

Mental capacity is not just an issue for the Court of Protection. Almost any lawyer at any point may have reason to doubt that their client lacks capacity to conduct proceedings or to manage compensation awarded by a court. And many lawyers in different court room settings may find that they have either to examine or cross-examine a vulnerable witness who may only just be competent to give evidence. The legal, practical and ethical challenges posed in all these situations can be very stark.

In this multi-disciplinary seminar, chaired by **Alex Ruck Keene** (39 Essex Chambers), experts will examine three key challenges that confront lawyers in such situations and offer practical guidance to ensure that they can best be prepared for clients, parties and witnesses whose capacity may be impaired.

Simon Edwards (39 Essex Chambers) will outline the issues that arise where a client may lack capacity to conduct proceedings, and examine the thorny cross-over between personal injury proceedings and the Court of Protection where a client may also lack capacity to manage their property and affairs

Gareth Owen (Clinical Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience at Kings College London and Wellcome Trust Senior Clinical Research Fellow) will address how meaningfully to assess capacity in cases of acquired brain injury.

Professor Penny Cooper (Associate Tenant, 39 Essex Chambers), will outline the tools that are available to enable solicitors and barristers effectively to examine and cross-examine vulnerable witnesses so to maximise their ability to participate meaningfully in proceedings.

The issues that each will cover are of relevance to lawyers who work in the fields of personal injury, clinical negligence, private client, mental health, Court of Protection and special educational needs, amongst many others. The seminar will provide a valuable opportunity for networking and cross-fertilisation of ideas between practitioners of different disciplines.

The presentations will be followed by a question and answer session in which the panel will be chaired by **Alex Ruck Keene** (39 Essex Chambers).

Venue:

39 Essex Chambers
39 Essex Street
London
WC2R 3AT

Timings:

6pm – 7pm

Refreshments will be served after the seminar

To reserve a place please contact:

Beth Williams:

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39 Essex Chambers is accredited by the Law Society and the Bar Council to provide CPD accredited courses. This course is accredited for 1 CPD hour



Alex Ruck Keene TEP been recommended as a leading expert in the field of mental capacity law for several years, appearing in cases involving the MCA 2005 at all levels up to and including the Supreme Court. He also writes extensively about mental capacity law and policy, is an Honorary Research Lecturer at the University of Manchester, and the creator of the website www.mentalcapacitylawandpolicy.org.uk. To view full CV click [here](#)



Simon Edwards works extensively in the Court of Protection, Chancery Division and the County Court in matters relating to the property and affairs of those who lack capacity. His recent cases have included matters concerning statutory wills, the running of a personal injury trust, the occupation of a property bought with a patient's damages award, the recovery of overcharges made by a professional attorney, the recovery of sums taken without authorisation from a patient's account, what to do when an executor loses capacity, nursing and care home fees, the appointment of deputies where there is a foreign element. He is also a regular contributor to the Elder Law Journal with recent articles about the changes to the costs regime in the Court of Protection and the erosion of testamentary freedom. He also reviewed Testamentary Capacity Law, Practice and Medicine. To view full CV click [here](#)



Before moving into academia **Professor Penny Cooper** was a practising barrister for over ten years, advising and representing local authorities. Penny co-founded and chairs theadvocatesgateway.org. Her work on vulnerable witnesses and the website are frequently cited including twice by the Court of Appeal within the last twelve months. She devised the widespread, judicially endorsed practice of 'ground rules hearings'. She trains all Registered Intermediaries here and in Northern Ireland and lectures internationally to lawyers and judges on the use of intermediaries for vulnerable witnesses. Formerly an Associate Dean and professor at City Law School, she is now also a visiting professor at City University, London and a visiting senior research fellow at the Institute for Criminal Policy Research (Birkbeck). To view full CV click [here](#)



Dr Gareth Owen is Clinical Senior Lecturer at the IoPPN and Wellcome Trust Senior Clinical Research Fellow. His work has focused on decision-making capacity, spanning theoretical to practical issues. As a consultant psychiatrist Gareth works in a home treatment team in Lambeth. He is an editor with Simon Wessely and Robin Murray of the Maudsley Handbook of Practical Psychiatry and CEO of the Maudsley Philosophy Group Trust. To view full CV click [here](#)