounds for Judicial Review

- Illegality: Acting without legal authority.
- Irrationality: Decisions so unreasonable that no rational body could make them.
- Procedural Impropriety: Failure to follow fair process.
- Breach of Human Rights: Violating fundamental rights.
- **Case Study:** The **GCHQ case** on the irrationality ground (*Council of Civil Service Unions v Minister for the Civil Service*).

Module 3: Procedure and Remedies

- Pre-Action Protocol: Steps before filing a claim.
- Standing: Who can bring a claim.
- Remedies: Quashing orders, mandatory orders, and declarations.
- Time Limits: The importance of acting swiftly.
- **Case Study:** *R v. Chief Constable of Sussex, ex parte International Trader's Ferry Ltd* demonstrating the availability of different remedies.

Module 4: Judicial Review and the Executive

- Scrutinizing ministerial and governmental decisions.
- Reviewing policy implementation and public spending decisions.
- Examining the courts' approach to national security and emergency powers.
- Analyzing the relationship between the judiciary and the executive.
- **Case Study:** *Cherry/Miller 2* on the prorogation of Parliament.

Module 5: Judicial Review of Legislative Action

- Challenges to secondary legislation.
- Reviewing statutory interpretation.
- Assessing the judicial role in scrutinizing primary legislation (e.g., through human rights compatibility declarations).
- Exploring the concept of parliamentary sovereignty.
- **Case Study:** *Factortame* on the primacy of EU law and judicial review.

Module 6: The Politics of Justiciability

- Defining justiciability and non-justiciability.
- Exploring issues deemed political and not suitable for judicial determination.
- Debating the role of the courts in politically sensitive matters.
- Analyzing the doctrine of deference.
- **Case Study:** *Gouriet v. Union of Post Office Workers* on the non-justiciability of political disputes.

Module 7: Human Rights and Judicial Review

- Integrating the Human Rights Act into judicial review.
- Exploring the doctrine of proportionality.
- Assessing how courts balance individual rights with public interest.

- Debating the use of judicial review for human rights advocacy.
- **Case Study:** *R (Daly) v. Secretary of State for the Home Department* on the application of proportionality.

Module 8: Current Trends and Future Challenges

- The rise of public interest litigation and pressure groups.
- Debating the concept of judicial overreach.
- Examining proposals for judicial reform.
- Exploring comparative judicial review systems (e.g., US, UK, Canada).
- **Case Study:** The ongoing global debate on judicial independence and judicial appointments.

Training Methodology

This training employs a **blended learning approach** combining interactive lectures, group discussions, and **practical workshops**. Key elements include:

- **Case-Based Learning**: Deep dives into landmark legal cases to illustrate complex principles.
- **Socratic Method**: Encouraging critical thinking through guided questions and dialogue.
- **Simulations**: Role-playing a judicial review hearing to practice procedural steps.
- **Guest Speakers**: Insights from experienced legal professionals and judges.
- **Peer-to-Peer Learning**: Collaborative problem-solving and knowledge sharing.

Register as a group from 3 participants for a Discount

Send us an email: info@fineskilltrainingcenter.org or call *+254769199797*

Certification

Upon successful completion of this training, participants will be issued with a globally- recognized certificate.

Tailor-Made Course

We also offer tailor-made courses based on your needs.

Key Notes

a. The participant must be conversant with English.

b. Upon completion of training the participant will be issued with an Authorized Training Certificate

c. Course duration is flexible and the contents can be modified to fit any number of days.

d. The course fee includes facilitation training materials, 2 coffee breaks, buffet lunch and A Certificate upon successful completion of Training.

e. One-year post-training support Consultation and Coaching provided after the course.

f. Payment should be done at least a week before commence of the training, to Fineskill Training Center account, as indicated in the invoice so as to enable us prepare better for you.

Upcoming Scheduled Sessions

Start Date	End Date	Location	Price
23 Nov 2026	27 Nov 2026	Online	$1,000
23 Nov 2026	27 Nov 2026	Physical	$1,500
23 Nov 2026	27 Nov 2026	Physical	$3,000
23 Nov 2026	27 Nov 2026	Physical	$3,000
23 Nov 2026	27 Nov 2026	Physical	$6,000
23 Nov 2026	27 Nov 2026	Physical	$4,500
23 Nov 2026	27 Nov 2026	Physical	$6,000
23 Nov 2026	27 Nov 2026	Physical	$6,000

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