



Emma McIlveen

Year of Call: 2016

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Overview

Emma McIlveen is an experienced and highly regarded barrister with a broad civil practice, specialising in employment law, public and administrative law, coronial inquests, regulatory proceedings, and complex multi-jurisdictional litigation.

Emma is frequently instructed in complex, sensitive and high-stakes disputes, often involving vulnerable individuals, public bodies and cases with significant reputational/regulatory risk. Emma is qualified to practice in Northern Ireland (call: 2016), the Republic of Ireland (call: 2019), New York (call: 2016) and England & Wales (call:2020).

Emma has an exceptional public law practice, with particular strength in high-profile and strategically significant litigation. She has well-established expertise in complex first-instance and appellate work, and regularly acts in cases raising issues of constitutional and wider societal importance. Recent instructions include a high-profile judicial review concerning Belfast City Council's call-in process, with wider implications for local government decision-making across Northern Ireland; a judicial review challenging the legality and scope of Operation Denton; and a challenge brought concerning the Northern Ireland Executive's failure to deliver Northern Ireland's Racial Equality Strategy.

Emma is renowned for the combination of intellectual rigour, creative strategic thinking and a strong network among lawyers and judicial officers.

Alongside her public law work, Emma has developed a leading employment law practice. She has acted in a substantial number of cases before the Court of Appeal, frequently as sole junior, on complex equality, discrimination and procedural issues. Her appellate experience includes successfully representing the National Farmers' Union in an appeal concerning employment status and contractual reality. Emma has also appeared in some of the most innovative employment cases of recent years, including *McEldowney*, the first case in which the Tribunal appointed a Registered Intermediary to support a vulnerable claimant. She has also been instructed in a high-profile discrimination case concerning a conservative Christian employee who challenged his employer's stance on LGBT issues, raising complex questions at the intersection of freedom of religion, freedom of expression and equality law.

Outside of work, Emma is a busy mum to three children.

Recommendations

"Excellent discrimination barrister. Hard working, skilful and a great person to instruct." **Instructing solicitor**

"Very driven and successful in everything she does, yet she has a very personable nature and gets on well with clients in every walk of life." **Instructing solicitor**

Academic qualifications

- LLB Law with Politics, 1st Class, Queens University Belfast (Ranked 1st in Class)
- Bar Course, Distinction, IPLS, Belfast (Ranked 1st in Class)

Scholarships

- Kennedy Scholar, Harvard University
- JPB Maxwell Scholarship

Professional qualifications & appointments

- Government Legal Service Civil Counsel Panel (B Panel)
- Coroners Service Counsel Panel (C Panel)
- Vulnerable Witnesses course, Institute of Professional Legal Studies (IPLS)
- Accredited Mediator, Mediation Forum Ireland
- Affiliate member of The Society of Trust and Estate Practitioners (STEP)
- Future Leaders Connect, University of Cambridge, funded by British Council
- Advanced Diploma in Applied Employment Law, Republic of Ireland, Honourable Society of King's Inns

Professional bodies

- Vice Chair, Employment Lawyers Group NI
- Member, Public Bar Association Committee
- Legal Chairman, Special Educational Needs and Disability Tribunal, Northern Ireland
- Member, Independent Appeals Panel for Labour Relations Agency, Northern Ireland
- Legal Member, National Serious Case Panel for The Football Association, GB
- Member, Anti-Discrimination Panel for Premier League, English Football League
- Treasurer, Northern Ireland Medico Legal Society
- Secretary, Immigration Bar Association

Direct Access

Emma McIlveen is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

Expertise

Public and Administrative Law

Emma McIlveen has a strong and established public law practice and is instructed for both applicants and respondents in judicial review proceedings. She has particular expertise in education, special educational needs and healthcare decision-making, and in cases involving disabled or otherwise vulnerable individuals.

She is frequently instructed in challenges concerning unlawful delay, procedural impropriety and failures by public authorities to comply with statutory duties, and has extensive experience in urgent and limitation-sensitive judicial review proceedings, including applications for interim and emergency relief.

Recent instructions include acting in emergency proceedings concerning the operation of statutory call-in procedures across local councils, with wider implications for local government decision-making, as well as high-profile challenges arising from policing and security operations, including the judicial review of Operation Denton. She has also been instructed in a challenge to the Executive's failure to deliver Northern Ireland's Racial Equality Strategy. These cases engage fundamental constitutional issues including freedom of expression, proportionality, policing powers, executive accountability and access to justice.

Emma has a particular interest and expertise in constitutional and administrative law and is valued for her ability to advance principled and robust arguments in politically or socially sensitive cases. She serves on the committee of the Public Law Bar Association.

