



Victoria Butler-Cole KC

Year of call: 2005 | Silk: 2019

Email: Victoria.Butler-Cole@39essex.com

Phone: +44 (0)20 7832 1111

"A truly outstanding advocate." Chambers and Partners 2022

Victoria specialises in health and social care. Her work includes public law, community care, Court of Protection, medical treatment disputes involving babies and children, inquests, human rights claims, and regulatory appeals. She is the co-founder with Alex Ruck Keene of the 39 Essex Mental Capacity Report, and is recognised as one of the leading barristers in this field, having appearing in many of the leading cases. She is presently Vice-Chair of the Court of Protection Bar Association. Victoria has a particular interest in ethics and is a member of the Nuffield Council on Bioethics and a member of the advisory group to the UK Pandemic Ethics Accelerator. She sits as a recorder on the Western Circuit.

Areas of expertise

Court of Protection - Welfare

Court of Protection – Property and Financial Affairs

Medical Treatment Cases

Administrative and Public

Community care and mental health

Inquests

Regulatory and disciplinary

Mediators

Medical Treatment Cases

Victoria has appeared in many of the leading cases concerning medical treatment and babies, young children and incapacitated adults. She has experience of acting as a mediator in such disputes, and is an adviser to the Medical Mediation Foundation. Her cases have involved disputes about capacity, withdrawal of treatment, the provision of experimental treatment, and people with mental disabilities who require special arrangements to receive treatment. She was instrumental in developments in the law relating to withdrawal of clinically-assisted nutrition and hydration between 2011 and 2018, including the seminal cases of *W v M* and *Re Paul Briggs*, and culminating in the decision of the Supreme Court in *Re Y* that applications to the court did not have to be made where families and doctors were in agreement.

Cases of note:

- **Manchester University NHS Foundation Trust v Verden [2022] EWCOP4** - Whether a kidney transplant was in the best interests of a young autistic man with a learning disability.
- **Re E and another (minors: blood transfusion) [2021] All ER (D) 71 (Dec)** - Court of Appeal judgment on the approach to best interests decisions in respect of capacitous 16 and 17 year olds
- **AB v CD and others [2021] EWHC 1742; [2021] 179 BMLR 139** - Acted as advocate to the court in case concerning the ability of parents to provide consent for medical treatment for gender dysphoria
- **Re X (a child) (No 2) An NHS Trust v X [2021] All ER (D) 118 (Feb)** - Acted as advocate to the court in leading case on the inherent jurisdiction in respect of children who are Gillick competent/have capacity to make medical treatment decisions
- **Re X (a child) An NHS Foundation Trust v MX and others [2020] All ER (D) 142 (Jul), [2020] EWHC 1958 (Fam)** - Withdrawal of treatment – involvement of ethics committees
- **Re AB (termination of pregnancy) [2019] EWCA Civ 1215** - Successful appeal against order permitting termination
- **University College London Hospitals v KG [2018] EWCOP 29** - Provision of novel therapy to patient with CJD

Recommendations

Victoria is recommended for Court of Protection, administrative and public law, community Care, civil liberties and human rights, and disciplinary and regulatory law.

"She is a go-to Court of Protection barrister – she knows the law like the back of her hand." Chambers and Partners 2022

"Victoria is a completely unflappable barrister; she can cut through the nonsense, and she is brilliant with clients." Chambers and Partners 2022

"She makes the difficult stuff look easy." Chambers and Partners 2022

"She strikes the right balance between humanity and academic ability." Chambers and Partners 2021

"Not only is she an excellent advocate with an excellent knowledge of the law she is also a very worthy opponent who fights for her clients." The Legal 500 2021

"A fantastic advocate." The Legal 500 2021

Memberships

- JUSTICE
- Association of Disciplinary and Regulatory Lawyers
- Inquest Lawyers Group
- Court of Protection Bar Association (Vice-Chair)

Qualifications

- MA Medical Law and Ethics, King's College London
 - MA Philosophy, University of Cambridge
 - BVC, BPP Law School
 - CPE, City University
-

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com