39 Essex Chambers’ Court of Protection group continues to lead the field in this area of law. Members are frequently instructed on behalf of claimants, relatives, statutory agencies, private bodies and the Official Solicitor in cases across the entire gamut of the Court of Protection and in the High Court in proceedings under the inherent jurisdiction. They also provide advice and assistance to public bodies and individuals in all aspects of the MCA 2005 and the inherent jurisdiction in respect of both non-contentious matters and matters which are concluded without recourse to the Court. Over recent years, no fewer than 8 members of the team have appeared in the Supreme Court in the only two Court of Protection cases to have reached that court to date. Members have also been involved in a high proportion of Court of Appeal cases involving the MCA and the Court of Protection.

Chambers & Partners describe 39 Essex Chambers as being “head and shoulders above other sets in this area”. This continues to be evidenced by the high profile, landmark, complex and novel points on which members are regularly instructed in this area in addition to the sheer range and volume of work in which they are involved. In addition to health and welfare matters, the team frequently advise and appear on matters involving property and affairs including deputyship applications and cases concerning lasting powers of attorney.

Chambers has also been at involved in the most important medical treatment cases in recent years. Similarly to the health and welfare work members act on behalf of NHS bodies, family members, professional bodies and the Official Solicitor. Chambers offer a 24-hour service to assist in these urgent cases, whether by way of advice or representation at out-of-hours hearings, as Chambers is acutely aware that difficulties and disputes arise outside the standard working day. We are confident, given the experience within the group, that members will be able to assist with the most appropriate way to resolve disputes or obtain necessary court orders. Chambers has close links with medical mediation services and includes a number of members who are themselves trained mediators.

Should you need out-of-hours assistance the details for the relevant clerks are below. Please feel free to call at any time should you wish to discuss a potential case with one of the group:

**PETER CAMPBELL**
Senior Practice Manager
peter.campbell@39essex.com
Mobile: +44 (0)7725 758 264

**SHERATON DOYLE**
Senior Practice Manager
sheraton.doyle@39essex.com
Mobile: +44 (0)7921 880 670

**MICHAEL KAPLAN**
Senior Clerk
michael.kaplan@39essex.com
Mobile: +44 (0)7775 997 230
JENNI RICHARDS QC
(Call 1991, Silk 2011)

Jenni specialises in public and administrative law, regulatory and disciplinary law and mental incapacity cases. She is instructed by the Official Solicitor, local authorities, NHS Trusts and individuals in more complex Court of Protection cases, in particular those raising difficult issues as to capacity, medical treatment, interference with human rights and deprivation of liberty. Leading cases include Cheshire West and Chester Council v P (2014) UKSC 19, (2014) MHL0 16 (leading Supreme Court authority on deprivation of liberty) and IM v LM (2014) EWC A Civ 37, (2014) MHL0 1 (the leading case on capacity to consent to sex). She has been recognised as “a star of the bar” and as being “as brilliant on her feet as she is on paper”.

TIMOTHY LYONS QC
(Call 1980, Silk 2003)

Timothy’s background in trusts and inheritance tax work and his experience in advising high net worth individuals generally is proving to be increasingly valuable in the context of Court of Protection work. His most recent appearance in the Court of Protection concerned the powers of the Criminal Injuries Compensation Authority in relation to trusts of an award. He has recently been instructed in two matters involving taxation and powers of attorney. He is a longstanding member of the Society of Trust and Estate Practitioners and of its cross-border estates group. He is described by Chambers & Partners as “Absolutely top quality”.

LISA GIOVANNETTI QC
(Call 1990, Silk 2011)

Lisa has a broad public law practice, undertaking advisory work and advocacy before a wide range of courts and tribunals, including the Supreme Court and European Court of Human Rights. She has appeared before the Court of Protection, High Court and Court of Appeal in a number of cases involving mental capacity/best interests, notably Re: HM [2010] EWHC 1579 (Fam), [2010] Fam Law 1072, [2011] 1 FLR 97, and London Borough of Redbridge v G & Ors [2014] EWCOP 17, in which she was instructed by the Official Solicitor on behalf of P. The Legal 500 says “an excellent lawyer and first-rate advocate who is easy to work with”.

