39 Essex Chambers has been at the forefront of medical treatment and right-to-die cases for many years, with members being involved in many of the recent landmark judgments including *R (Nicklinson) v Ministry of Justice*, *Tracey v Cambridge University Hospitals NHS Foundation Trust*, and *Aintree Hospital NHS Trust v James*. The specialist medical treatment group consists of over 20 barristers with an array of expertise and experience. These members also form part of the Court of Protection group who are praised by Chambers and Partners as being “widely regarded as...the biggest and best health and welfare team in London or anywhere else”.

Members have written and contributed to many of the leading textbooks in this field, including the leading practitioners’ text “Court of Protection Practice”, and regularly speak at cutting-edge lectures and conferences. Our expertise is supplemented by an unparalleled breadth and depth of practice areas including public law, human rights, clinical negligence, inquests, regulatory and disciplinary law. Members frequently act on behalf of NHS bodies, family members, professional bodies and the Official Solicitor.

Chambers is acutely aware that difficulties and disputes in the context of medical treatment often arise outside the standard working day. We are proud to offer a 24 hour service to assist in urgent cases, whether by way of advice or representation at out-of-hours hearings. We are confident that, given the range of experience and expertise within the group, we will be able to provide assistance in the most appropriate way to resolve disputes and seek court orders as necessary. Chambers has uniquely close links with medical mediation services and offers 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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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. Jenni has spent much of the last two years acting for the Yorkshire Ambulance Service NHS Trust in the Hillsborough inquests, which has involved detailed examination of intensivist, pathology and neuropathology evidence. Her 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 and the DNACPR guidance case. 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. Her experience ranges across the whole range of NHS and private health care work, and 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.

JAMES STRACHAN QC
(Call 1996, Silk 2013)

James has wide experience of acting in public and administrative law, including human rights and civil liberties. He appeared for the Ministry of Justice in the leading case of R(Nicklinson) v Secretary of State for Justice in the Supreme Court and in the courts below. He has a particular interest in the right to private life under Article 8 of the Convention and has acted in many cases involving its application in a number of different fields, including medical rights, transgender recognition, privacy and the media and data protection. He was a member of the Attorney General’s A Panel of Counsel before taking silk. He is recommended as a leading lawyer in Administrative & Public Law and Human Rights Law by the current editions of both the UK Legal 500 and Chambers & Partners.

VIKRAM SACHDEVA QC
(Call 1998, Silk 2015)

Vikram has a wide-ranging and interesting Administrative Law, Commercial and Disciplinary practice acting for individuals, public authorities and commercial bodies often involving challenges to national policies with general implications. He often acts in high profile cases involving intense scrutiny by the national media. He has experience of a wide range of tribunals, including the GMC, GDC, NMC, SDT, Care Standards Tribunal, and Public Carriage Office. Vikram has recently been described in Chambers and Partners as “a redoubtable advocate remarked on for his impressive courtroom style”. Vikram previously taught Administrative Law at Cambridge for several years.
PARISHIL PATEL  
(Call 1996)

Parishil has a wide ranging public law practice in the health sector (including acting and advising in cases involving end of life and other serious medical treatment). He has extensive experience of advising and acting for and against public bodies (NHS Trusts, NHSLA and NHS England) in judicial review claims brought involving the regulation of healthcare professionals, challenging policy and involving statutory construction, as well as any ECHR issues arising. Recent work has included the first case in which the court withdrew CAHN from a patient in MCS (M v Mrs. N), a JR challenge to the Human Research Authority’s policy to promote transparency in human research trials and a JR challenge to the proper interpretation of the provisions of NHS pharmaceutical services. Parishil is recommended as a leading junior in the current editions of UK Legal 500 and Chambers & Partners.

EMILY FORMBY  
(Call 1993)

Emily is well known and highly regarded for her health sector practice. From an initial strong focus on clinical negligence claims she represents both claimants and defendants. She has acted for and against public bodies (NHS Trusts, and NHSLA) and also for health insurers and regulatory bodies (MDU, MPC and GMC). She has considerable experience in the Coroner’s Court appearing in Inquests involving juries and Article 2 issues. She has recently been involved in the inquest arising from the Vauxhall helicopter crash. Emily has been recommended as a leading junior in the UK Legal 500 and Chambers & Partners for many years where she is described as “Someone who gives very practical advice, she talks to clients very clearly and is able to express complicated legal and medical terminology in a simple way.” She is also described as being “very strong on the technical details”.

