

Nicola Brown

Year of Call: 1998

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Overview

Family barrister Nicola Brown, who joined 3PB in December 2020, specialises in care and placement proceedings and acts for local authorities, parents, guardians and grandparents/other interested parties, in cases involving serious non accidental injury, sexual abuse, chronic neglect, death of the child and fabricated and induced illness (FII).

Nicola practiced from another chambers in Manchester until 2010, where she specialised in personal injury and clinical negligence. She therefore has considerable experience of analysing and simplifying complex medical evidence. She is experienced in the handling of expert witnesses, particularly medical experts and she readily gets to grips with questions involving the causation of injury.

Prior to joining 3PB, Nicola worked as an in-house advocate for Staffordshire County Council for a number of years, a role in which she has undertaken many cases involving allegations of neglect, emotional, sexual and physical abuse, child death, FII and spousal killing. She has a particular interest in jurisdictional issues having studied international law including conflicts of jurisdiction and law as part of her LLM. She has also conducted cases involving arguments of designation between Local Authorities.

Nicola has always considered client care to be of the highest importance. She has always been commended for the way in which she puts her clients at ease and ensures that they understand their case. She is approachable, hard working and empathetic.

Nicola has lectured in law at LLB level and has also been employed as a trainer on both the LPC and the BPTC. She has used her experience of teaching and training in the creation and delivery of bespoke training courses for solicitors, barristers and social workers.

Family

Care and Placement Proceedings

Family barrister Nicola Brown now practices exclusively in care and placement proceedings, in which she represents all parties. She has a particular interest and expertise in cases involving non accidental injuries and fabricated/induced illness, due in part to her background as a clinical negligence lawyer but also to her experience of representing the Local Authority in such cases.

She undertakes fact finding hearings. She has been involved in cases in which children have given evidence and also where vulnerable adults are alleged to have caused significant harm. She has been involved in many cases where placement orders have been sought and cases beyond care proceedings, notably contested adoptions and adoption breakdowns.

Private Law

Nicola undertakes private law cases, particularly when these involve finding of fact hearings. Her role as a local authority advocate increasingly frequently crossed the threshold between public and private law and she has a particular interest in case where there are allegations of harm.

Legal training

Nicola created and delivered a two day training course for Social Workers, entitled Courtroom Skills, to assist with the process of giving evidence. She has created and delivered advocacy training and bespoke training on interim removal hearings. She has delivered a lecture on the use of expert witnesses at a CAFCASS conference.

Nicola will create and deliver bespoke training courses for clients to provide training on specific areas of interest.

Notable Cases

- **P and R [2023] EWFC 276 (B):** Finding of Fact Hearing in respect of fracture to newborn baby's leg. The local authority's plan was adoption. The case was complicated by a threshold document which alleged historical matters, including allowing the child to have contact with a sex offender. The judgment exonerated the mother from any wrongdoing and the children were ultimately rehabilitated to her care.
- **A County Council v A Mother & Ors. [2021] EWFC 104 (reported):** Represented a local authority in an unusual and difficult High Court case involving an allegation of spousal murder by poisoning. Ultimately the authority sought supervision orders in respect of the children, who had undoubtedly been harmed by the death of their father, the allegation, the family conflict and the criminal investigation but not any parenting deficiency on the part of their mother.
- **Re Y [2020] (unreported) :** Acted for a LA in case involving protracted discharge of care order proceedings brought swiftly after care proceedings. The case featured successful applications for non molestation orders and high court injunctions, the termination of PR agreements, declaration of parentage and a section 91(14) order preventing further applications being brought without the leave of the court for 2 years.
- **Re S [2020] (unreported) :** Finding of fact hearing in which a child gave live evidence about allegations of sexual abuse against a step parent.
- **Re D + Ors (Children) 2017 EWFC B87 (reported)**
- **Re DS [2017] (unreported) :** Acted for a LA in a case involving the death of a child by drowning. Finding of fact hearing to establish parental culpability for the death. Press interest in light of ensuing criminal proceedings.
- **Re T [2016] (unreported) :** Acted in care and placement proceedings involving a large sibling group; allegations of sexual abuse. Earlier proceedings resulted in findings that male children were not at risk of sexual harm in parents' care. Subject proceedings necessitated the challenging of those findings.
- **Re Z [2016] (unreported) :** Acted in protracted care and placement proceedings involving allegations of physical harm, international jurisdiction (several applications to transfer proceedings pursuant to Article 15 Brussels 11) prohibition of contact orders, assessment of potential carers in other jurisdictions, how such assessments can proceed particularly when the host country asserts sovereignty to control any such assessments.

Recommendations

'Nicola is well-organised and is good with clients.'

Legal 500 2024/Family: children and domestic violence/Leading Junior/Midlands Circuit

'Nicola has an unrivalled ability to build rapport with vulnerable clients. She is the first choice for vulnerable clients. Her communication skills and compassion enable clients to be comfortable with her and enable clients to participate effectively in proceedings. Her written work and advocacy are very good.'

Legal 500 2023/Child Law (Public and Private)/Leading Junior/Midlands Circuit

Academic qualifications

- University of Leeds: LLB
- University of Manchester: LLM (International Business Law)
- College of Law (BVC)

Professional bodies

- Family Law Bar Association
- Middle Temple