FENELLA MORRIS QC
(Call 1990, Silk 2012)

Fenella’s practice in the Court of Protection spans cases concerning medical treatment, deprivation of liberty, and property and affairs. Her experience in the area stretches back to before the introduction of the Mental Capacity Act 2005 and she is top-rated by Chambers and Partners who call her “an absolutely superb practitioner”. She has appeared in a number of leading cases, such as Cheshire West on behalf of the Official Solicitor in the Supreme Court. She is a co-author of The Mental Capacity Act 2005, A Guide to the New Law, and a contributor to the Law Society/BMA publication, Assessment of Mental Capacity. She is also well-known for her public, human rights, and disciplinary and regulatory law work, and she has mediated and arbitrated many disputes in these areas.
VIKRAM SACHDEVA QC
(Call 1998, Silk 2015)

Vikram is qualified both in medicine and in law, and previously practiced as a hospital doctor. He also taught public law at Cambridge University for several years. Vikram practices in a wide range of public law and human rights cases, as well as in medical treatment cases in the Court of Protection. He is recommended as a leading silk in Administrative and Public Law in The Legal 500 and for Court of Protection work in Chambers & Partners. Recent comments include a “celebrated silk”, “a stellar performer” and “a fearless advocate”.

VICTORIA BUTLER-COLE QC
(Call 2005, Silk 2019)

Victoria specialises in health and social care law. She frequently appears in the Court of Protection on behalf of families, local authorities, CCGs, Trusts and the Official Solicitor, in cases concerning welfare issues, property and financial affairs, and medical treatment. She has been involved in numerous seminal cases including Aintree Hospital NHS Trust v James, and AJ v A Local Authority, and co-edits the 39 Essex Chambers Mental Capacity Newsletter. She has been consistently ranked in Band 1 for welfare cases in Chambers & Partners; which most recently described her as being “Destined to be a silk and dominate the Court of Protection world for the next 15 years. She is extremely able, very personable, very articulate and persuasive. The sky is the limit for her”.

PARISHIL PATEL QC
(Call 1996, Silk 2018)

Parishil appears regularly in the Court of Protection instructed by local authorities, NHS bodies, individuals and the Official Solicitor in cases involving serious medical treatment, welfare, property and affairs and deprivation of liberty. He is recommended for Court of Protection and Administrative and Public law in Chambers & Partners where is he described as “good at handling complicated legal arguments” and “is excellent in court, even when picking something up with very little notice”.

SIMON EDWARDS
(Call 1978)

Simon 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. Chambers & Partners describe Simon as “…very experienced and knowledgeable”.

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NEIL ALLEN  
(Call 1999)  
Neil has a particular interest in human rights, mental health and incapacity law. He is ranked as a leading junior by Chambers & Partners and The Legal 500 who say “He has a thoughtful, analytical approach to cases and an amazing eye for detail”. He also teaches undergraduate and postgraduate students, and regularly delivers training for a variety of audiences. He appeared in the Supreme Court deprivation of liberty case of P v Cheshire West and Chester Council; P and Q v Surrey County Council [2014] UKSC 19 and local authorities in the Re X proceedings (which designed an Article 5 procedure for Court-authorised deprivations of liberty). Neil co-authored the Law Society’s guide on Deprivation of Liberty, assisted Adass with the new DoLS forms, and is an Advisor to the Care Quality Commission’s DoLS Group.

NICOLA GREANEY  
(Call 1999)  
Nicola regularly appears in the High Court in judicial review cases and in medical treatment, social welfare and financial cases involving incapable adults (on behalf of the Official Solicitor, family members, health bodies and local authorities). She is particularly well placed to deal with medical treatment cases given her wide-ranging clinical negligence experience. Nicola is recommended in the leading directories in Community Care, Court of Protection, Administrative & Public Law, Clinical Negligence, Professional Discipline and Costs. They say “even if up against a number of QCs, she’s a very good advocate and really fights her corner”.

ADAM FULLWOOD  
(Call 1996)  
Adam is regularly instructed by local authorities, care homes, health authorities and the Official Solicitor in the Court of Protection in welfare, deprivation of liberty and serious medical treatment cases. He has a particular interest in cases involving overlapping public law issues such as adult social care, social housing and mental health. Adam is also regularly instructed in relation to property and affairs applications. Reported cases in the Court of Protection include the following: KW v Rochdale MBC [2016] 1 WLR 198 (Art 5 / deprivation of liberty); An NHS Trust v J [2014] EWCOP 2675 (serious medical treatment); Liverpool CC v SG [2014] EWCOP 10 (deprivation of liberty & children); RC v CC [2014] EWHC 131 (leading case on disclosure in COP).

EMILY FORMBY  
(Call 1993)  
Emily is well known for her extensive personal injury and clinical negligence practice. Within these specialisations she has wide experience acting for both claimant and defendant in all types of claims, both public and private and in related areas such as inquests, court of protection, cost disputes, insurance related issues, fatal accidents and product liability claims. Emily’s involvement in the Court of Protection is a common overlap with her injury work. Instructed to protect or consider claimant’s damages at an early stage she is also instructed in property and Mental Health Act cases. The leading directories say “she is absolutely brilliant with clients and has a forensic mind”.

