

# Sophie Hurst

Year of call 2018

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Sophie has a specialist **Court of Protection** practice and is regularly instructed in Health and Welfare, Serious Medical Treatment and Property and Affairs cases. Sophie acts for a range of clients including protected parties, with regular instructions from the Official Solicitor, NHS Trusts, integrated care boards, local authorities, professional deputies and family members.

Sophie offers specialist advice on issues arising from the Mental Health Act 1983 and the Care Act 2014. Her **public law** experience extends to instructions in Judicial Review and human rights claims.

Sophie has a fast-growing **probate and wills** practice and specialises in areas of cross over between probate and Court of Protections matters.

Sophie also acts in **inquests**, specialising in those involving mental health and mental capacity issues and deaths in health care and social care settings.

## Expertise

### Court of Protection: Health and Welfare

Sophie acts in a wide-range of health and welfare cases including Section 21A applications, Section 16 welfare applications, inherent jurisdiction cases and disputes arising from medical treatment issues. She is regularly instructed by the Official Solicitor, family members, local authorities, Integrated care boards, health trusts and private care providers. Notably, Sophie has been credited for her contribution to Re A (Capacity: Social Media and Internet Use: Best Interests) [2019] EWCOP and Re B (Capacity: Social Media: Care and Contact) [2019] EWCOP 3 and is recognised for her expertise in deprivation of liberty cases J, Re (Deprivation of Liberty: Hospital) [2022] EWFC 121

Sophie accepts instructions in urgent applications for life saving medical treatment, non-urgent medical treatment and end of life withdrawal of medical treatment. This work is complimented by the experience she gained in clinical negligence and personal injury work during her pupillage. Sophie accepts out of hours instructions and has recently appeared on behalf of P's wife, alongside Sam Karim KC, in the reported case of Re KM [2021] 5 WLUK 89, arising from an application for withdrawal of life sustaining treatment.

### Court of Protection: Property and Affairs

Sophie regularly acts in applications seeking the appointment and removal of attorneys and deputies. She has appeared on behalf of P, lay and professional deputies, local authorities and the Office of the Public Guardian.

Sophie also offers specialist advice in statutory will, trustee and gifting applications and is keen to support and encourage the regionalisation of work in this area.

## Public Law and Human Rights

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Sophie is instructed in claims arising from Article 5 breaches, following failures to authorise and manage deprivations of liberty and offers advice on liability, causation, quantum and settlement negotiations.

Sophie is regularly instructed to advise on issues relating to The Care Act 2014, including Ordinary Residence disputes and disputes arising from local authority charging policies. She has also been involved in challenges following Care Act assessments, eligibility decisions relating to NHS Continuing Health Care Funding and safeguarding appeals.

Sophie has also been involved with a number of public law challenges, specialising in age assessments for unaccompanied asylum seeking children and cases against the Criminal Cases Review Commission

## Probate

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Sophie has a fast-growing probate and wills practice and specialises in areas of cross over between probate and Court of Protections matters. Sophie's experience in this area extends to disputes over the validity and construction of wills, testamentary capacity and undue influence and deeds of variation and rectification.

## Inquests

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Sophie represents families and other interested persons including local authorities, integrated care boards and health trusts in a wide range of inquests. Whilst specialising in issues involving deprivations of liberty, the Mental Health Act, the Mental Capacity Act and cases arising from deaths in healthcare and social care settings, Sophie also appears at inquests involving infant deaths and suicide.

## Mental Health

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Sophie accepts instructions in a range of Mental Health matters. Sophie has acted for detained patients, family members and local authorities in Nearest Relative Displacement Proceedings and has appeared before Mental Health Tribunals in hospitals across the North West.

## Memberships

- COPPA
- The Honourable Society of Gray's Inn
- Northern Circuit

## Qualifications

- Bar Professional Training Course (BPP, 2017-2018) Outstanding
- Graduate Diploma in Law (University of Law, 2016-2017) Distinction
- BA Hons History (University of York, 2013-2016) First Class, with Distinction

## Awards

- The Prince of Wales Scholarship (Gray's Inn, 2017)
- BPP Excellence Award (BPP University, 2017)
- The Graham Beecher Prize (University of Law, 2017)
- The David Karmel Scholarship (Gray's Inn, 2016)
- The Chancellor's Award (University of York, 2016)
- The History Award, Valedictorian (University of York, 2016)