ADAM FULLWOOD  
(Call 1996)

Adam is regularly instructed in serious medical treatment cases including emergency out-of-hours applications. He also has significant experience representing health bodies in related areas including continuing healthcare funding decisions, claims brought under the Human Rights Act 1998, deprivation of liberty, medical negligence and Inquests. He has a particular experience in cases involving anorexia and young persons.

NICOLA GREANEY  
(Call 1999)

Nicola has a broad practice which encompasses administrative & public law, clinical negligence, personal injury, costs and regulatory law. She is a member of the Attorney General’s A Panel. She appears frequently in the High Court in judicial review cases and in medical treatment, social welfare and financial cases involving incapacitated adults (on behalf of the Official Solicitor, family members, health bodies and local authorities). She also appears in disciplinary proceedings before panels including RCVS, GDC, UKCP and BACP. In her clinical negligence practice she is instructed in cases acting on behalf of Claimants, the NHSLA and private healthcare providers. Recent work includes acting in a case involving the withdrawal of life saving treatment from a 3 year old with a rare metabolic disorder. Nicola is recommended as a leading junior in Chambers & Partners and The Legal 500 in all of her practice areas.
ALEXANDER RUCK KEENE  
(Call 2002)

Alex has been involved in medical treatment cases up to and including before the Supreme Court (Aintree v James). He trains extensively in the area of medical treatment in relation to those lacking capacity, sits on the Legal and Ethical Policy Unit of the Faculty of Intensive Medicine/Intensive Care Society, and is the editor of numerous relevant publications including, most recently, editing the 4th edition of the BMA/Law Society’s Assessment of Mental Capacity book.

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, health authorities, CCGs, the Official Solicitor (and other Litigation Friends) and family members in disputes concerning health (including medical treatment), 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 699 (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”. She also practices in the related fields of clinical negligence and human rights law.

ROBERT LAZARUS  
(Call 2004)

Robert’s practice focusses mainly on healthcare law. He has undertaken cases serious medical treatment cases in both the Court of Protection (in respect of adults) and in the Family Division (in respect of minors). He has acted for NHS Trusts and for the Official Solicitor. Robert also undertakes a significant amount of disciplinary and regulatory work and regularly appears in from of a number of regulatory bodies including the HCPC, GDC and GMC. He also has a significant clinical negligence practice. Recent cases have include R (Ireland) v Health & Care Professions Council [2015] 1 WLR 4643 and the PIP Breast Implant litigation.

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MUNGO WENBAN-SMITH  
(Call 2004)

Mungo’s public law practice has an emphasis on cases relating to mental capacity, mental health, medical treatment and community care. In particular, he frequently acts for local authorities, NHS bodies and individuals, including on behalf of the Official Solicitor, in a variety of proceedings before the Court of Protection and invoking the inherent jurisdiction of the High Court involving health, welfare and deprivation of liberty. These often include high profile applications relating to urgent medical treatment. His recent medical treatment cases include acting for an NHS Trust in obtaining a declaration that it was in the best interests of a patient suffering from a predominant persecutory delusional state to undergo an above the knee amputation (Surrey and Sussex Healthcare NHS Trust v Ms AB); withdrawal of artificial ventilation from a young girl with severe brain injury (Bolton NHS Foundation Trust v C, LB & PT); and obtaining a declaration that a 65 year old man should undergo a double mastectomy to treat his breast cancer with the court providing guidance as to why it would be appropriate to covertly sedate the man prior to informing him of the operation (An NHS Trust v The Patient).
Victoria specialises in health and social care law and is a well-known and respected junior in the Court of Protection, described in the most recent Chambers and Partners as ‘extremely able, very personable, very articulate and persuasive. The sky is the limit for her’. She frequently appears in the Court of Protection and in the High Court in medical treatment cases concerning children and adults, instructed by Trusts and CCGs, medical bodies, families, local authorities and the Official Solicitor. She has been involved in cases involving the validity of advance decisions, the interface between MCA and MHA powers, withdrawal of life-sustaining treatment, the use of sedation and physical restraint, contraception, termination of pregnancy, and provision of novel therapies. She is a founding editor of the 39 Essex Mental Capacity newsletter (with Alex Ruck Keene), delivers judicial training on the Court of Protection, is an advisor to the Medical Mediation Foundation and Chair of Trustees of Compassion in Dying.

Alexis is an experienced advocate with a successful regulatory and public law practice, particularly in the healthcare sector. 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 as a leading junior by Chambers and Partners in the areas of Professional Discipline and in the Court of Protection and by Legal 500 for Professional Discipline.

