



James Schofield

JAMES SCHOFIELD

Year called 2004

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OVERVIEW

James Schofield has well-established expertise in children law, international law and human rights.

Called: 2004 (England and Wales)

Victorian Practising Counsel (Division A, Part 1) of the Victorian Bar, Australia

Qualified to Accept Public Access Instructions

Member of Patterson's List, Melbourne and Door Tenant at Guernica 37 Chambers, London

Since 2008, James has practised as a barrister in the field of Children Law in London, acting in public law proceedings on behalf of parents or other carers, or for children through their Children's Guardian, or for parents or their children in private law disputes over child arrangements and children's rights. He is often instructed by the National Youth Advocacy Service (NYAS).

He has a particular interest and empathy for children on the autistic spectrum or with specific learning differences or disabilities.

He is a member of the executive committee of the International Commission of Jurists (Australian Section) and the Bar Human Rights Committee.

He has a significant level of field experience in the Middle East (Israel, Palestine, Lebanon, Syria, Iraq and Kurdistan Region), East, Central and Southern Africa and Australia.

At Guernica 37 Chambers James practises in the field of public international law, criminal law, human rights and international humanitarian law.

PRACTICE AREAS

Public Law Children
Private Law Children
International Law
Criminal Law
Human Rights

EXPERIENCE

Private Law Disputes

James has extensive experience in relocation cases and in proceedings where allegations of parental alienation are being made.

Public Law Proceedings

James acts in cases involving allegations of non-accidental injury to a child and other public law proceedings where he represents the child, through their Guardian, or a parent or other carer. He has experience in appeals to the Court of Appeal in public law proceedings including appeals against placement for adoption.

Direct Access

James welcomes direct access clients because he believes in providing the best possible service for clients at an affordable cost. In some cases, it may be possible to resolve your problem without going anywhere near the door of a court. But if the dispute continues, James has the advocacy skills to give you the best possible chance of securing the outcome you want. He works hard for his clients, preparing properly.

Special Education Needs

James has a special interest in cases involving children with social, developmental and learning needs, such as Asperger's syndrome and/or specific learning difficulties such as dyspraxia. James was an accredited tribunal representative of IPSEA (the Independent Panel for Special Education Advice) from 2004 to 2007.

BEFORE JOINING CHAMBERS

From 1991 to 2000, James worked as an overseas correspondent in Africa and the Middle East.

In early May 1994, he drove a car into Rwanda with three colleagues, from Bujumbura to Kigali, through some 50 Impuzamugambi and Interahamwe roadblocks. It was in Kigali that the four of them learned, by extrapolating the figures for those killed in Kigali to other sites in Rwanda, that around half a million people had been killed in just four weeks.

South Sudan, in these years, was a primer in atrocity crimes; like the massacre near Bor in

December 1991 or the aerial bombardment of towns and villages in 1993-1994.

His interest in humanitarian law extends to his interest in protecting journalists working in places where the nature of their work puts them at great personal risk. There was a brutal reminder of the risks they face, on 12 July 1993 in the Somali capital, Mogadishu. Four of his colleagues were murdered when an infuriated crowd turned on them following a deliberate attack by UNOSOM 2 forces against a building whose occupants were never given the chance to surrender – a UNOSOM attack characterised by Keith Richburg of The Washington Post as “the UN’s first officially authorized assassination”. A few months after the genocide in Rwanda, he experienced a dangerous near-miss himself – a tank shell exploding above his head and sending sharp splinters through his back and leg.

He was also one of the very few journalists present in Mogadishu to witness the ‘Black Hawk Down’ battle in October 1993.

EDUCATION AND PROFESSIONAL MEMBERSHIPS

Memberships

Member, International Commission of Jurists (Australia Section) since 2021

JUSTICE

Member, International Law Section of the Law Council of Australia

Bar Human Rights Committee

Gray’s Inn

Victorian Bar

FLBA

Education

College of Law, Melbourne (by remote learning), Trusts and Office Accounts, Ethics, Professional Responsibility (High Distinction)

University of Southern Queensland (by remote learning), Australian Administrative Law (High Distinction)

University of Southern Queensland (by remote learning), Company Law

Charles Darwin University (by remote learning), State and Federal Constitutional Law

BPP Law School, Bar Vocational Course (part-time), Sept 2002 to July 2004 (Very Competent)

Middlesex University, Postgraduate Diploma in Law/ CPE (part-time), Sept 2000 to July 2002 (Commendation)

University of Oxford, M.A. English Language and Literature

University of Oxford, B.A. Hons. English Language and Literature, 1979-1982

AWARDS

For his work as an international correspondent in Africa and the Middle East from 1991 to 2000, he received the following journalism awards:

Logie Award (1994) - Most Outstanding Achievement in Television News – Australian television award for coverage of Rwanda, the 1994 genocide and the forced exodus of Rwandans into Zaire.

