

SAM KARIM QC (SHEIKH M S KARIM)

Year of call: 2002
Year of silk: 2017

Clerked by: Mark Ronson

AREAS OF EXPERTISE:

Administrative & Public Law Arbitration Court of Protection & Mental Health Health & Social Care Inquests Judicial Review Licensing Local Government Procurement Technology & Construction



Court of Protection & Mental Health

Sam is the head of the Court of Protection team at Kings Chambers. He has been a specialist in this area since the advent of the Mental Capacity Act 2005, and has been at the forefront of developing case law in this jurisdiction since the implementation of the Act, for instance:

- Defining the relevant information for making decisions about the use of the internet/social media, *Re B [2019] EWCA Civ 913, Re B (Capacity: Social Media, Care & Contact) [2019] EWCOP 2*;
- Defining the parameters of the limitation period relating to incapacitous individuals when claiming damages under the Human Rights Act 1998, *AP v. Tameside MBC [2017] EWHC 65 (QB)*;
- Defining the extent of a deprivation of liberty in a private setting when there is little, if any input from the State, *Secretary of State for Justice v Staffordshire County Council & Anor [2016] EWCA Civ 1317*; and
- His involvement in the 'Blue Room' case, which was the first case in this jurisdiction considering whether seclusion amounted to a deprivation of liberty, *CP [2012] EWHC 1944 (Admin) & [2012] EWHC 1944 (Costs)*, and ultimately leading to his publication of the international best practice guidance issued by the British Institute of Learning Disability.

As a silk, his practice covers:

- (a) All types of disputes regarding the social welfare of incapacitated adults and children and medical treatment issues, and is regularly instructed by the Official Solicitor, families of patients, CCG's, local authorities and private care providers.
- (b) Urgent applications for life saving medical treatment, non-urgent medical treatment, "end of life" withdrawal of medical treatment, treatment of suicidal patients (including emergency treatment following overdose) and advanced directives, and
- (c) Property and affairs. He has extensive in appearing on contested applications for deputyships and on issues arising during deputyship and for registration of lasting powers of attorney (LPAs) and enduring powers of attorney (EPAs), and advising on issues arising for attorneys and in relation to disputed statutory will. His experience also includes advising and appearing in cases relating to the overlap of the Court of Protection and personal injury proceedings.

Sam undertakes urgent advice and representation on applications including declarations on an emergency basis. Please contact his Clerks.

Significant reported cases include:

- *Re BG [2019] EWCOP 19*: the Court (it appears for the first time) is tasked with deciding whether a young adult should be provided serious medical treatment to achieve puberty, contrary to their express wish
- *Re B [2019] EWCA Civ 913*: arguably redefined the test for capacity in relation to residence and consent to sexual relations
- *Re B (Capacity: Social Media, Care & Contact) [2019] EWCOP 3*: first case deal with the relevant information need to make decisions about use of the internet and social media
- *CH v. A Metropolitan Council [2017] EWCOP 12*: case relating to damages for the failure to provide education to promote P's ability to gain capacity to make decisions about consenting to sexual relations
- *North Cumbria University NHS Foundation Trust & Anor [2017] EWCOP 1 782 (Holman J)*: successfully obtained declarations that in relation to serious medical treatment, namely the removal of Basal Cell Carcinomas
- *Secretary of State for Justice v Staffordshire County Council & Anor [2016] EWCA Civ 1317*: successfully defended an appeal relating to the definition of a deprivation of liberty in relation to packages of care with no direct state involvement. See also first instance decision, [2016] EWCOP 27 (Charles J)
- *AP v. Tameside MBC [2017] EWHC 65 (QB)*: defined the parameters of extending the statutory time limit for bringing a claim under the Human Rights Act 1998 for a breach of Article 5 of the ECHR, arising out of an deprivation of liberty that was not authorised
- *Bristol NHS Trust v. AB [2016] 1 EWCOP 67 (Baker J)*: successfully obtained declarations that in relation to serious medical treatment, namely the removal of cancer
- *BMC v. ST [2015] EWCOP 456 (Holman J)*: definition of sexual capacity deploying novel arguments relying on personal reproductive autonomy
- *County Durham & Darlington NHS Foundation Trust [2014] All ER (D) 06*: successfully obtained declarations to withdrawn life sustaining

treatment (artificial nutrition and resuscitation) on the basis that it would be futile, would not result in a therapeutic benefit and would not be in the patient's best interests

- *An NHS Foundation Trust*[2014] All ER (D) 92: successfully obtained declarations to withdrawn life sustaining treatment (artificial nutrition) on the basis that it would be futile, would not result in a therapeutic benefit and would not be in the patient's best interests
- *CP*[2012] EWHC 1944 (Admin) & [2012] EWHC 1944 (Costs) (Ryder J as he then was). The 'blue room case' which was the first decision of its kind dealing with issues of seclusion, restraint and sought to define what amounted to a deprivation of liberty (under Article 5 of the ECHR) for those who have a diagnosis of intellectual disability and autism
- *MB & Others*[2009] EWHC 1686 (Fam) & [2009] EWHC 2061 (Fam): defined the appropriateness of P's deputy for property and affairs instigating welfare proceedings

His is also published in this area, a precise includes: (a) *End of life Decisions in 'Tolley's Finance and Law for the Older Client'*, and (b) 'A human rights perspective on reducing restrictive practices in intellectual disability and autism' (BILD).

