

## Emma-Louise Fenelon

Call: 2015



Emma-Louise Fenelon is developing a broad practice, in particular in Clinical Negligence, Child Abuse Compensation, Inquests, Public Inquiries, Personal Injury and Human Rights. She is appointed to the Attorney General's C Panel of Civil Counsel.

Emma joined Chambers as a tenant in September 2016 following successful completion of her pupillage. She has a First Class Honours degree from Trinity College Dublin and a Masters in Law from Harvard Law School.

Emma is also co-presenter of [Law Pod UK](#).

## Clinical Negligence

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Emma is instructed in a broad range of clinical negligence work by claimants and defendants. She regularly advises on both liability and quantum, including high-value claims, complex future loss issues and Fatal Accident Act claims. She often appears in strike out applications, case management hearings, interim applications, mediations and RTMs, along with drafting pleadings and advising in writing and in conference with experts. She has particular experience in claims relating to delayed cancer diagnosis, vascular problems, diabetes and gastroenterology.

### Selected Cases

- Represented several NHS Trust Employees following serious allegations made against them by a minor's parents following a sonogram. During a 6 day hearing the Court gave permission for a range of medical experts to assist in determining the likely cause of minor's fractures, and ultimately found that no Trust employee had caused or contributed to the injuries sustained. [Click here](#) for further details.
- Currently led by Philip Havers QC, instructed by Leigh Day, in a complex clinical negligence claim.

# Child Abuse Compensation Law

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Emma is developing a busy practice in child abuse claims on behalf of claimants against local authorities, schools and individuals. She has experience before the Criminal Injuries Compensation Appeals panel.

She is currently Junior Counsel, unled, acting for the main group of Core Participants in the Independent Inquiry into Child Sexual Abuse concerning abuse in residential schools. She also has experience on the modules examining historic child abuse in the Roman Catholic Church (Ampleforth, Downside and Ealing Abbeys), and the Anglican Church, led by Iain O'Donnell. She is instructed on the module concerning the late Greville Janner, due to begin in 2020.

Emma was seconded to the abuse department of Bolt Burdon Kemp Solicitors for three months in 2018, where she worked primarily on claims relating to the Lambeth Children's Homes Redress Scheme. She continues to advise on a number of individuals concerning their Individual Redress Payments arising from that scheme.

## Selected Cases

- Successfully resisted an application to set aside a judgment for damages, acting on behalf of a survivor of child sex abuse. Click [here](#) for further details.
- Recently succeeded in damages claim for a survivor of child abuse. Click [here](#) for further details.
- For further information on Emma's involvement in IICSA click [here](#) and [here](#).

## Personal Injury

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Emma accepts instructions in all areas of personal injury work acting for both claimants and defendants. She regularly advises on both liability and quantum. She frequently appears in County Court trials arising from accidents at work, on holiday and road traffic injuries, as well as in cases concerning child abuse.

## Selected Cases

- Recently succeeded in damages claim for a survivor of child abuse. Click [here](#) for further details.
- Successfully resisted an application to set aside a judgment for damages, acting on behalf of a survivor of child sex abuse. Click [here](#) for further details.
- Previously instructed by HMRC on an ongoing-basis to advise on personal injury claims arising out of accidents involving employees across the Government Estate.

## Inquests

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Emma is regularly instructed on behalf of NHS Trusts, individual doctors and bereaved families in inquests.

She has appeared on behalf of public health services in contentious Article 2 inquests arising from deaths in custody and inquests involving a mental health aspect. She also has experience acting on behalf of local authorities in inquests concerning mental health and community care.

She was previously instructed by Fieldfisher to assist the Coroner's Legal Team the Inquests into the Birmingham Pub Bombings (1974). For more information click [here](#).

Emma is committed to pro bono representation and has been instructed on a pro bono basis for both AvMA and the Bar Probono Unit on behalf of families and individual doctors.

She is regularly involved in personal injury, clinical negligence and human rights claims arising out of inquests.

## Selected Cases

- **Inquest into the death of CS:** Representing the family of a man who died in HMP Lowdham Grange.
- **Inquest into the death of Prince Fosu:** Represented a GP in a month long inquest into the death of a man Harmondsworth Immigration Removal Centre..
- **Inquest into the death of YS:** Representing a local authority in an inquest concerning mental health and community care.
- **Inquest into the death of WT:** Represented the family in an inquest concerning the death of a man following A&E discharge.
- **Inquest into the death of RS:** Represented the NHS Healthcare provider at Chelmsford Prison in an Article 2 inquest into the death of a man who committed suicide in prison.
- **Inquest into the death of DB:** Represented The Forward Trust, a charity providing substance misuse services, at an inquest into the death of a man at HMP Lewes. For more information click [here](#).
- **Inquest into the death of AM:** Represented the family in an inquest into the death of a man who was found unconscious in the bath at a psychiatric hospital.
- **Inquest into the death of AA:** Represented Essex Partnership University NHS Trust at an Article 2 jury inquest into the death of a man who committed suicide in prison.
- **Inquest into the death of PA:** Represented Pennine NHS Foundation Trust in an inquest into the death of a man who committed suicide at a London underground station.
- **Inquest into the death of Baby O:** Instructed to represent a Paediatric Registrar during an inquest into the death of a baby who died shortly after being born at St. Mary's Hospital on the Isle of Wight.
- **Inquest into the death of MB:** Appeared for the NHS Trust at Bedford Prison in an Article 2 jury inquest into the death of a man who committed suicide in prison.
- **Inquest into the death of TS:** Instructed to represent the NHS Healthcare provider at Chelmsford Prison in an Article 2 jury inquest into the death of a man who died from a drug overdose in prison.
- **Inquest into the death of MB:** Appeared for the NHS Trust in an inquest into the death of a woman who died following a missed hip fracture diagnosis.
- **Inquest into the death of HC:** Appeared for the NHS Trust in an inquest concerning the death of a man with a cardiac condition who had been under the care of the cardiology department at St Barts Hospital.