Runner-up for the Golden Walkley Award (1994), Australia’s highest award for journalism – for frontline radio reporting from the war in southern Sudan.

Walkley Award (1994) - Best Application of the Radio Medium to Journalism – Somalia – for reporting on the Islamic Courts established in northern Mogadishu during the struggle for power between rival clans.

Walkley Award (1994) - Best Coverage of a Current Story – Sudan - frontline radio reporting from the war in southern Sudan.

Highly Commended in Walkley Awards (1997) – Occupied Palestinian Territory – for his television reporting from the West Bank city of Hebron during violent stand-off between Palestinians and Israeli Defence Forces soldiers following anti-Muslim provocation of the Palestinians by Israeli settlers.

PUBLICATIONS

[Justice between States: The International Court of Justice](#). How less powerful countries have begun to play a more influential role in the political and legal affairs of the international community (International Commission of Jurists – Australian Section)

Autism and the criminal justice system, *The Legal Executive/ The Magistrate*

In October 2012, BBC “Witness” programme “Black Hawk Down”

“Silent over Africa: Stories of War and Genocide” (1996, HarperCollins Australia)

CASES

In the matter of [S \(A Child\) \[2017\] EWCA Civ 249](#) (an appeal against the making of care and placement orders for adoption), James represented a mother with learning difficulties and a mental health issue. In the Court of Appeal, Lord Justice McFarlane, giving the judgment of the Court, said this:

“Mr Schofield, on behalf of the mother, who represented her at trial and before this court... has conspicuously done so with great care, skill and insight...”

In a case in 2021, he successfully represented the Vietnamese mother of a 3-month-old baby who had been removed from his parents' care with his older sibling after presenting with metaphyseal fractures of the right and left distal tibia and healing fractures of posterior lateral left fifth and sixth ribs. The mother, like the father, had arrived in England as an unaccompanied asylum seeker. The father had no understanding of English. Expert evidence pointed to non-accidental harm. The Court found that threshold in respect of the rib fractures had not been made out. The Court found that the metaphyseal fractures had not been inflicted in a malicious way; there had been no failure to protect and no failure to seek prompt medical treatment.

The Court ordered that both children be returned to their parents.

TESTIMONIALS

"I would like to say that Mr James Schofield has provided me with a superb service after my first barrister made a mess of my case and I lost all faith in the legal system.

Mr Schofield started from a disadvantaged position and with a great deal of hard work, both at weekends and Bank holidays, he managed to turn my case around.

He pays attention to detail, researches the facts, has a conscientious approach and is full of strategy ideas for which I am hugely grateful.

He has been a breath of fresh air after my previous experience of the legal system, and I highly recommend him for his tenacity with my case."

– Ms H (2024).

"I would strongly recommend James to anyone finding themselves in the Family Court with complex Child arrangement cases, including leave to remove applications.

His calmness and reassurance in a time of distress was most important to me and the outcome for our children's well-being could not have been better."

– Mr AE (2018), in a case which turned on whether the mother should be allowed to take the children to live with her abroad. The Court refused the application for leave to remove and directed that the children should live with each of their parents.

"After two and half years of ongoing disputes concerning the arrangements for my children I felt that the problem was irresolvable and I was extremely stressed and despondent.

I had also paid a considerable sum of money on solicitors' fees which had had no impact on my wife's intransigence.

I approached James as a direct access client, my wife having made an application to the court alleging emotional and mental abuse on my part towards my children.

I met James in conference and he immediately grasped the fundamentals of the situation and was able to direct me in my response by preparing a position statement for me and suggesting how the matter should be addressed in front of the Judge.

At the subsequent hearing James was able to negotiate an agreement with my wife which no one had been able to achieve before.

The allegations were dismissed by the Judge due to James' advocacy and an order agreed which was far better than I had hoped for.

James has now given to my children through his skill as a negotiator and advocate a shared care arrangement that both of them had wanted and which will most certainly work in their best interest.

Without James' calm, intelligent and determined approach my children would still be caught up in a battle between my wife and I and restricted as to the amount and quality of time they now spend with me.

I cannot recommend James highly enough to those caught up in long protracted disputes."

– Mr C (2016)