Profile

Sheikh Mohammed Samiul Karim QC (Sam Karim QC) is dynamic silk who is regarded as a leading practitioner by legal commentators who say that, *"When he is on his feet in a courtroom, he is simply captivating."*, he is *"an outstanding advocate....and one of the leading practitioners"*, and that he remains *"remarkably calm and in control, he never gets fazed by the complexities of a case"*. It is also said that *"... His academic understanding of subject matter litigation is incredible."*

He is specialist areas are four-fold:

- (a) Domestic and international commercial arbitration in which he acts as counsel and sits as panel or sole arbitrator;
- (b) Procurement;
- (c) Judicial Review and Human Rights / Civil Liberties; and
- (d) Court of Protection

Sam is a Member of the Chartered Institute of Arbitrators and is admitted as a practitioner in the Dubai International Finance Centre (DIFC) Court.

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Areas of Expertise

Administrative & Public Law

Arbitration

Court of Protection & Mental Health

Health & Social Care

Inquests

Judicial Review

Licensing

Local Government

Procurement

Technology & Construction

Memberships

Member of the Executive Committee of the Administrative Law Bar Association (ALBA)

Northern Administrative Law Association (NALA), Acting Chair

Founding member and Chair of the Kings Community Care and Disability Rights Association

Appointments

- Attorney General's Regional Panel of Queens Counsel.
- UK Advisor to the Chinese Government on development of Administrative Reconsideration Law in China. Appointed by the Asia Foundation.
- Previously a member of the Attorney General's Regional Panel of Junior Counsel.
- Chairperson of the Legal Aid Working Group and co-chaired the Training Working Group relating to the Regionalisation of the Administrative Court.
- Director of Manchester Public Law Pro-Bono Scheme.
- Northern Circuit Education Committee Member.

- Head of Public Law 2017 to present

Publications

- (1) 'Public law online', and online based legal knowledge database,
- (2) 'Judicial Review: Law & Practice', which is currently in its second edition and the co-author being the late Mrs Justice Patterson (Jordans)
- (3) Bullen & Leake & Jacob's Precedents of Pleadings, and
- (4) 'A human rights perspective on reducing restrictive practices in intellectual disability and autism',

Qualifications

LLB (Hons), LLM (Lond.), PG Dip Law, MCI Arb (Intl. Arbitration)

Recommendations

"He's a very good advocate who makes very focused submissions."

(Chambers UK 2021)

"His advice is always very thorough and his advocacy is very effective." "His softly-spoken manner makes him ideal for dealing with vulnerable clients, and belies a razor-sharp advocacy which is effective and persuasive. He sees the issues with a clarity that compares with few others and is a pleasure to work with." "Excellent on his feet, very knowledgeable and approachable."

(Chambers UK 2021)

"He is a very polished, attractive advocate." "He is calm, methodical and committed to delivering the best result for those instructing him." "He has a good client manner and excellent subject matter knowledge. He is also a quick thinker on his feet."

(Chambers UK 2021)

"He is an articulate, persuasive advocate and has the ability to charm litigation friends."

(Legal 500, 2020)

"Excellent client manner and ability to explain often complex legal points in client friendly terms. Responsive and able to turn work around quickly when needed. Quick thinking, particularly when on feet in Court."

(Legal 500, 2020)

"Has in-depth knowledge in Court of Protection, and is very efficient and proactive in his approach."

(Legal 500, 2020)

"Proactive and knowledgeable."

(Legal 500, 2020)

"An extremely able advocate who can think on his feet."

(Legal 500, 2020)

"His advocacy is clear, concise, accurate and calm under pressure. He's very punctual as well."

"He's unflappable and very good at dealing with people." "He's very dedicated, researches his cases very thoroughly and really gets to grips with the main issues. He's a pleasure to work with." "He's knowledgeable, articulate in court and a very safe pair of hands."

(Chambers & Partners, 2020)

"Sam is an outstanding advocate. He is a pleasure to work with. He is always on hand at the drop of a hat to discuss a case, and he has an ability to put lay clients completely at ease even when dealing with difficult medical decisions."

"He understands the technical points of public law really well." "He is diligent and straight-dealing."

"He has a real breadth of knowledge. He is a measured and careful advocate." "He has a good knowledge of the law and is well-prepared. His submissions are underpinned by a knowledge of the law."

(Chambers & Partners, 2018)

'An outstanding advocate.'

(Legal 500, 2018)

'An outstanding advocate, who makes lay clients feel completely at ease.'

(Legal 500, 2018)

"Accomplished new silk"

(Chambers & Partners, 2017)

"When he is on his feet in a courtroom, he is simply captivating."

(Legal 500, 2016)

"He's excellent, and used by all parties - he's very academic in his thought processes."

(Chambers and Partners, 2016)

"... His academic understanding of subject matter litigation is incredible."

(Chambers and Partners, 2015)

"He is one of the leading practitioners in the North"

(Chambers & Partners, 2017)

"He is innovative in the way he approaches cases and creative in the way he deals with matters..."

(Chambers and Partners, 2015)

"He's a very skilful advocate who is always remarkably calm and in control, he never gets fazed by the complexities of a case... He puts his points across succinctly and never wavers."

(Chambers & Partners, 2017)

"...He has a plenary style that is very logical and meticulous, and makes his points very well without annoying the judge."

(Chambers and Partners, 2016)

"He is very good at negotiating with other parties and bringing them round to his way of thinking."

(Chambers and Partners, 2015)

"He is charismatic... [and an] engaging... advocate."

(Chambers and Partners, 2013)



Sam Karim QC

