

# 1GC | Family Law

## Louise MacLynn KC

Year of Call: 2001 Year of Silk: 2023



## Practice Overview

Louise is a specialist in the law relating to children and vulnerable adults. She has experience in all levels of court including the Supreme Court, and is often instructed in cases with and against leading counsel. Louise uses her broad experience to work collaboratively with those instructing her to achieve the best outcome for her clients.

## Children (Public Law)

Louise has extensive experience within the public law arena, acting for local authorities, parents, children (including competent children) and other family members. She is regularly instructed in the most complex cases, dealing with issues such as:

- Serious non-accidental injury, including a recent case involving the deaths of two children;
- Sexual abuse including historical sexual abuse;
- Fabricated illness;
- Radicalisation;
- Female Genital Mutilation;
- Forced marriage and honour-based violence;
- Louise is regularly instructed in cases involving adoption, including where adoptive placements have broken down.

Louise also has experience of issues regarding disclosure and the involvement of the media, including PII issues and the use of special advocates.

## Notable cases include the following:

*The London Borough of Merton v The Mother & Ors* [2023] EWFC 220 (B)

*R (Care Proceedings Joinder of Foster Carers)* [2021] EWCA Civ 875 Appeal in relation to the extent to which foster carers should be permitted to participate in care proceedings relating to a child they are caring for

*Wiltshire Council v M & Anor (gonorrhoeal infection in a child)* [2021] EWFC B32 AND  
*Wiltshire Council v M & Anor (gonorrhoeal infection in a child)* [2021] EWFC B31 Unusual fact-finding hearing exploring the source of a gonorrhoeal infection in a three-year-old girl and consideration of the pool of potential perpetrators.

*The Local Authority v Mother & Ors* [2020] EWHC 1216 (Fam), fact-finding hearing concerning whether a 13-year-old boy died as a result of hanging or deliberate asphyxiation. Issues included the disclosure of covert recordings made by the police in the family home.

*Re X (A Child)* [2019] EWFC B57 fact-finding hearing concerning the cause of death of a baby following previous care proceedings in relation to the same child which had been withdrawn.

*Williams v London Borough of Hackney* [2018] UKSC 37 Louise acted for the appellants in this important Supreme Court case regarding voluntary accommodation of children in foster care and the need for parental consent.

*Hammoud v Al Zawawi* [2018] EWHC 2956 (Fam) Proceedings raising various jurisdictional issues as well as numerous welfare issues relating to children

*Re B (A Child)* [2018] All ER (D) 74 [2018] EWCA Civ 20  
Matters to be taken into account in a placement order application where there is a known prospective adopter

*Re W (A Child) (No 2)* [2017] EWHC 917  
Contested adoption proceedings where the parent was capable of meeting the child's needs but where the child had been placed with prospective adopters for 18 months

*Re W (A Child)* [2017] EWHC 829 (Fam)  
Joinder of competent sibling to contested adoption proceedings

*Re X, Y, Z (Disclosure to the Security Service)* [2016] EWHC 2400(Fam)  
Scope of disclosure to the Security Service (MI5) in a radicalisation case

*Re LC (A Child) (Habitual Residence)* [2016] EWFC 31  
Application of Brussels II to care proceedings following a failed adoption

*Re S (A Child with Disabilities)* [2015] EWFC B40  
Fact-finding where there were allegations that the parents were exaggerating the extent of a child's disability

*London Borough of Harrow v Rasul & Ors* [2014] EWHC 3837 (Fam)  
Abduction of child to Spain within care proceedings

*Re T (A Child)* [2010] EWCA Civ 295  
Appeal in respect of assessment

## Children (Private Law)

Louise deals with a wide variety of private law issues in relation to children, including intractable child

arrangements disputes. Louise has extensive experience of cases involving:

- Fact-finding hearings;
- Cases involving sexual abuse, including false allegations of sexual abuse;
- Relocation cases including internal and external relocation;
- Cases with international and jurisdictional issues;
- Surrogacy and cases involving the Human Fertilisation and Embryology Act 2008 as well as same-sex families.

### **Notable cases include:**

*P v Q & Ors* [2024] EWFC 85 (B) Knowles J determined an application for a declaration of parentage where there was a question as to how the provisions of sections 34 and 42 HFEA 2008 apply (if at all) in circumstances where there is a dispute as to whether the child was conceived via artificial insemination or natural insemination, whilst the biological mother was married to her wife.

