

SAM KARIM QC (SHEIKH M S KARIM)

Year of call: 2002
Year of silk: 2017

Clerked by: William Brown Mark Ronson

AREAS OF EXPERTISE:

Arbitration Court of Protection EU & Competition Law
Inquests Judicial Review Licensing



Court of Protection

Sam Karim QC 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.

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.

He is also published in this area: 'A human rights perspective on reducing restrictive practices in intellectual disability and autism' (BILD).

Significant reported cases include:

- *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.

Profile

Sam is a leading specialist practitioner in public law, domestic and international arbitration and Head of the Administrative Law team in Chambers.

Before taking silk, he was a member of the Attorney General Panel of Treasury Counsel for over a decade representing central government in high-profile proceedings. He has experience in all levels and types of courts and tribunals and regularly appears in the appellate courts.

Sam has specific expertise in public procurement and State Aid having recently been involved in *Lancashire Care NHS Foundation Trust & Anor v Lancashire County Council* [2018] EWHC 200 (TCC). Sam is also a Member of the Chartered Institute of Arbitrators and recognised as a leading QC in Chambers & Partners and Legal 500 who say that, "When he is on his feet in a courtroom, he is simply captivating.", he is "an outstanding advocate", and that "... His academic understanding of subject matter litigation is incredible." Sam is an author in commercial judicial review and procurement laws in 'Judicial Review: Law & Practice', 2nd edition (general editor) and the Bullen & Leake & Jacob's Precedents of Pleadings.

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

Arbitration

Court of Protection

EU & Competition Law

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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

"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

