



Nicola Kohn has a broad practice spanning public and human rights law and general common law including, personal injury and regulatory and disciplinary law. She also has a substantial Court of Protection practice. She has been appointed to the Treasury Panel of Junior Counsel and the Equality and Human Rights Commission Panel of Counsel.

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

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## PRACTICE AREAS

- Administrative & Public
- Civil Liability
- Regulatory
- Commercial

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## PRACTICE AREAS

### ADMINISTRATIVE & PUBLIC

Nicola has a broad public law practice. She acts frequently for both Claimants and Defendants and is a member of the Attorney General's C Panel and the EHRC C Panel.

She has a particular interest in parliamentary law, stemming from her many years as a political journalist. She has successfully represented the Labour party on a number of occasions and welcomes instructions from all political parties.

## HISTORIC SEXUAL ABUSE

Nicola has developed a particular interest in historic sexual abuse which spans her public and private law practices. She represented the claimant in the case of **JT v (1) FTT & (2 (AAC)) CICA** [2015] UKUT 0478 (AAC), a judicial review of the so-called “same roof rule” under which certain victims of crime are prevented from recovering compensation from the CICA. As sole counsel Nicola gained permission to appeal to the Court of Appeal. Led by Fenella Morris QC, Nicola appeared in the successful appeal (**JT v FTT** [2018] EWCA Civ 1735) resulting in the government’s historic announcement that it intended to overhaul the entire CICA scheme and scrap the same roof rule. Nicola was nominated for the 2018 Bar Pro Bono Young Barrister of the year for her work.

In addition to this, Nicola has provided legal advice for one of the three investigations carried out into the behaviour of Jimmy Savile at various NHS establishments. She was also instructed as one of a number of juniors providing assistance to insurers in the ongoing Independent Inquiry into Child Sexual Abuse (IICSA). She has also assisted a regulatory body in reviewing files and advising on liability for potential claims arising out of allegations of historic sexual abuse.

Nicola has experience acting for both claimants and defendants in claims for personal injury arising out of historic sexual abuse

She particularly welcomes instructions that allow her to draw on her dual expertise in public and common law.

## MENTAL CAPACITY AND MENTAL HEALTH

Nicola has a substantial Court of Protection practice, specialising in health and welfare cases and serious medical treatment although she also accepts instructions in matters concerning property and affairs. She is regularly instructed by the Official Solicitor, family members, local authorities and NHS bodies to conduct work in both the county court and the High Court. She has dealt with cases concerning a wide number of issues on capacity and best interests including capacity to consent to medical treatment, determine contact, consent to sex, contraception, manage food intake and the best interests of Ps with a wide range of conditions including dementia, alcohol-related Korsakoff’s syndrome, acquired brain injury, personality disorder, schizophrenia and Prader-Willi syndrome. She has a particular interest in and knowledge of capacity to consent to sex in the Court of Protection arising out of her involvement in the case of **Manchester City Council v LC** [2018] EWHC 2849 (Fam).

She is one of the co-authors of the 39 Essex Chambers Mental Capacity Report and is a contributor to the 4th edition of the Assessment of Mental Capacity (Law Society/British Medical Association).

## INQUESTS

Nicola has a substantial and growing inquest practice. She has appeared for both family members and public authorities on a number of occasions and has dealt with matters involving Article 2, Article 8, Article 10 and the need for reporting restrictions. Nicola’s media background makes her uniquely suited to dealing with issues combining privacy and freedom of speech and she particularly welcomes instructions in this area.

She acted for the family as junior counsel at the pre-inquest review stages and subsequently in the substantive JR, led by Victoria Butler-Cole QC, in **R (Muriel Maguire) v HM Senior Coroner for Blackpool and Fylde** [2019] EWHC 1232 (Admin).

## NATIONAL SECURITY

Nicola has DV Clearance and has been instructed in a number of cases regarding areas of national security. She

was appointed to the C Panel of Junior Counsel to the Crown in March 2019.

## CIVIL LIABILITY

Nicola has a broad common law practice encompassing personal injury, clinical negligence, insurance and professional negligence. She acts for both claimants and defendants in fast track and multi-track cases in the High Court and County Courts. She is particularly interested in fraud work and also has experience of the use of surveillance in proceedings.

Nicola assisted Charles Cory-Wright QC in the Court of Appeal in **Taylor v A Novo [2013]** EWCA Civ 194, a case concerning whether a secondary victim could recover damages for the shock of witnessing a loved one's death a number of weeks after the initial injury was sustained. Damages for psychiatric injury and the law on primary and secondary victims remain a particular interest.

Nicola is currently instructed by the Police Federation, assisting Martin Westgate QC and Sadie Crapper in a large number of claims for payment of a statutory debt arising out of the Court of Appeal judgment in **Vincent, Allard & Buckley v Chief Constable of Devon and Cornwall [2015]** EWCA Civ 42.

## REGULATORY

Nicola has a growing regulatory practice. She has appeared before the Solicitors' Disciplinary Tribunal, the General Chiropractic Council and on behalf of the HCPC in the High Court. She is also instructed by the GMC for whom she has provided extensive training in mental capacity law alongside Peter Mant.

Reported cases include: **Rowe v HCPC [2019]** EWHC 695 (Admin); **HCPC v Sibeko [2018]** EWHC 3691 (Admin); **HCPC v Tideswell [2018]** EWHC 1863 (Admin).

She is a contributor to the ninth edition of *Disciplinary and Regulatory Proceedings* by Treverton-Jones, Foster and Hanif.

## COMMERCIAL

Before coming to the Bar, Nicola had a lengthy career in journalism. During the eleven years she spent at the BBC, she gained experience as a journalist of defamation disputes, electoral law and parliamentary privilege, staff and agency contracts and the most important skill in media work: handling the 'talent'.

As part of her commercial work, Nicola is developing a media-related practice. She has experience of defamation actions in the county court and is keen to develop her practice in this area.

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## MEMBERSHIPS

- COPBA
- ALBA
- ARDL
- PIBA
- HRLA
- NUJ

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## QUALIFICATIONS

- Bar Professional Training Course, BPP University College, Very Competent
- Graduate Diploma in Law, BPP University College, Distinction
- MSc in International Relations with Distinction, London School of Economics
- BA (Hons) First Class, English Literature, Hertford College, Oxford University

### Scholarships

- Major Scholar, Inner Temple
- Ivor Yorke Scholarship for Media Law, BBC
- Scholarship for academic excellence, London School of Economics

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## ADDITIONAL INFORMATION

Nicola is interested in current affairs, particularly national and international politics.

Nicola speaks conversational French, German and Spanish and has studied Arabic and Chinese without gaining any great proficiency in either.

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