Peter has extensive experience in all areas of Court of Protection work including medical treatment. He acts regularly for the Official Solicitor, NHS Trusts, private providers, families and local authorities. His recent cases have included disputes as to end of life care; invasive treatment involving restraint; deprivation of liberty and the overlap between the Mental Capacity Act 2005 and the Mental Health Act 1983. Beyond the Court of Protection, Peter practises in related fields of public law, including mental health and community care, professional regulation (in 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 “incredibly intelligent, yet very practical”.
MICHELLE PRATLEY  
(Call 2006)  
Michelle is frequently instructed by local authorities, NHS Trusts and the Official Solicitor in complex health and welfare cases in the Court of Protection. Her medical treatment experience includes responding to challenges to DNAR notices as well as urgent out-of-hours applications to seek authorisation for medical treatment in emergency situations. She also has considerable experience of mental health law and has advised in the interface between the Mental Health Act 1983 and Mental Capacity Act 2005. Michelle is recommended as a leading junior in Chambers & Partners.

CATHERINE DOBSON  
(Call 2009)  
Catherine has a busy Court of Protection practice and is regularly instructed by local authorities, the Official Solicitor and individuals in welfare, medical treatment and financial cases. In the field of mental health, she has acted for patients, parents and AMPHs in applications to displace the nearest relative and advised in relation to habeas corpus proceedings relating to detention under the Mental Health Act 1983. Catherine is on the Attorney General’s ‘C’-Panel of counsel and is rated as a leading junior in Chambers & Partners.

JACK ANDERSON  
(Call 2006)  
Jack has advised in relation to and appeared before the Court of Protection for both local authorities and individuals in relation to a variety of issues including enduring and lasting powers of attorney, deputyship, best interests decision-making and contempt proceedings arising from a failure to comply with the court’s orders. He is instructed in safeguarding proceedings including matters involving complex disputes of fact as well as best interests considerations.

BENJAMIN TANKEL  
(Call 2009)  
Ben regularly appears in medical treatment cases in the High Court and the Court of Protection, acting both for Trusts and patients. He has been involved in several leading cases, including a recent case on the question of whether the clinical definition of death is the relevant definition for legal purposes. He acted for the Official Solicitor in the Supreme Court in the leading case of Cheshire West about deprivation of liberty and in the subsequent cases of Re X and Re MOD about how Cheshire West should be implemented in practice. Ben has also appeared more widely in healthcare related matters, including cases in the Court of Protection, judicial reviews of decisions about NHS funding, and private law claims about recovery of NHS charges. Ben is currently representing junior doctors in their judicial review of the new junior doctors contract.
Annabel has extensive experience in the Court of Protection and has dealt with wide ranging matters including serious medical treatment. She is regularly instructed by the Official Solicitor, local authorities, NHS Trusts, care homes, and individuals. She has acted in several medical treatment cases and dealt with issues including the withdrawal of artificial hydration and nutrition from patients in a permanent vegetative or minimally conscious state; the provision of antibiotics, dialysis and CPR to a coma patient; and the administration of anti-viral medication to a HIV-positive patient with schizoaffective disorder. Annabel is an editor of Chambers’ Mental Capacity Newsletter and Jordon’s Court of Protection Practice 2016.

Nicola had experience of assisting on cases, with Kate Grange and Parishil Patel during her pupillage, such as Re L v Pennine Acute Hospitals NHS Trust & Others – a right to life case concerning the Article 8 and Article 13 rights of a devoutly religious man in a pvs/mcs state. She is one of the co-authors of the 39 Essex Chambers guide to carrying out capacity assessments; she also contributed to the chapter on the jurisprudence of the Court of Protection in the COPP 2015, a leading textbook on practice and procedure before the Court and is a contributor to the 4th edition of the Assessment of Mental Capacity (Law Society/British Medical Association). She has also recently been involved in providing training on capacity in the medical arena to the General Medical Council.

Rose practices in all aspects of Court of Protection work and regularly appears in court on behalf of the Official Solicitor, NHS bodies and local authorities. In 2014 Rose appeared in Sandwell and West Birmingham Hospitals NHS Trust v CD [2014] EWCOP 23 where the Court gave guidance on urgent medical treatment applications.

Adam has a broad range of public and regulatory law experience, and a particular interest in medical treatment cases. His practice includes drafting and advisory work in both public and private law claims, as well as appearing regularly in court. He gained Court of Protection experience in medical treatment cases as a pupil to Parishil Patel, and in clinical negligence claims with Emily Formby and Judith Ayling. Adam also has an interest in Court of Protection issues more generally and has had an article published on deprivation of liberty.
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