

MARK TWOMEY QC

Year called 1990

Silk 2017

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OVERVIEW

Mark is a relatively new silk who has risen quickly through his work in a wide range of family law areas. He handles both public and private children law work including care and adoption issues, as well as finance matter such as TOLATA. Mark also advises local authorities and claimants in relation to Human Rights Act claims, particularly those involving Section 20.

PRACTICE AREAS

Children Private
Children Public
Court of Protection
International
Human Rights

EXPERIENCE

Chambers and Partners noted Mark as “Incredibly intelligent and brilliant in an understated way as he has it all carefully figured out. He’s very analytical and he will fight fiercely for the client even when you know all the odds are against you.”

Mark’s client focused approach separates himself from other silks. Mark is a charming and subtle advocate who also can deliver excellent client care. He has a genuine interest in his clients and works tirelessly to advance the best possible case for them. He has a reputation for being a trusted advocate - both to solicitors and judges - and for providing insightful and carefully analysed arguments. His approachable and calm advocacy style greatly suits his clients in public child law and has enabled him to gain the trust of those clients he represents who are in the most difficult of personal situations.

Mark comes from a background in mixed common law and has specialised solely in family law for the last 12 years, before being appointed QC in 2017. His practice includes the most complex of cases, including those involving severe injuries, international movement of children and abduction, and BIIR.

He regularly appears at all levels of court, including the Supreme Court and Court of Appeal, on landmark cases that become leading authorities in their areas. His recent cases include:

- A High Court case, pursuing grave findings on behalf of one of the two applicant Local Authorities, involving three parents and three guardians in a case relating to incest, sexual abuse, and international child trafficking
- Child trafficking in care proceedings, looking at conflict before child trafficking regulations and the obligations arising under BIIR, and the issue of habitual residence
- A BIIR case, addressing the correct approach to applications made under Article 15 and involving the issue of international adoption rights in the UK, in particular the adoption of foreign nationals—do UK courts have the right to order the adoption of the children of foreign nationals against the parents' wishes?
- Cases of inflicted or accidental injuries, most recently one involving the poisoning of a child by salt
- The correct approach, decided on appeal, to be taken to assessments of parents under section 38 [6] Children Act 1989
- A Court of Appeal case relating to the Possession Order made following domestic violence in the family home.

Mark is a leader in the field of family law, holding high level appointments in the family law community and frequently delivering training or commentary on contemporary issues in Adoption, Contempt of Court, BIIR and Abduction, including to the Local Government Lawyers Association, the ALC, to solicitors and within Chambers. He is interviewed regularly by the BBC in relation to legal issues concerning children.

TESTIMONIALS

'Thank you to Mr. Twomey - he was brilliant.' - **private client solicitor**

'Very grateful for Mark's excellent advice and representation' - **local authority solicitor**

'We have felt so very well supported by your excellent representation, your position statements have always clearly reflected our view and approach and you could easily sense the mutual respect between yourself and the Judge, which I know has contributed positively to this outcome as she has trusted that whatever position you put forward on behalf of the LA, it was well thought through and thoroughly analysed. I felt you have been a great advocate for us, keeping a calm approach during the hearings which gave myself and my team great reassurance.' - **local authority solicitor**

PUBLICATIONS

Articles

“No child transfer to the EU under Article 15 BIIR without a best interests analysis of its effects on the child” Considering Re N (Children) [2016] UKSC 15. Family Law Week 2016
“Hair testing for illicit drug use” World Sports Advocate: Volume 5, Issue 7, July 2017.

Training

Presenter: Public Children Law update at ALC Conference 2018
Presenter: Coram Conference 2018 - Brexit for Breakfast: Impacts of Brexit on family law in the UK, opening session
Chair: NAGALRO Autumn Conference 2018
Presenter: White Paper Public Children Law Conference 2018
Advisor to Supreme Court of Kazakhstan on the English family court model 2018
Lecturer on adoption, contempt of court, Brussels II and child abduction to Local Government Lawyers Association, ALC, and family law solicitors
Presenter: Family Rights Group Conference 2017
Presenter: Public Children Law update at ALC Conference 2017
Presenter: Coram Conference 2017 - Bursting the Bubble: Legal update of non-family law cases for family lawyers, opening session
Presenter: LexisNexis Family Law Update 2017
Guest on BBC for various interviews re: legal issues surrounding children

CASES

Supreme Court

Williams and another v London Borough of Hackney [2018] UKSC 37
Re N (Children) 2016 [UKSC 15]

Court of Appeal

T (A Child) [2018] EWCA Civ 2136
Re N-S (Children) [2017] EWCA Civ 1121
Re DAM (Children) [2018] EWCA Civ 386
Re A (Children) [2018] EWCA Civ 1718

High Court / Family Court

Re L (A Child) [2017] EWHC 3707 (Fam)
W (A Child) [2017] EWFC B48
LB Merton vs SB & Ors [2017] EWFC B81
R v P [2017] EWHC 3797 (Fam)
C (A Child) (No. 3) [2017] EWFC 37
NAA (A Child) [2017] EWFC B76
Re C (A Child) (No 2) [2017] EWHC 692 (Fam)

EDUCATION AND PROFESSIONAL MEMBERSHIPS

Bristol University LLB
Family Law Bar Association
Association of Lawyers for Children
Inner temple

APPOINTMENTS

Family Law Bar Association Executive Committee
Family Law Bar Association Co-Chair of FLBA Children Subcommittee
Bar Council representative to MOG on effect of LASPO