# Public Inquiries

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Emma is developing a broad public inquiry practice, and has experience acting for a range of Institutional Core Participants as well as Victims and Survivors. She is currently instructed by the Government Legal Department to represent the Department for Health and Social Care in the [Infected Blood Inquiry](#).

She was previously instructed by Richard Scorer and Kim Harrison at Slater and Gordon as Junior Counsel, unled, acting for the main group of victims and survivors in the Independent Inquiry into Child Sexual Abuse concerning abuse in residential schools. Listen to Richard and Emma discuss IICSA on [episode 116](#) of Law Pod UK.

Emma also has experience on the modules examining historic child abuse in the Roman Catholic Church (Ampleforth, Downside and Ealing Abbeys), and the Anglican Church, led by Iain O'Donnell.

## Selected Cases

- **Infected Blood Inquiry:** Instructed by the Government Legal Department as Junior Counsel representing the Department of Health and Social Care.
- **Independent Inquiry into Child Sexual Abuse:** Previously instructed by Slater and Gordon to represent a large number of victims and survivors in three modules of this major inquiry. For further information on Emma's involvement in IICSA click [here](#) and [here](#).
- **Undercover Policing Inquiry** instructed for a key Core Participant and led by Peter Skelton QC on the civil litigation arising out of that Inquiry, instructed by the Metropolitan Police.
- She has undertaken significant disclosure and legal professional privilege reviews in relation to other investigations, instructed by the Metropolitan Police.

# Human Rights

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Emma is developing a varied practice in public law and human rights. She was Vice-Chair of the Human Rights Lawyers Association from 2017 – 2020.

Before coming to the bar, Emma spent two years at the AIRE Centre, a specialist legal charity where she advised and represented individuals in matters of EU free movement of persons, EU social security, anti-discrimination and ECHR law. This included working on litigation before the European Court of Human Rights and domestic courts, establishing a monthly legal clinic for Roma migrants in Luton and representing individuals before the First-tier Tribunal (Social Entitlement Chamber).

Emma also spent two years as a Parliamentary Aide to Lord Lester of Herne Hill QC, in particular assisting his work as a member of the Joint Committee on Human Rights, and in human rights analysis of draft legislation.

She gained further human rights experience as a legal trainee at the European Court of Human Rights, Strasbourg (UK Division), as an intern on the case involving Radovan Karadzic at the International Criminal

Tribunal for the Former Yugoslavia in the Hague and working for the Innocence Project while studying at Washington and Lee University, Virginia.

## Data Protection & Cyber

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Emma has a keen interest in data protection and cyber law and has appeared in the Information Tribunal in relation to matters of data protection and freedom of information.

## Environmental Law

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Emma is looking to develop her practice in environment law, and has experience advising on matters involving protected habitats and fishing rights.

Recently, Emma has been instructed in the ground breaking climate change case of *Duarte Agostinho & 5 Others v Portugal & 32 Others*. She and Darragh Coffey successfully represented the Yorkshire Wildlife Trust, instructed by the Environmental Law Foundation, at a 12 day Planning Inquiry concerning Askham Bog in York.

She was jointly nominated for Advocate's *Young Pro Bono Barrister of the Year Award 2020* for her role in saving Askham Bog.

## Direct Access

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Emma-Louise Fenelon is developing a broad practice in particular in Clinical Negligence, Child Abuse Compensation, Inquests, Public Inquiries, Public Law, Personal Injury and Human Rights. She accepts *direct access* instruction from lay clients in these areas, visit her profile to find out more [here](#).

Emma was Vice-Chair of the Human Rights Lawyers Association and co-presenter of *Law Pod UK*.

## Appointments

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- Attorney General's C Panel of Civil Counsel (2020 – present)
- Vice-Chair Human Rights Lawyers Association (2017 – 2020)

## Awards

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- Lady Templeman Award, Middle Temple
- Jules Thorn Scholarship & Blackstone Exhibition Award, Middle Temple
- Satter Human Rights Fellowship, Harvard Law School
- JFK Award for post-graduate study, National University of Ireland

- Julian Prize for 2nd place overall in degree results, Trinity College Dublin
- Scholar, Trinity College Dublin
- Entrance Exhibition Award, Trinity College Dublin

## Education

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- BPTC, BPP London
- LLM, Harvard Law School
- LLB, Trinity College Dublin

## Memberships

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- HRLA
- ACAL
- PNBA
- ALBA
- BHRC
- PIBA

## Publications

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- Co-presenter of [Law Pod UK](#)
- Contributor to the [1COR Quarterly Medical Law Review \(QMLR\)](#)