

Court of Protection Mediation Group



JENNI RICHARDS QC – Call: 1991 Silk: 2011

Jenni is an experienced mediator, having trained with CEDR. She is identified as a leading mediator by Chambers & Partners, which notes that Jenni Richards QC “is singled out by interviewees for her gift of assisting parties in ‘identifying precisely which issues are crucial to them and exploring creative ways in which those issues can be addressed’”. She focuses upon judicial review disputes and Court of Protection cases, and she is convinced that the majority of such cases can be resolved successfully by agreement through mediation. Mediations are by their very nature confidential, but she has acted as mediator in a range of cases involving disputes between individuals and public bodies, including disputes over the provision of services to disabled individuals, disputes as to the best interests of incapacitated individuals in terms of residence, care, treatment and contact, and disputes between different public bodies as to their respective responsibilities.

As counsel, she has frequently been involved in dealing with matters through mediation and many of her cases are resolved successfully without the need for judicial determination. Her leading cases the Supreme Court appeals in *Cheshire West* and *Chester Council v P/P and Q v Surrey County Council*, acted for the family of Mr L, a severely brain damaged Muslim man in a challenge to a hospital’s decision to withhold life-saving treatment contrary to his religious principles and acted for the successful claimants in the Supreme Court in the leading human rights case *Rabone v Pennine Acute Hospitals Trust*.



FENELLA MORRIS QC – Call: 1990 Silk: 2012

Fenella is an experienced mediator and arbitrator, and has assisted in the resolution of a wide range of health and social care disputes since training with CEDR many years ago. As counsel, her practice focuses upon public law, human rights, regulation and the Court of Protection, and she brings her skills and experience from all these areas when she works with the parties to a mediation. She has appeared in many of the leading cases in the Court of Protection and in the field of health and social care, including *P and Q (Cheshire West)*, *Tracey (DNAR)*, and *Pretty v UK*.



MATTHIAS KELLY QC – Call: 1979 Silk: 1999

Matthias has been a QC since 1999 and Senior Counsel in Ireland since 2005. He is well known for his expertise in the fields of clinical negligence, health care, personal injury, health & safety and related professional negligence and regulation. Since the end of his term of office as chairman of the Bar Council, he has developed a practice in administrative law and professional regulation. Many of his cases focus on the intersection of politics and law. He has acted for Government Departments, Institutions and Trade Unions.

He has a particular expertise in cases concerning adult capacity and medical treatment having appeared in a number of High Court cases in Ireland concerned with the provision of forced treatment and the detention of adults and young people pursuant to the Mental Health Act. Most recently he has appeared in *Health Service Executive v KW & Others* (2015) IEHC 741.

Matthias is a qualified mediator and has a wealth of experience of both mediations and other alternative dispute resolution processes.



EMILY FORMBY – Call: 1993

Emily Formby has a very busy practice which brings her to the interface between injury work and the Court of Protection. She has extensive experience in the civil courts of claims in which the claimant is a protected party, so is used to considering claims both in terms of the claimant's best interests as well as the best outcome in terms of damages. In addition she appears in the Court of Protection assisting in a range of best interest and treatment decision cases and application of costs.

She is a CEDR qualified mediator and sits as a Recorder. She has received training in diversity and how to deal with vulnerable witnesses.



PARISHIL PATEL – Call: 1996

Parishil Patel has a wide ranging public law practice which encompasses incapacity and best interests, health, community care, local government (including regulation, audit and standards), telecommunications, data protection and confidentiality, prisons, immigration, public international law.

He has extensive experience of advising and acting for and against public bodies in Court of Protection proceedings, judicial review claims (in the High Court), including claims brought challenging local and central government policy and involving statutory construction and in proceedings in various Tribunals. He also has extensive experience of arguing ECHR issues in domestic courts and advising on human rights in the policy context.

Parishil is a CEDR accredited mediator and has mediation experience in both commercial and public law matters



KATIE SCOTT – Call: 2000

Katie Scott has a very busy Court of Protection practice advising both public bodies, the Official Solicitor and other litigation friends and family members in health, welfare and financial cases in the Court of Protection.

Katie trained as a mediator at the Regent's College. She was one of the mediators for the OPG telephone mediation pilot.



VICTORIA BUTLER-COLE – Call: 2005

Victoria Butler-Cole has extensive experience in the Court of Protection in health, welfare and financial cases acting for families, NHS bodies, local authorities, medical societies, and the Official Solicitor. She trained as a mediator at Regent's College in 2016. She has been described in Chambers and Partners as 'very personable and easy to deal with' and 'a Court of Protection supremo'. She is an editor of the 39 Essex Chambers Mental Capacity newsletter, an editor of the Court of Protection Law Reports, the Chair of Trustees of Compassion in Dying and is legal advisor to the Medical Mediation Foundation.



MUNGO WENBAN-SMITH – Call: 2004

Mungo's public law practice has an emphasis on cases relating to mental capacity, mental health, medical treatment and community care. In particular, he frequently acts for local authorities, NHS bodies and individuals, including on behalf of the Official Solicitor, in a variety of proceedings before the Court of Protection and invoking the inherent jurisdiction of the High Court across the UK involving health, welfare, deprivation of liberty, and property & affairs. These often include high profile applications relating to urgent medical treatment. He writes on related topics and delivers training and seminars to other professionals working in these areas. He is a Regent's University London accredited mediator.

His construction practice covers domestic and international large scale development, infrastructure and energy projects. From early experience in the Carlton Gate Property Development litigation through the provision of infrastructure for the Olympics to social housing under the PFI regime, he has acted in all types of disputes for all sides of the industry. Recent instructions include a US\$1bn dispute over the provision of infrastructure in Dubai; a HK\$3bn dispute over the provision of water supplies; several disputes over the construction and operation of WTE plants and power station construction.

He is advised on and litigated all forms of contracting and the standard forms of contract with particular experience in NEC, EPC, project management, financing and insurance issues. He has extensive international arbitration experience.

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