



Call 2000
BSc (London) (1993)
MBBS (Bachelor of Medicine and Bachelor of Surgery) (London) (1996)

Mark de Souza

Adoption
Care Proceedings
Children Act Proceedings
International Movement of Children
Judicial Review
Mental Health and Incapacity
Wardship / Inherent Jurisdiction

Mark is primarily a specialist children / family law barrister but he acts in cases of a much broader span that can perhaps best be described as covering children, families and individuals from their earliest days to their last.

Specifically, Mark's practice has a particular emphasis on public law (care) proceedings, in which he regularly acts for local authorities, parents and children in all levels of court. In practice, those cases often involve complex legal issues, significant non-accidental injuries, sexual abuse, mental health matters, immigration and housing elements. His children work often involves instruction by the Official Solicitor and by NYAS.

Mark also represents clients in ancillary relief cases and related matters such as TOLATA applications. He accepts instructions from those with modest assets, who often present the more complicated issues, as well as from those of more substantial means.

Another aspect of Mark's work, which is of equally great interest to him, consists of cases involving vulnerable adults who may lack capacity. He is reported in this area in a case involving a dispute about the care arrangements for an elderly man who was found on the medical evidence to lack capacity. The case also involved the commonly related question as to which public authority was responsible for such care. In this case, the proceedings were initiated by way of an application for permission to apply for judicial review of the PCT's decision.

Mark's related practice in community care, mental health, judicial review and human rights contribute to and inform his work in the areas mentioned above. His legal practice is in turn complemented by his training as a doctor and his exposure in a clinical environment to all aspects of medical work, particularly psychiatry. He also studied psychology as an undergraduate.

Of significant benefit to Mark has been his experience of housing law early in his career and the several years that he spent as a weekend voluntary immigration adviser at the Hackney Community Law Centre.

Mark believes that client care is of fundamental importance and understands that lay clients involved in family cases are likely to experience some of the most difficult and stressful times of their lives. He considers it important to maintain a sympathetic approach so that clients feel reassured that their representation is not only comprehensive and professional but also properly reflects their wishes. He feels that such an approach must be adopted in conjunction with strong and realistic advice so that clients are focused on the real issues in the case and prepared as far as possible for the likely outcome of the proceedings.

Mark recognises that the pressures on professional clients can often be extremely great. He aims to provide clear, insightful, detailed, practical and realistic advice and assistance. Wherever possible, he is willing to assist at short notice and when not in chambers.

MEMBERSHIPS

The Family Law Bar Association

Gray's Inn

South Eastern Circuit

A doctor registered with the General Medical Council

LANGUAGES

German (Conversational)

Swahili (Basic)

REPORTED CASES

Re S (Vulnerable Adult) [2007] 2 FLR 1096

Local authority - Vulnerable adult - Best interests - Public law challenge - Court unable to impose different choices on relevant authority because adult lacked capacity

B Borough Council v S (By the Official Solicitor) [2006] EWHC 2584 (Fam) [2007] 1 FCR 574

Local authority seeking without notice relief in respect of husband's hospitalisation in home for elderly mentally infirm - Whether authority correct to issue without notice proceedings

Kirklees Metropolitan Borough Council v London Borough of Brent [2004] 2 FLR 800 (Fam)

Care - Designated local authority - Placement with a relative - Whether accommodation with relative in area of different local authority to be disregarded

INTERESTS

Sports, literature and travel

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