



## Nicola Kohn

Year of call: 2012

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*"Superb technical knowledge, authoritative, very responsive. An excellent advocate who is always in control and is respected by the judiciary."*

## The Legal 500 2023

Nicola's practice is people focused. It spans public and human rights law and Court of Protection work and extends to common law and regulatory and disciplinary law. She is recommended for both Administrative and Public Law (The Legal 500 2022) and for Court of Protection and Community Care work (The Legal 500 2022 and Chambers & Partners 2022). She has been appointed to the Treasury Panel of Junior Counsel (B Panel) and the Equality and Human Rights Commission Panel of Counsel (C Panel).

She has been involved in some landmark cases of the last few years: ***JT v FTT [2018] EWCA Civ 1735*** which overturned the same-roof rule bar on criminal injury compensation and ***Tavistock v Bell [2021] EWCA Civ 1363***, the challenge to the referral of trans young people under 18 for prescription of puberty blockers.

Nicola has appeared as sole and junior counsel in the Court of Appeal, the Court of Protection, the County Court, the High Court, and various disciplinary tribunals. She will shortly be appearing (led by Jenni Richards KC) in the Supreme Court.

Prior to coming to the Bar, Nicola spent eleven years as a political news journalist at the BBC where she worked as a programme editor on the BBC1 Politics Show and Radio Four's Today, and as a senior producer on Newsnight.

## Areas of expertise

Civil Liberties and Human Rights

Court of Protection: Welfare, Property and Affairs

Medical Treatment Cases

Community Care and Mental Health

Regulatory

## Medical Treatment Cases

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## Cases of note:

- ***A Mental Health NHS Trust v BG*** - Decision of Cohen J determining it was in the best interests of a 19 year old woman with severe mental health difficulties and a form of anorexia nervosa to permit the cessation of artificial nutrition and hydration in accordance with her wishes. Instructed for the applicant Trust.
- ***PW (Jehovah's Witness: Validity of Advance Decision), Re Court of Protection* [2021] EWCOP 52 22 Sep 2021** - Decision of Poole J to grant a declaration that a blood transfusion would be in P's best interests in circumstances where she had a 20 year old advance decision refusing consent to blood transfusion but had subsequently done things inconsistent with the decision being fixed – s.25(2)(c) Mental Capacity Act 2005. Nicola acted for the applicant trust in the successful out of hours emergency application which is one of very few reported cases on advance decisions.
- ***AB v CD* [2021] EWHC 741 (Fam)** - Following on from the decision in *Bell v Tavistock and Portman NHS Foundation Trust* [2020] EWHC 3274 (Admin), [2021] P.T.S.R. 593, [2020] 12 WLUK 4, Lieven J held that the parents of a 15-year-old who wished to continue her hormone treatment to suppress puberty retained the parental right to consent to that treatment whether or not she was Gillick competent to make the decision.
- ***Cambridge University Hospitals NHS Foundation Trust v Mother* [2021] EWHC 126 (Fam)** - Decision of Holman J determining that it was in the best interests of a 7 year old with a brain tumour to undergo treatment by way of radiotherapy. The tumour had returned for the third time: the child's mother opposed further treatment given the distress it caused and the 50% chance of failure it involved. Nicola acted for the mother.
- ***United Lincolnshire Hospitals NHS Foundation Trust v Q* [2020] EWCOP 27** - Decision of Gwynneth Knowles J concerning a 57-year-old woman who lacked capacity to make decisions as to her dental treatment. It was in her best interests to undergo dental surgery and to have covertly-administered sedation for her transfer to hospital to prevent her from becoming anxious. Instructed by the applicant trust.
- ***Tafida Raqeeb v Barts NHS Foundation Trust* [2019] EWHC 2531** - Decision by MacDonald J concerning a hospital application to withdraw treatment from a five year old girl who had suffered a cranial haemorrhage. Led by Vikram Sachdeva KC, for the successful litigation friend on Tafida's behalf in the judicial review of the Trust's decision not to permit her to be transferred to a hospital in Italy for further life-sustaining treatment.

## Recommendations

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- *"She is an impressive court advocate, who is naturally very quick on her feet."* The Legal 500 2022
- *"She leaves no stone unturned, and judges really respond to her." "She is very thorough, knowledgeable and particularly sensitive to her clients' needs. She's also very easy to get along with."* Chambers and Partners 2022
- *"Superb technical knowledge, authoritative, very responsive. An excellent advocate who is always in control and is respected by the judiciary."* The Legal 500 2022
- *"She leaves no stone unturned, and judges really respond to her." "She is very thorough, knowledgeable and particularly sensitive to her clients' needs. She's also very easy to get along with."* Chambers and Partners 2022
- *"Nicola is very bright, good with clients, down to earth and actively involved in the management of cases."*
- *"She has a knack for getting a good result in difficult cases. She's extremely thorough, knows mental*

*capacity law inside out and is a good advocate."*

- *"She is absolutely excellent – very clear and knows her subject extremely well."* Chambers and Partners 2021
- *"Goes above and beyond for her clients. She is also a charming and skilled advocate, with real courtroom gravitas."* The Legal 500 2021

## Memberships

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- ALBA (Administrative Law Bar Association)
- CPBA (Court of Protection Bar Association)
- ARDL (Association of Regulatory and Disciplinary Lawyers)

## Qualifications

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### Education

- 2012 BPTC, BPP, Very Competent
- 2011 GDL, BPP, Distinction
- 1999 MSc in International Relations with Distinction, London School of Economics
- 1997 MA (Hons) First Class, English Literature, Hertford College, Oxford.

### Scholarships and prizes

- Ivor Yorke Prize for Media Law, BBC, 2000
- Academic Scholarship, LSE, 1998

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