

NICK O'BRIEN

Year called 1985

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OVERVIEW

Nick has an established reputation in child and adult protection and welfare cases working across England and Wales and is ranked in Legal 500 and Chambers Directory for his work in these areas. Nick understands that being a litigant in the Family Court or the Court of Protection is emotionally challenging. The ramifications can last a lifetime. He therefore aims to: help clients understand the process, ensure their point of view and experiences are recognised and valued, give candid clear advice in private, and provide effective advocacy in court and negotiations on their behalf.

PRACTICE AREAS

Children Private
Children Public
Court of Protection
International

EXPERIENCE

In the Family Court Nick represents parents and other family members and the children through their children's guardians and adults who lack capacity through the Official Solicitor as well as local authorities. He also represents Health Boards and Trusts in medical treatment cases. He believes that this range of clients ensures that he retains an insight into the needs and pressures on each of the parties and how this may affect their views on a child's welfare.

In the Court of Protection Nick works for P through litigation friends and ALRs as well as for other family members, local authorities, and health care bodies. His work includes the deprivation of liberty, medical treatment, and welfare issues as well as the role of deputies and attorneys appointed under lasting powers. He advises and represents parties including deputies and attorneys in property and financial affairs applications involving approval of gifts and statutory wills.

Nick accepts Direct Access instructions in both Family and Court of Protection work.

The breadth of Nick's experience is reflected in him recently being instructed in cases on access by the press to material in care cases, access to adoption and social care records, inquests concerning social services, liability of local authorities for damages for breaches of Human Rights and negligent discharge of functions, judicial reviews on the support provided to grandparents and others caring for relatives, "boundary disputes" between public bodies in children services and education services and the validity of marriages and divorces.

Nick is a contributor to Legal Action and Family Law Week commenting on recent cases. He lectures on Court of Protection and care and adoption issues and provides training for children's advocates, social workers, and other lawyers.

Nick is ranked for Court of Protection in the 2022 Legal 500 and Chambers & Partners, as well as for the South Eastern Circuit (Family and Children) in the 2022 Legal 500.

CASES

[2015] EWCOP 59

Re J [2015] EWCA Civ 222 – the proper approach to threshold and judicial reasoning.

Re P (A Child) and Re B (A Child) [2014] EWCA Civ 1524 – Appeal in "Baby with no name" case. Issues of role of psychologist who is retained by LA for pre-proceedings work and who accepts instructions as an expert.

RB v Brighton & Hove CC [2014] EWCA Civ 561 [2014] MHLO 25 – Use of MCA 2005 (DOLS) to prevent someone with an acquired brain injury reverting to pre-accident lifestyle of heavy drinking.

K (A Child)(Hague Convention – Child's Objections) [2014] EWCA Civ 1364 [2014] EWCA Civ 1364

Hertfordshire County Council v F & Others [2014] EWHC 2159 (Fam)

Kinderis v Kineriene (No 2) [2014] EWHC 693 (Fam)

Kinderis v Kineriene [2013] EWHC 4139 (Fam)

UF v A Local Authority & Others – Note of Judgment in the Court of Protection

Hertfordshire County Council v H [2013] EWHC 4049 (Fam)

S (A Child) [2012] EWCA Civ 1915

Re N (Parenting Assessment) [2012] EWCA Civ 1141

R (SA) v Kent County Council [2011] EWCA Civ 1303

A Local Authority v PB and P [2011] EWHC 2675 (CoP)

Re P (Vulnerable Adults: Deputies) [2010] EWHC 1592

Re MIG and MEG (2010) EWHC 785 (Fam)

Re H and L (Abduction: Acquiescence) [2010] EWHC 652 (Fam)

Re H and L [2009] EWHC 3074 (Fam)

L v Human Fertilisation and Embryology Authority and Secretary of State for Health [2008] EWHC 2149 (Fam)

R (M) v Birmingham City Council [2008] EWHC 1863 (Admin)

Lambeth LBC v TK and KK [2008] EWCA Civ 103
London Borough of Southwark v D [2007] EWCA Civ 182
Re ST (Adult Patient) [2008] 1 FLR 111
Re P-B (Placement Order)
[2006] EWCA Civ 1016
R (C) v London Borough of Merton [2005] EWHC 1753(Admin)
RE B (Court's Jurisdiction) [2004] EWCA Civ 681
R (B) v Merton London Borough Council [2003] EWHC 1689 (Admin)
RE H (Respondent Under 18: Power of Arrest) [2001] 1 FLR 641
Re AMR (Adoption: Procedure) [1999] 2 FLR 807
Re D-R (Adult: Contact) [1999] 1 FLR 1161
Re J (Minors) (Care: Care Plan) [1994] 1 FLR 253
London Borough of Southwark v B [1993] 2 FLR 559

EDUCATION AND PROFESSIONAL MEMBERSHIPS

Law Degree – Oxford (1983)
Bar Finals – (1985)

Court of Protection Practitioners Association
Court of Protection Bar Association
Administrative Law Bar Association
Association of lawyers for Children
Family Law Bar Association
Middle Temple
