

Exploring A Year of Administrative Law Adjudication in the Administrative Court

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This article provides an analysis of 801 decisions handed down by the Administrative Court of England and Wales in a single year, 2017. The purpose of this inductive study of a substantial body of administrative law case law is to start a conversation about “inattentional blindness” in administrative law scholarship and to identify questions to help structure discussion among administrative law scholars about how they study case law and the questions they ask about it. After providing an overview of the survey and the most significant findings from it, we identify three questions for further deliberation among administrative law scholars. First, how should administrative law scholars think about judicial review’s location in a broader legal architecture? Secondly, how can scholars better factor in the role of legislation and policy in legal reasoning into administrative law thinking? Thirdly, how should scholars understand the relationship between common and less common features of case law?

This article provides an analysis of 801 decisions handed down by the Administrative Court of England and Wales in a single year, 2017. Surveying the case law of a single year may seem an unusual scholarly enterprise. Legal scholars often group case law for the purposes of study but the year and court in which a case was decided are not the usual parameters.¹ We have carried out this analysis to initiate a structured discussion about what administrative law scholars do and do not focus on. Or to put the matter another way, we want to encourage administrative law scholars to reflect upon what they are inattentionally blind to.

“Inattentional blindness” is a term coined by psychologists Arien Mack and Irvin Rock.² It has been described as the phenomenon whereby “when one is

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¹ Although note another study in this vein is Sarah Nason, *Reconstructing Judicial Review* (Oxford: Hart, 2016),