She also has a particular interest in mental capacity issues and is committed to supporting neurodivergent and vulnerable clients. Emma has completed the IPLS Vulnerable Witnesses course and has experience working alongside Registered Intermediaries. Her experience includes acting as junior counsel to the Independent Neurology Inquiry.

Employment and discrimination

Emma McIlveen is regularly instructed by both claimants and respondents across the full range of employment law matters. She has particular expertise in complex and overlapping claims involving whistleblowing, trade union detriment, equal pay and discrimination, including disability, race and victimisation.

Her practice frequently involves cases at the intersection of employment law and public law, regulatory obligations or criminal allegations, requiring careful management of parallel proceedings and heightened standards of procedural fairness. She advises a wide range of clients, including charities, public bodies and churches, particularly in matters concerning governance, discipline, safeguarding, internal decision-making and compliance with equality legislation.

Emma is also experienced in employment disputes raising constitutional and public law issues, including proportionality, procedural fairness and the lawful exercise of statutory powers. In addition to Tribunal litigation, she is regularly instructed in employment-related civil proceedings, including contractual disputes, injunctive relief and professional negligence claims arising from failures to advise on limitation, appeal rights or statutory remedies.

She has represented claimants supported by the Equality Commission for Northern Ireland in discrimination proceedings before the County Court and is experienced in cases involving significant public interest or policy considerations. Emma has substantial appellate experience in employment law and has acted as sole junior counsel in a number of appeals before the Court of Appeal in Northern Ireland. Most recently, she successfully represented the National Farmers' Union in an appeal concerning employment status, securing a favourable outcome on issues of worker classification and contractual reality.

Emma has a specialist interest in sports law and has been appointed to sit on disciplinary and regulatory panels, including the Anti-Discrimination Panel for the Premier League. She has also served as Chair of the Appeals Committee of the Irish Football Association in Northern Ireland, and has represented a number of Irish League football clubs in disciplinary and regulatory

matters.

Emma has experience advising on and appearing in urgent applications for interim relief across a range of practice areas. In the employment context, she has been instructed in interim relief hearings arising from automatically unfair dismissal claims, including whistleblowing and trade union cases. She is also experienced in applications for interim and injunctive relief in the civil courts, including urgent applications to preserve confidential information, enforce restrictive covenants and prevent ongoing commercial harm. In public law, Emma regularly acts in urgent and time-sensitive judicial review proceedings, including applications for interim and emergency relief, where the court must balance the public interest with the need to prevent irreparable prejudice pending determination.

She is the current Vice Chair of the Employment Lawyers Group in Northern Ireland and publishes a monthly employment law newsletter, *McIlveen on Employment*.

Professional Discipline

Emma McIlveen has developed significant expertise in professional discipline and regulation and regularly appears before regulatory bodies including the Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC).

She is frequently instructed in complex cases where employment, regulatory and criminal issues overlap, including disciplinary proceedings arising from alleged criminal conduct, safeguarding concerns or matters carrying serious reputational risk. Her work often requires careful strategic management of parallel processes and close consideration of procedural fairness and evidential standards.

Emma is highly experienced in advising on and navigating the interaction between criminal investigations, regulatory proceedings and employment claims. Recent work includes successfully representing a registrant in regulatory proceedings involving allegations of dishonesty and serious misconduct, resulting in the registrant being wholly exonerated. She is valued for her calm, rigorous approach to high-stakes cases and her ability to protect clients' professional standing while advancing robust and principled defences.

Inquests

Emma McIlveen has considerable experience in coronial work and regularly appears in inquests, including complex, sensitive and high-profile cases. She has acted as Counsel to the Coroner in a number of inquests, including deaths in custody, and has been appointed to the Coroners Service Counsel Panel for Northern Ireland.

Emma is also instructed by public authorities in inquest proceedings, including acting for the Northern Ireland Prison Service in the Colin Bell inquest. She has extensive experience in cases engaging Article 2 ECHR obligations, disclosure and evidence management, and the conduct of inquests involving intense public scrutiny, institutional accountability and the interests of bereaved families.

She is valued for her careful, measured approach in emotionally challenging cases and for her ability to assist coroners and parties in navigating complex legal, procedural and human issues arising in deaths in custody and other state-involved deaths.

Articles

Emma McIlveen examines how emotional support animals, once a personal coping mechanism, are finding their way into legal arguments and into the courtroom, carrying legal significance as part of the evolving duty to make reasonable adjustments.

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Following her recent attendance of the Dublin medico-legal conference, Emma McIlveen reflects on the unique legal and

ethical minefields that the new perk of egg freezing can create for businesses who offer it to their employees.

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