NEIL ALLEN  
(Call 1999)  
Neil has a particular interest in human rights, mental health and incapacity law. He is ranked as a leading junior by Chambers & Partners and The Legal 500 who say “He has a thoughtful, analytical approach to cases and an amazing eye for detail”. He also teaches undergraduate and postgraduate students, and regularly delivers training for a variety of audiences. He appeared in the Supreme Court deprivation of liberty case of P v Cheshire West and Chester Council; P and Q v Surrey County Council [2014] UKSC 19 and local authorities in the Re X proceedings (which designed an Article 5 procedure for Court-authorised deprivations of liberty). Neil co-authored the Law Society’s guide on Deprivation of Liberty, assisted Adass with the new DoLS forms, and is an Advisor to the Care Quality Commission’s DoLS Group.
FIONA PATERSON  
(Call Call 2003)

Fiona is instructed at all appellate levels up to the Supreme Court by the Official Solicitor, CAFCASS, NHS Trusts and Clinical Commissioning Groups, in relation to medical treatment decisions and welfare matters. Over the last 2 years, she has appeared in 2 of the 3 appeals arising from the Mental Capacity Act 2005 to reach the Supreme Court; N v A CCG and Y v An NHS Trust and Ors, in which judgment was handed down by the Supreme Court in July 2018. She has also appeared on before the Court of Appeal and Family Division in a in a number of high profile medical treatment cases involving children including the Charlie Gard and Isaiah Haastrup in which she represented Great Ormond Street Hospital and King's College Hospital respectively. She is described by Chambers and Partners as “an absolute star” and “an advocate to watch.”

ALEXANDER RUCK KEENE  
(Call Call 2002)

Alex is recommended as a ‘star individual’ in Chambers & Partners for his Court of Protection work. They say “Brilliant – he’s a thoughtful academic, and a fine practitioner as well”. He has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court, and has experience across all aspects of the Court of Protection’s work. He also sits on the ad hoc Court of Protection Rules Committee, writes extensively, has numerous academic affiliations and is the creator of the website www.mentalcapacitylawandpolicy.org.uk

KATHARINE SCOTT  
(Call Call 2000)

Katie has extensive experience both in the Court of Protection and under the Inherent Jurisdiction. She has represents both local authorities, PCTs, CCGs, the Official Solicitor (and other Litigation Friends) and family members in disputes concerning health, welfare, property and affairs and sex and marriage. She has been involved in a number of interesting cases, most notably the Re X litigation [2015] EWCA Civ 599 (both a first instance and in the Court of Appeal). She is recommended by Chambers & Partners and The Legal 500 as a leading junior in Court of Protection who say she “provides invaluable advice”.

SIAN DAVIES  
(Call 1999)

Sian provides advice and representation at all levels in cases before the Court of Protection and regularly provides advice and training including as to the interplay of mental capacity and other local authority powers and duties. Bournemouth BC v PS [2015] EWCOP 39: whether severely autistic adult requiring 24/7 care in his home and the community is deprived of liberty, application of P&Q v Cheshire West (SC, 2014) RB v Brighton and Hove CC [2014] EWCA Civ 561; [2014] C.O.P.L.R. 629; Times, June 12, 2014 Second appeal from Court of Protection. Issue was whether in assessing capacity for purposes of the “mental capacity” requirement of the Deprivation of Liberty safeguards in Mental Capacity Act 2005 the court was obliged to give less or no weight to P’s ability to weigh information where the relevant decision was an emotional one, and as to the approach to be taken to authority (IM v LM ) by the CoP.
MUNGO WENBAN-SMITH
(Call 2004)

Mungo’s public law practice encompasses a broad range of areas including local government, community care, mental health and mental capacity, homelessness and financial services regulation. He appears on behalf of the Government, public bodies including local authorities and individuals in cases before specialist tribunals, the county court on statutory appeal and in the High Court in judicial review proceedings. He appears regularly in a wide range of best interests proceedings brought under the Mental Capacity Act 2005 before the Court of Protection, on behalf of local authorities, the Official Solicitor, family members and health bodies.

ALEXIS HEARNDEN
(Call 2005)

Alexis regularly represents local authorities, the Official Solicitor and families in best interests hearings in the High Court and in the Court of Protection, including urgent applications. As a result, she has experience of working with vulnerable clients and witnesses. Alexis’ background in personal injury litigation has been valuable in recent cases where Court of Protection proceedings are litigated alongside civil proceedings for damages for personal injuries. She is recommended in the legal directories for Court of Protection and Professional Discipline. Chambers & Partners say “she is a very good advocate who has dealt with some monster cases”.

