



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:

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SHERATON DOYLE

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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".



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) MHLO 16 (leading Supreme Court authority on deprivation of liberty) and *IM v LM* (2014) EWCA Civ 37, (2014) MHLO 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".



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

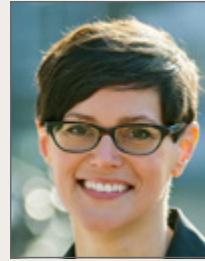
at Cambridge University for several years. Vikram practices in a wide range of public law and human rights cases, as well as in medical treatment cases in the Court of Protection. He is recommended as a leading silk in Administrative and Public Law in The Legal 500 and for Court of Protection work in Chambers & Partners. Recent comments include a *"celebrated silk"*; *"a stellar performer"* and *"a fearless advocate"*.



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 he is described as *"good at handling complicated legal arguments"* and *"is excellent in court, even when picking something up with very little notice"*.



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."*



EMILY FORMBY QC
(Call 1993, Silk 2021)

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"*.



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".



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).



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".



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 is incredibly helpful, very responsive, fantastically knowledgeable and hugely respected in the Court of Protection world." His reported cases include the Supreme Court decisions in *P v Cheshire West and Chester Council* [2014] UKSC 19 and *N v ACCG* [2017] UKSC 22, as well as the Re X proceedings. He also teaches undergraduate and postgraduate students, and regularly delivers training on the MCA 2005 and MHA 1983 for a variety of health care, social care, and legal audiences. Neil regularly publishes books and journals in this area, co-authored the Law Society's guide on Deprivation of Liberty, assisted Adass with the DoLS forms, and is an Advisor to the Care Quality Commission's DoLS Group. He is also the creator of the website: www.lpslaw.co.uk that will assist in the implementation of the liberty protection safeguards.



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.



KATHARINE SCOTT
(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".



ALEXANDER RUCK KEENE
(Call 2002)

Alex is recommended as being at the forefront of Court of Protection practice by the legal directories,

described as "an absolute star" in Chambers & Partners 2021. He has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court (appearing in five out of the six cases that the Supreme Court has considered concerning the MCA 2005) and the European Court of Human Rights, 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, delivers judicial training on the Court of Protection, writes extensively, has numerous academic affiliations, including as Visiting Professor at King's College London, was on secondment to the Law Commission working on the replacement to DOLS, and is the creator of the website: www.mentalcapacitylawandpolicy.org.uk Because Alex's work straddles policy, academia and practice, he tends now to be instructed in cases raising novel points of law or policy, frequently at appellate level.



FIONA PATERSON
(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 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.”



ALEXIS HEARNDEN
(Call 2005)

Alexis regularly represents local authorities, the Official Solicitor and families in welfare hearings in the High Court and in the Court of

Protection, spanning a range of issues including forced marriage, medical treatment, deprivation of liberty, contact and capacity to consent to sex. As a result, she has experience of working with vulnerable clients and witnesses. Alexis’ wider practice involves community care, mental health and healthcare regulation (including professional conduct). She is recommended in the legal directories for the Court of Protection and Professional Discipline. Chambers & Partners say “She comes across exceptionally well and all of her submissions are incredibly thorough. One of those people who has a fantastic bank of knowledge to call on and is a genuinely nice person to work with.”



MUNGO WENBAN-SMITH
(Call 2004)

Mungo’s public law practice encompasses a broad range of areas including local government, community

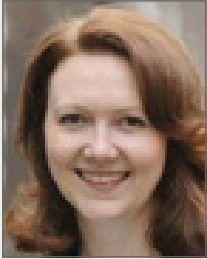
care, mental health and mental capacity, homelessness and financial services regulation. He appears on behalf of the Government, public bodies including local authorities and individuals in cases before specialist tribunals, the county court on statutory appeal and in the High Court in judicial review 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.



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 (particular 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."*



JACK HOLBORN
(Call 2008)

Jack has appeared regularly for local authorities, individuals and the Official Solicitor in the Court of Protection, working on

cases dealing with a wide range of welfare and medical treatment matters, including at appellate level. His public law practice also covers community care, mental health and immigration, and he is a member of the Attorney General's C Panel of Counsel.



STEVE BROACH
(Call 2008)

Steve has a specialist Court of Protection health and welfare practice, which is closely linked to his public law practice which focusses

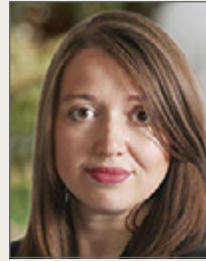
on the law in relation to education, health and social care. He has acted in several Supreme Court cases arising from the Court of Protection, including *Cheshire West* and *Aintree v James*. He is regularly instructed by the Official Solicitor, public authorities and family members in complex Court of Protection cases involving disputes as to residence, care and treatment. As an expert on the law in relation to disabled children and young people, being ranked in Band 1 for Chambers and Partners for both Community Care and Education, Steve is often instructed in cases for this younger cohort, although his case work spans the full age range. In particular, Steve often acts in cases involving 16-17 year olds, where his knowledge of the Children Act scheme and related children's law is particularly valuable. Steve has a detailed understanding of issues concerning deprivation of liberty, having acted in the *Re X* case which led to the 'streamlined' procedure for community authorisations. Steve's expertise in relation to mental capacity stems back to the period before the introduction of the 2005 Act, when as co-chair of the Making Decisions Alliance Steve helped lead the voluntary sector campaign in support of the new legislation.



