



Call 1994
London School of Economics MSc

Dermot Casey

PRACTICE AREAS

Children, Mental Health and Community Care

Prior to being called to the Bar, Dermot Casey qualified and worked as a social worker. His practice is mainly in public law family cases (including capacity cases), in which he represents parents, children, local authorities and the Official Solicitor. He also practises in administrative law, advising both claimants and respondents. He appeared as junior counsel in the European Court of Human Rights in *P, C and S v United Kingdom* [2002] 35 EHRR 1075 (as to which see below).

Dermot lectures regularly to lawyers and child care professionals. He also contributes to journals and was co-author of *Adoption and Contact* [2000] Fam Law 39 and of *The Appearance of Fairness* New Law Journal Vol 152 No 7044, Aug 2002 on the case of *P,C and S -v- UK*.

MEMBERSHIPS

The Family Law Bar Association

REPORTED CASES

Re H [2007] EWHC Civ 1862 (Fam)

Acting for a mother in case of triad of injuries: encephalopathy, retinal and sub-dural haemorrhages which injuries, when found together, usually lead to a diagnosis of shaken baby syndrome and this was the local authority case against the mother. The medical and bio-mechanical evidence in this case was very complex and required extensive research and knowledge of the issues. This case raised unusual issues and, although the local authority withdrew its application on the first day of the hearing, Munby J gave a detailed judgment.

Re U (Care Proceedings: Criminal Conviction: Refusal to give evidence) [2006] EWHC 372 (Fam) [2006] 2 FLR 690

Care proceedings - Refusal of parent to give evidence in fact finding hearing - Advice of criminal lawyer - Criminal conviction - Pending appeal - Weight to attach to conviction - Lack of practical sanction - Cross-examination of witnesses allowed

A Local Authority -v- H and Another [2005] EWHC 2885 (Fam)

Orders in family proceedings - Contact order - Expert evidence - First respondent found to have obstructed airways of her first child leading to his death - Court commenting on approach in law to issues arising under Children Act 1989

Re H (A Child) (Care Order: Appropriate Local Authority) [2004] Fam 89 (CA)

Care proceedings - Designated local authority - Child placed in foster care under interim order in one area and subsequently with relatives in another area - Whether placement affecting designation of appropriate local authority in care order - ss 23(6), 31(8), and 105(6) Children Act 1989

Re O (Care Proceedings: Evidence) [2004] 1 FLR 161 (Fam)

Care proceedings - Child separately represented - Whether child should give oral evidence - Inferences to be drawn from mother's failure to give oral evidence

P, C and S v United Kingdom [2002] 2 FLR 631

Care proceedings - Freeing for adoption - Legal representation - Arts 6 and 8 of European Convention for the Protection of Human Rights and Fundamental Freedoms 1950

R v Feggetter and Mental Health Act Commission Ex Parte Wooder [2002] 3 WLR 591

Mental disorder - Medical treatment, consent to - Judicial review - Reasons for decision to treat - Convicted patient compulsorily detained at secure hospital - Doctors deciding to administer anti-psychotic medication despite patient's refusal to consent - Whether patient entitled to disclosure of doctor's written reasons for imposing treatment - Mental Health Act 1983 (c 20), s. 58 - Human Rights Act 1998 (c 42), Sch. 1, Pt I, art 8

M v London Borough of Islington and L [2002] 1 FLR 95

Family proceedings - Bias - Involvement in interdisciplinary pilot project

Re D (Evidence: Facilitated Communication) [2001] 1 FLR 148

Evidence - Allegations of abuse - Victim of alleged abuse suffered from severe communication difficulties

OTHER CASES OF INTEREST

Re R (High Court - 2007)

Acting for local authority in non-accidental injury case involving 5 children in the High Court. Parents denied injuries. Criminal proceedings in parallel involving joint family-criminal court hearings. The mother did not have litigation capacity but had subject matter capacity which required two psychiatrists to assess and legal argument on this issue. Court made all the findings sought by the client local authority including nature of injuries and perpetrator.

Re A (High Court -2007)

This care case involved parallel private law proceeding in relation to half siblings of the subject child. The case raised issues of capacity to litigate, confidentiality of medical records and data protection. Mr Casey prepared a skeleton argument on the data protection issues and the right to respect for private and family life. The Judge made an order under the inherent jurisdiction disclosing the confidential records and he commented very favourably on Mr Casey's treatment of the legal issues involved.

Re M (High Court – 2005-2007)

This case involved acting for a children's guardian over a number of years. The case involved emotional abuse of children by the mother and necessitated orders under the inherent jurisdiction to protect their foster placements. The case also involved confidentiality of records and Data Protection Act 1998 issues requiring legal argument and orders denying the mother access to social work records relating to her children who did not want them disclosed.

Re M (Admin Court 2005-2006)

Case involving de-registration of foster carers and removal of some children who had been settled with them for a number of years. Mr Casey represented the foster carers relying on Article 6 and 8 of the ECHR to defeat the de-registration and to maintain the 'family', to prevent the removal of a sibling group. The local authority eventually conceded that it had acted unlawfully and reversed its own decisions made previously. This outcome was reflected in a consent order.

Contact: Coram Chambers, 9-11 Fulwood Place, London WC1V 6HG

t: 020 7092 3700 **f:** 020 7092 3777 **dx:** LDE 404

e: mail@coramchambers.co.uk **w:** www.coramchambers.co.uk