*A (A Child: Adoption Time Limits S44(3)) (Rev 1)* [2020] EWHC 3296 (Fam) decision regarding reading down the provisions of the Adoption and Children Act so that they are compatible with Article 8 of the European Convention of Human Rights

*J (Children)* [2009] EWCA Civ 1350 [2010] 1 FCR 135, [2010] 1 FLR 1893  
Appeal regarding the issue of costs in a fact-finding hearing regarding allegations of domestic violence

## **Judicial Review & Administrative Law**

Louise uses her experience of practice in the public law field to provide advice when there are issues regarding the exercise of local authority powers and functions.

She was recently involved in an appeal to the Supreme Court in respect of local authority responsibilities to voluntarily accommodated children and has dealt with several cases involving applications under the Human Rights Act.

### **Notable cases include:**

*Williams v London Borough of Hackney* [2018] UKSC 37

## **International Family Law**

Louise is often involved in cases involving the international movement of children, both in a public and private law context.

### **Notable cases include:**

*London Borough of Harrow v Rasul & Ors* [2014] EWHC 3837 (Fam)  
Abduction of a child to Spain within care proceedings

## **Domestic Violence & Injunctions**

Louise has experience of acting on behalf of applicants and respondents in injunction applications,

including where protection from honour-based violence is required.

## Court of Protection

Louise's Court of Protection practice is primarily focused on welfare matters. She has been instructed in cases involving issues about deprivation of liberty, capacity to consent to sexual relations and marriage as well as issues over treatment, placement and contact.

Louise is instructed by both local authorities and family members. Louise is frequently instructed on behalf of the Official Solicitor.

### Notable cases include:

*Devon County Council v Kirk* [2016] EWCA Civ 1221, [2016] WLR(D) 652, [2017] 4 WLR 36

Court of Appeal decision regarding injunctions and committal proceedings in the Court of Protection

## Modern Families & Surrogacy

Louise has experience of a wide range of parental order applications, cases involving assisted reproduction and the complex legal issues which can arise in those circumstances. She has delivered training in relation to legal issues arising in modern families.

### Notable cases include:

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## What the Directories Say

*"Louise MacLynn is calm, sensitive, razor-sharp and great at cross-examination."* **New Silks - Chambers and Partners, 2024**

*"If she's on the right side of a point, where others might buckle, she keeps going. She has a quiet determination that carries with it some authority."* **New Silks - Chambers and Partners, 2024**

*"Her drafting and advocacy are fantastic."* **New Silks - Chambers and Partners, 2024**

*"Louise is extremely careful and thoughtful in her analysis and is an exceptionally clear advocate. She considers the views of others and is excellent at working collaboratively."* **2023 Silks - Legal 500, 2024**

*"Louise is really strong and is a very calm and measured presence in court."* **Band 4 - Chambers and Partners, 2023**

*"She's very well prepared and is excellent on her feet."* **Band 3 - Chambers and Partners, 2023**

*"Louise strengths are in her meticulous preparation and her eye for detail. She is extremely knowledgeable and inspires huge confidence with the client."* **Tier 3 – Legal 500, 2023**

*"Undoubtedly silk quality, and more than a match for them."* **Tier 4 – Legal 500, 2022**

*"A pragmatic junior with the ability to see the bigger picture."* **Tier 4 – Legal 500, 2022**

*She's 100% on top of her game and knows her case inside out."* **Chambers and Partners 2020**

*Louise is dedicated to her cases and works tirelessly to progress them. She is always accessible and her written submissions are persuasive to the extent that a case has been won often before we have entered the courtroom."* **Chambers and Partners 2020**

*A highly capable advocate – her particular strength lies in her meticulous case preparation."* **Legal 500 2020**

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Appeal in respect of assessment.

*J (Children)* [2009] EWCA Civ 1350 [2010] 1 FCR 135, [2010] 1 FLR 1893

Appeal regarding the issue of costs in a fact-finding hearing regarding allegations of domestic violence.

## Education

BA (Jurisprudence), University of Oxford

BVC, Inns of Court School of Law

## Appointments

Recorder on the Midlands Circuit to sit in Crime matters (2022)

Attorney General's Special Advocates Panel

## Awards

James Crouch Award, Gray's Inn

Amicus Internship Award

## Memberships & Associations

Amicus (Assisting Lawyers for Justice on Death Row)

Association of Lawyers for Children

Family Law Bar Association

Seminars, Publications and Training

Louise is an advocacy trainer at Gray's Inn

Louise has provided training to paediatricians at the RCPCH

Seminars include "Modern Families", March 2017

She recently gave a webinar on "**Deprivation of Liberty and Young People**" as part of the 1GC Family Law Webinar series (July 2020).