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Emily James

Year of Call: 1999

Practice Overview

Emily is a specialist family law leading junior who acts in a wide range of complex and sensitive cases relating to private and public law children. She regularly appears in the High Court and has acted in a number of very significant cases in the Court of Appeal.

Emily is Directory Ranked as a Leading Junior. She has a loyal following of excellent solicitors, many of whom are top ranked, with whom she works closely.

Children (Private Law)

In private children law Emily's practice includes especially complex cases which require separate representation of children or involve domestic abuse and/or parental alienation. Emily has a particular interest in the application of Practice Direction 12J to cases which involve allegations of domestic abuse, including coercive or controlling behaviour as well as national and international relocation.

Emily's work in Family Law Act proceedings including representing those seeking or responding to applications for injunctive relief or occupation orders relating to the family home.

Emily is frequently instructed on behalf of vulnerable adults or children and is particularly sensitive to clients with learning disabilities, special needs or mental health difficulties. She has frequently been instructed to act through the Official Solicitor when a client lacks litigation capacity.

Children (Public Law)

In public Law matters Emily's work involves care, placement and adoption proceedings acting on behalf of guardians, parents, other family members and local authorities. Emily's cases often involve non accidental injury or death, sexual abuse or fabricated and induced illness.

International Family Law

Emily's work often involves an international element such as international child abduction, inherent jurisdiction and wardship.

Notable Cases

P v M & Ors [2023] EWFC 254

Re S (A Child) & Anor (s 20 Accommodation) [2023] EWCA Civ 1

M (A Child – Private Law Children Proceedings – Case Management – Intimate Images) [2022] EWHC 986 (Fam)

Re S (Children) (Inherent Jurisdiction: Setting Aside Return Order) [2021] EWCA Civ 1223

B (A Child) (care proceedings) [2018] EWCA Civ 20

H (A Child – Hair Strand Testing) [2017] EWEFC 64

Re T (a Child) (Early Permanence Placement) [2015] EWCA Civ 983

Adoption – early permanent placement, child placed with prospective adopters at birth. Care plan altered to SGO in favour of paternal grandparents. Whether the adopters ought to have been joined to the proceedings, whether the adopters should have been granted leave to apply for an adoption order

Re SSM (A Child) [2015] EWHC 327 (Fam)

Re R (a Child) (2014) EWCA Civ 1625

Appeal by mother following care and placement orders. Consideration by the President of wider implications of *Re B-S* and the post *Re B-S* 'landscape'.

What the Directories Say

"Emily is a go-to advocate for complex children's matters. She is experienced and extremely well-prepared. She gives regular feedback to solicitors to assist and is willing to respond if issues arise on long-running cases." Tier 4 - Legal 500, 2024

'Fully invested in every case. She knows every page of the brief, every nuance of the case and can predict all the avenues the case might take.' Legal 500, 2022

'Is tenacious, very well-prepared and you really feel that she cares about the client and the case. Emily's advice is drawn from her significant experience in children law and you know you are benefitting from real wisdom when you hear her views' Legal 500, 2021

'She is hugely experienced; commands gravitas with client and judge; is straightforward and manages expectations well.' Legal 500, 2020

Education

University of Kent (1996 BA (Hons) Sociology)

College of Law (1997 CPE; 1998 BVC)

Appointments

Recorder on the South Eastern Circuit for family matters

Awards

Middle Temple Harmsworth Scholarship

Memberships & Associations

Family Law Bar Association

Resolution

Middle Temple

Languages

Conversational French and German.