



## 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

## Community Care and Mental Health

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## Cases of note:

- ***Cumbria, Northumberland Tyne and Wear NHS Foundation Trust v EG* [2021] EWHC 2990 (Fam)** - Following the Supreme Court decision in *Secretary of State for Justice v MM* [2018] UKSC 60, [2019] A.C. 712, [2018] 11 WLUK 450 that a restricted patient could not be discharged from hospital under the Mental Health Act 1983 on conditions that amounted to a deprivation of liberty, the court used the Human Rights Act 1998 s.3 to interpret s.72(1)(b)(i) of the 1983 Act so as to allow the detention of a restricted patient in a community setting under s.17(3). It was possible to read "liable to be detained" in s.72(1)(b)(i) to mean liable in law to be detained for treatment, even where that treatment was being provided in the community, so long as it could lawfully be provided in hospital.

## 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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