



# Jim Hirschmann

**Year of Call:** 2018

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## Overview

Jim Hirschmann practices in adult and child social care, education and family law. He has a particular interest and expertise in public law challenges related to his core practice areas (see more details on his expertise in these areas below). Many of his cases involve acting for or against public bodies.

Jim is hardworking, thorough and adept at explaining complex law in straightforward terms. This is reflected in comments from solicitors such as "a huge thank you for everything you have done on this case which went far and beyond" and comments from judges about Jim's advocacy as "helpful" and "extremely clear."

Outside of busy work demands, Jim enjoys sport with a particular interest in rugby, running and squash. He likes travelling and has an armchair interest in philosophy.

Jim is committed to protecting and respecting your privacy. Please contact him for a copy of his privacy notice which sets out the basis upon which any personal data he may collect about you, or that is provided to him, will be processed. He will provide a copy of this to you within two working days of receiving the request.

## Court of Protection

Jim Hirschman has a busy practice handling both health and welfare and property and affairs cases. His experience in judicial review and family has contributed to making him a thoughtful and effective advocate who helps find acceptable solutions to parties' strongly held but conflicting views.

### Health and Welfare

Jim has experience in health and welfare matters. He has worked on cases concerning:

- conflicting capacity evidence, including fluctuating capacity
- forced marriage protection orders
- capacity declarations and best interests decisions including issues relating to sexual relations, marriage, care, residence, medical treatment and alcohol consumption
- where a young adult with significant health needs should be educated

He is regularly instructed by private individuals and local authorities.

### Property and Affairs

In the property and affairs context, Jim has experience of cases involving:

- conflicting capacity evidence
- applications to appoint a deputy
- disputes around enduring or lasting powers of attorney
- matters complicated by the involvement of trusts, alleged dissipation of assets, extent of a deputy's authority, disputed wills and complex business and land ownership arrangements

He has been instructed by private individuals, local authorities and by the Office of the Public Guardian.

### **Inherent Jurisdiction of the High Court, or Safeguarding of Vulnerable Adults and Children**

Jim has been regularly instructed in cases involving the inherent jurisdiction of the high court often related to issues of deprivation of liberty in cases involving a young person's drug abuse, exploitation or involvement in organised crime.

With a Master of Laws (LLM) in public law, he is well placed to consider challenges against the decisions of local authorities (including judicial reviews and claims under the Human Rights Act 1998).

### **Medical Treatment**

Jim is willing to accept instructions surrounding medical treatment. He has experience of best interests decision concerning addiction, rehabilitation and the way in which medication should be administered.

He is often instructed by local authorities.

### **Notable cases include:**

**Re A** - a complicated case culminating in a 7-day final hearing. The case necessitated live evidence and cross examination of a variety of experts including from a neurodevelopmental disability psychiatrist, an independent social worker, a hepatologist, and a psychiatrist specialising in addiction. The Local Authority's care plan was accepted at a contested final hearing despite resistance from privately represented parties.

**Re B** - A section 21a challenge. It was complex in the sense that P had a diagnosis of bipolar affective disorder which had historically resulted in numerous hospital admissions but there were also periods where limited interventions were required. The issue before the Court was whether P should return to live at home with a package of care or whether she should reside in a residential care home. The Local Authority's position was that P's best interests required her to be cared for in the care home. This was accepted by the Judge at a contested final hearing.

**A v Z** - instructed by a local authority who sought a deprivation of liberty order. The case related to a young person who had run away from her care home and suffered significant harm after becoming involved with suspected members of a county lines network. The deprivation of liberty order was granted under the inherent jurisdiction of the high court.

**B v C** - represented a mother in a forced marriage protection case that raised issues of capacity to marry, capacity to consent to sexual relations and the jurisdiction of the family court.

**E v F** - acted for the Office of the Public Guardian in a matter concerning an invalid lasting power of attorney and cross-border assets. The registration of the lasting power of attorney was duly to be cancelled.

## **Recommendations**

"A huge thank you for everything you have done on this case which went far and beyond".

### **Solicitor client**

"Thanks for arranging Jim to cover the hearing yesterday. He was brilliant."

### **Solicitor client**

"Thank you so much. You have been absolutely fantastic..... You are very professional, very helpful and have guided me so well in this case."

### **Lay client**

## **Academic qualifications**

- University of Law, BPTC: Very Competent
- University College London, LLM Public Law: Merit
- University of Westminster, LLB European Legal Studies: First Class Honours
- Erasmus, Free University of Berlin: First Class Equivalent (Averaged ECTS Grade A)

## **Scholarships**

- University of Law, Performance Award for top mark in the Judicial Review Module (2018)
- University of Law, Master of Moots Advocacy Scholarship (2017)
- Lincoln's Inn, Hardwicke Entrance Award (2017)

## **Professional bodies**

- Court of Protection Bar Association (Committee Member)
- Administrative Law Bar Association (ALBA)