CATHERINE DOBSON
(Call 2009)

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”*.



ELIZA SHARRON
(Call 2009)

Eliza Sharron is an experienced Court of Protection practitioner with a wealth of experience in health and welfare and

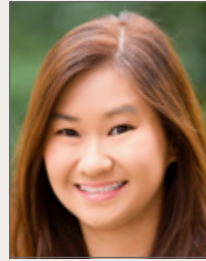
property and affairs matters, as well as medical treatment and inherent jurisdiction cases. Eliza has been described by the Legal 500 as *“One of the finest advocates working in the Court of Protection”* and has been consistently recognised for her *“calm”* and pragmatic approach. Eliza is used to working with vulnerable individuals and regularly acts for protected parties and family members, as well as local authorities and health bodies. Eliza’s Court of Protection practice is informed by a broader expertise in public law matters relating to adults and children with additional needs. Eliza has been ranked by the Legal 500 and Chambers & Partners for her work in Administrative and Public Law relating to these areas. Eliza has a particular interest in cases involving young people, or where there is a cross over between the Court of Protection, the Family Court and the Inherent Jurisdiction. Eliza is also regularly instructed in associated HRA claims, arising out of breach of Convention rights in the above areas.



**FRANCESCA GARDNER
(Call 2009)**

Francesca is a specialist in all areas of mental capacity and mental health law. Francesca’s practice encompasses

all areas of Court of Protection work, including welfare disputes, serious medical treatment, and property and affairs matters. She receives regular instructions from individuals, the Official Solicitor, local authorities, NHS bodies, and care homes. Francesca regularly acts in complex welfare proceedings and has a particular interest and experience in cases involving: cross border placements and disputes (with particular interest in cross border placements from Scotland); children and deprivation of liberty; the international protection of adults; cases involving both welfare and financial disputes; and safeguarding vulnerable adults under the Inherent Jurisdiction of the High Court. Her practice is unique in that Francesca specialises in Health & Welfare and Property & Affairs within the Court of Protection. Francesca also has extensive experience in Mental Health Law, including representing patients before the First-Tier Tribunal and Nearest Relative Displacement Proceedings. Francesca has extensive experience in cases concerning the interface between the Mental Health Act 1983 and the Mental Capacity Act 2005.



**ANNABEL LEE
(Call 2010)**

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.



**SAMANTHA JONES
(Call 2012)**

Samantha has a predominant healthcare practise focussing 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.



NICOLA KOHN
(Call 2012)

Nicola has a substantial Court of Protection practice where she specialises in Health and Welfare with a particular interest in issues

concerning capacity and sex. She has also appeared as sole and junior counsel in serious medical treatment cases including as junior counsel in the *Tafida Raqeeb* case. In addition, she has acted in a number of property and affairs cases where she has dealt with issues including attorneys and deputies acting outside of their authority, retrospective capacity to make an inter vivos gift and retrospective authorisation of a gift. She is a contributor to the 39 Essex Chambers Mental Capacity Report and acts regularly for the Official Solicitor as well as for local authorities, NHS Trusts and CCGs. She is a member of the Treasury Panel and EHRC C Panel.



ROSIE SCOTT
(Call 2013)

Rosie has a broad practice in public law and human rights law, with a special interest in Court of Protection, community care

and health-related matters. She regularly appears in the Court of Protection in 'best interests' matters and challenges to deprivation of liberty authorisations under s21A MCA 2005 at interim and final hearing stages, and has represented applicants, family members, NHS Trusts and Local Authorities. She has appeared on last-minute instructions before Tribunals, challenging detentions under section 2 and 3 MHA 1983 matters. Rosie also undertakes regular advisory work.



ADAM BOUKRAA
(Call 2013)

Adam has a broad public law practice. He appears regularly in the Court of Protection, instructed by the Official Solicitor, RPRs, NHS

bodies, local authorities and family members. He has acted in cases involving a wide range of issues across capacity, best interests, deprivation of liberty and personal welfare deputyship. He is listed as a "rising star" in public law by the Legal 500 and is described as "great at providing technical advice". He is a member of the Attorney General's C Panel.



ARIANNA KELLY
(Call 2013)

Arianna acts in a range of Court of Protection matters including those relating to welfare, deprivations of liberty, property and affairs,

and serious medical treatment, acting for local authorities, health authorities, family members, and on behalf of the Official Solicitor. Arianna is ranked as a Leading Junior in Chambers & Partners UK in Court of Protection: Health & Welfare, and as a 'Rising Star' on the Northern Circuit by Legal 500. Arianna is the Treasurer of the National Committee for the Court of Protection Practitioners Association. Arianna has a significant public law and community care practice and regularly advises and acts in public law matters arising out of Court of Protection matters. She also regularly acts and advises in matters relating to the inherent jurisdiction of the High Court.



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. As such, she is often instructed in Court of Protection matters and related claims for judicial review. She has worked on cases involving disputes about deprivation of liberty, care, residence, contact (including contact with sex workers) and medical treatment. She has a particular interest in cases that involve cross-border and/or jurisdictional issues. She acts for the Official Solicitor, NHS bodies, local authorities, care homes and individuals.



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.



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.

Key Contacts



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