

Emma Southern

Year of Call: 2006

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Overview

Emma is an experienced family law barrister, who advises and represents clients in a broad range of legal issues including matters concerning contact and living arrangements for children, prohibited steps orders, changes of name, parental responsibility and child abduction.

In addition, Emma frequently appears in care proceedings issued by the Local Authority and other related matters. Emma accepts instructions to appear in the Court of Protection in respect of welfare matters.

She is an elected committee member of the Bar Representation Committee of Lincoln's Inn, was appointed Representative of the Western Circuit for the Inn (2019-2023) and is now a representative for Lincoln's Inn on the Bar Council.

Emma recently took up a role as a Fee-Paid Judge of the First-tier Tribunal, assigned to the Health, Education and Social Care Chamber and in January 2022, she was appointed as a Recorder hearing family cases on the Western Circuit. In August 2023 she was nominated by President of the Family Division to hear matters in the Court of Protection as a Recorder.

Recommendations

'Emma is thorough in her preparation and absolutely excellent in managing clients' expectations in a confident, realistic yet empathetic way. In the court room she puts her thoughts together concisely but with force and is always effective in putting the best position forward for her client.'

Legal 500 2024/Family: Children and Domestic Violence/Leading Juniors/Western Circuit

'Emma is a stand-out advocate who impresses the room. She has the ear of the court.'

Legal 500 2023/Child Law (Public and Private)/Leading Juniors/Western Circuit

'A very persuasive advocate who has the ear of the court. Very measured and calm under pressure. She is well-attuned to the needs of her clients.'

Legal 500 2022/Child Law (Public and Private)/Leading Juniors/Western Circuit

'Emma is an excellent barrister who has the ability to think outside of the box. Emma pays attention to the detail to ensure the best possible result for her clients. In conference with lay clients she is approachable, friendly and puts the lay client at ease, whilst providing clear and concise advice.'

Legal 500 2021/Child Law (Public and Private)/Leading Juniors/Western Circuit

"I had complete confidence in Emma and her handling of a difficult case. Her approach was empathetic and her advice and guidance clear and pragmatic to the client. Her negotiations with the other side were managed with gentle tenacity which resulted in a positive outcome."

Instructing solicitor

"I am writing to express my sincere gratitude and appreciation for your hard work, dedication, and professionalism in winning my court case. Your emotional support and unwavering commitment to my case has changed my world, and I cannot thank you enough. Your expertise and knowledge of the law were truly exceptional, and your ability to navigate the complex legal system was nothing short of remarkable. Your calm and reassuring demeanour throughout the entire process helped to ease my nerves and gave me the confidence to face the courtroom with courage.

I am forever grateful for your support and assistance, and I will always remember the positive impact you have had on my life."

Direct Access Client, 2023

"Emma is very personable and highly skilled in her area of practice. She has an acutely keen eye for detail, is always well prepared, her written work is of exceptional quality and she has a sound knowledge of the law. Emma has tremendous client care skills, and is a real pleasure to work with whilst always fighting hard for her clients. She works incredibly well with both instructing solicitors and opposing advocates, and is highly regarded by all concerned. She is the whole package".

Instructing solicitor

Academic qualifications

- LLB (Hons) University of Bristol
- BVC, VC (University of the West of England)

Professional qualifications & appointments

- Recorder (family, Court of Protection)
- Fee Paid Judge of First Tier Tribunal SEND

Professional bodies

- Member of the Western Circuit
- Family Law Bar Association
- Denning Society

Expertise

Family

Emma is an experienced family law barrister, who advises and represents clients in all aspects of family law with a particular emphasis on cases involving children.

Care and Adoption

Emma regularly appears in complex public children matters representing local authorities, children (through their Guardian), parents and extended family members, including grandparents.

Emma has a wealth of experience in cases at all court junctures from ICO/Case Management through to IRH, Fact Finding and Final Hearing. Such cases have involved:

- Emergency contested hearings (Emergency Protection Orders and Interim Care Orders)
- Applications for care orders
- Placement applications and applications to revoke placement orders (adoption)
- Separate fact find hearings
- Composite fact find and welfare final hearings
- Allegations of significant harm relating to non- accidental injuries; chronic neglect; sexual abuse (including rape and incest); death of a child, parent or extended family member, fabricated induced illness (FII) violence, threats to kill, domestic abuse, injunctions; drug and/or alcohol addiction and mental health difficulties
- s38(6) applications including applications for residential assessment
- Complex DNA evidence including in respect of monozygotic twins
- Special Guardianship orders
- Wardship and Inherent jurisdiction
- Variety of experts including cross-examination
- Jurisdictional issues.

Emma has worked with a broad spectrum of clients including those who have mental health, learning disability and resulting capacity issues which have on occasions necessitated instructions via the Official Solicitor. Emma has completed Vulnerable Witness Training.

Private Law Children, Injunction and Domestic Abuse

Emma regularly appears in private law proceedings concerning children as well as proceedings concerning applications for Injunctions and Occupation Orders. Emma represents parents, grandparents and children (through their appointed Guardian).

Emma has a wealth of experience in cases at all court junctures from First Appointment to Final Hearing. Such cases have involved:

Urgent contested hearings relating to interim living arrangements and contact arrangements

- Applications for child arrangements orders including specific issue orders and prohibited steps orders
- Applications for Non-molestation orders and Occupation Orders
- Fact find hearings where domestic abuse is alleged
- Complicating factors including drug and alcohol misuse, mental health difficulties and capacity issues

- Removal from the jurisdiction (external relocation)
- Internal relocation within the jurisdiction
- Brussels II Revised and related transfer between Member States issues (Article 15)
- Implacable hostility and parental alienation
- Applications for expert assessments
- Section 7 reports, section 37 reports and involvement of the Local Authority.

Notable cases:

- Fact find hearing representing Intervenor facing allegations of inflicting multiple non-accidental injuries (fractures and bruising) to a 5-6month old baby. No findings made (2019).
- Fact find hearing, led by Frances Judd QC regarding allegations of sexual abuse including rape, incest and physical abuse of children. Proceedings necessitated cross-examination of complainant children.
- Emma appeared as Leading junior counsel for the children in a 10 day fact find concerning multiple serious injuries to very young siblings, complicated further by earlier findings relating to NAI to the older sibling being re-opened for fresh consideration. All findings sought proven.
- Fact find hearing representing Mother, led by Elizabeth McGrath QC regarding allegations of potentially life threatening injuries to a 4 month old baby including subdural haemorrhages, hypoxic ischaemic injury to the brain, multiple retinal haemorrhages and bleeding in the spine. No findings of non-accidental injuries made. Exploration as to contribution of birth injuries and EDS Type III symptoms to the injuries sustained.
- Fact Find hearing, led by Kate Branigan QC regarding allegations of non-accidental injuries to two young children concerning fractures, re-fractures, SPNBF and bruising. Symptomology and pain reaction explored with oral evidence from expert paediatrician and radiologist.
- 18 day Fact Find hearing in the High Court, led by Paul Storey QC regarding allegations of serious sexual abuse, incest and rape during which the complainant child gave evidence and was cross-examined. Client had a learning disability and Communicourt were engaged to interpret throughout. Complex DNA evidence in respect of monozygotic twins explored.