PETER MANT
(Call 2006)

Peter has extensive experience in the Court of Protection. He regularly acts for the Official Solicitor, families, health bodies and local authorities in cases concerning medical treatment, welfare and property and affairs. His recent cases have included disputes as to deprivation of liberty; end of life care; capacity to marry and have sex; jurisdictional issues; revocation of lasting powers of attorney; disputed gifts; domestic abuse; contact and residence. Beyond the Court of Protection, Peter practises in the related fields of mental health and community care law, regulation (particularly healthcare regulation) and human rights. He undertakes work for a number of leading NGOs, including Liberty, and is a trustee of Islington Law Centre. Peter is recommended by Chambers & Partners for his Court of Protection work where he is described as “very incredibly intelligent, yet very practical”.

MICHELLE PRATLEY
(Call 2006)

Michelle appears frequently in the Court of Protection, acting for local authorities, health bodies, family members and the Official Solicitor alike. She has appeared in a number of capacity disputes and has experience in all areas of the Court of Protection’s work but is most often instructed in complex cases about health and welfare. She has particular expertise in deprivation of liberty, forced marriage, capacity to consent to sexual relations and disputes over residence, care and contact. She is recommended in Chambers & Partners as “really brilliant ... so clear-thinking she can win round even the most aggressive opponent with her focus. She works very hard and just makes dry concepts quite straightforward.”
Annabel has extensive experience in the Court of Protection and has dealt with wide ranging matters including disputes about capacity, serious medical treatment, residence, deprivation of liberty, care, contact, property and finances. She has particular expertise in complex cross-border jurisdiction matters and notable cases include HSE Ireland v PA, PB and PC [2015] EWCOP 38. Annabel is regularly instructed by the Official Solicitor, local authorities, NHS Trusts, care homes, and individuals.

Catherine has a particular interest in public law and human rights and her practice encompasses the fields of mental health and community care. Catherine regularly appears in the Court of Protection, instructed by local authorities, the Official Solicitor and individuals in welfare and financial cases and delivers seminars and training on the Mental Capacity Act and the Mental Health Act. Catherine is also a Bye-Fellow at St Edmund's College, Cambridge University where she teaches constitutional law and civil liberties. Chambers & Partners recommend her as “Razor sharp and extremely compassionate”.

Nicola practises across all Chambers’ areas of work, with a particular interest in public and human rights law. She appears regularly in court and undertakes pleading and advisory work. Nicola has a particular interest in Court of Protection matters. She is one of the co-authors of the 39 Essex Chambers guide to carrying out capacity assessments; she has also contributed to the chapter on the jurisprudence of the Court of Protection in the forthcoming edition of the COPP, a leading textbook on practice and procedure before the Court and is a contributor to the forthcoming 4th edition of the Assessment of Mental Capacity (Law Society/British Medical Association).
SAMANTHA JONES  
(Call 2012)

Samantha has a predominant healthcare practice focusing on mental health, clinical negligence, inquests and all aspects of public law including a fast-developing Court of Protection practice. She is regularly instructed by RPRs, local authorities, the Official Solicitor and relatives in welfare and financial cases and mental health act applications in London and across the country. She delivers seminars on the Mental Capacity Act and topical issues in the fields of Court of Protection and mental health. She writes for the Journal of Elder Law and Capacity. Samantha’s practice is complemented by her experience in special educational needs law and inquiries and she is a member of the Attorney General’s C Panel of Counsel.

RACHEL SULLIVAN  
(Call 2015)

Rachel has a busy Court of Protection practice and is regularly instructed by the Official Solicitor, CCGs and local authorities. She has also acted in applications relating to displacement of nearest relatives.

KATHERINE BARNES  
(Call 2014)

Katherine has a broad public law and human rights practice with a particular interest in the fields of community care and health law, including Court of Protection matters. Recent examples of her work in the field of mental capacity law include various challenges to deprivation of liberty orders under s.21A MCA 2005. She has also recently advised on a particularly complex case involving a young man with a brain tumour and serious mental health problems who repeatedly instructed that he wanted treatment for the tumour but ran away from hospital in fright every time doctors tried to administer treatment.

STEPHANIE DAVID  
(Call 2016)

Stephanie has an expanding practice across in public law and human rights law (particularly in Court of Protection and health-related matters). She regularly appears in the Court of Protection and has been instructed as junior counsel to Jenni Richards QC and Peter Mant in Welsh Ministers v PJ [2017] EWCA Civ 194 on appeal to the Supreme Court. She has undertaken urgent applications in mental health matters, as well as dealing with end of life planning in the Court of Protection. She also undertakes regular advisory work.