



GARDEN COURT CHAMBERS

# Susan Wright

YEAR OF CALL: 2013



Susan is a dual qualified American lawyer whose public law practice focuses on the overlapping areas of mental capacity and mental health. She is particularly skilled in the cross-examination of expert witnesses.

Susan is ranked in the 2024 edition of the Legal 500 directory as a 'Leading Junior' in the field of Court of Protection and Community Care.

Susan is registered with the Bar Council to accept Public Access work.

"Susan is thorough and empathetic. She can sympathize with the client's position and give realistic advice."

LEGAL 500, 2024 (COP AND COMMUNITY CARE)

"She makes the client's case firmly and persuasively and deals with matters thoroughly but in a way that avoids unnecessary conflict."

"Susan is articulate, organised, insightful and always acts with integrity. Her approach is always client-centred and there is no doubt that she will continuously fight for P's wishes and feelings to be heard; you are always in a safe pair of hands when you instruct Susan in Court of Protection matters."

MELANIE MORLEY, BHP LAW

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"Susan deals with the most difficult of clients with respect and care. I really couldn't recommend her enough."

LYDIA DAGOSTINO, KELLYS SOLICITORS

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"Not only did Susan understand our SEND journey better than anyone else, she was deeply and firmly committed to doing what was right for our son. She was efficient, compassionate, thorough and professional, working tirelessly towards achieving the best outcomes from the SEN Tribunal."

PARENTS OF AB

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If you would like to get in touch with Susan please contact the clerking team:

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## COMMUNITY CARE LAW

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Susan is a member of the Community Care team where her practice focuses on children. She is instructed in age assessments, challenges to Section 25 secure accommodation, and the provision of Section 17 support and Section 20 accommodation.

## COURT OF PROTECTION

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Susan is regularly instructed by the Official Solicitor, ALRs, family members, and Local Authorities in s.21A challenges and s.16 matters. She specialises in cases with complex medical evidence and has a particular interest in cases which fall under the inherent jurisdiction.

Susan appeared as junior counsel in the first case to come before the Court of Appeal on the meaning of s 44 Mental Capacity Act 2005 (ill-treatment or neglect of a person lacking mental capacity) *Kurtz v R* [2018] EWCA Crim 274.

Her current COP caseload includes:

Representing P who is recovering from stroke with complex presentation, communication barriers, and fluctuating capacity. Matters complicated by the disputed legal basis for the initial and ongoing use of a percutaneous endoscopic gastronomy (PEG) feeding tube through which food, water and medication have at times been administered;

**Several cases involving representation in proceedings which followed attendance at A&E and protracted placement in a hospital setting where the parties agree it is detrimental for P to continue to reside;**

**Representing P where there is shared and disputed responsibility among multiple local authorities and hospital trusts;**

**Representing P with repeated detentions under the Mental Health Act in the context of a s.21A challenge, with medical evidence that is complex and almost entirely contradictory;**

**Representing parent with Deputy status in circumstances where the Local Authority fail to recognise the status but decline to invite the Court to remove;**

**Representing P in care home whose return home was being considered by the court but whose LPA was proceeding with the sale of P's property, requiring an emergency injunction to stop the sale;**

**Representing parent of P, who was detained under the Mental Health Act and became the subject of urgent hearings ahead of 18th birthday in anticipation of her discharge.**

## EDUCATION LAW

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Susan accepts instructions in education cases, particularly challenging decisions to permanently exclude students and opposing transfers to Pupil Referral Units. She is a member of the [School Inclusion Project](#) and as a direct access barrister she can be instructed directly, without the need for a solicitor, and she often acts on a pro bono basis.

## MENTAL HEALTH TRIBUNAL

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Skilled in all aspects of mental health law, Susan is particularly skilled at cross-examining experts.

She has established working relationships with a range of medical experts and contributed to the Sentencing Council's "Sentencing offenders with mental disorders, developmental disorders, or neurological impairments" as well as the CPS guidance "Suspects and Defendants with Mental Health Conditions or Disorders."

## NOTABLE CASES

***SH v R***, Court of Appeal (2022): Appellant's Section 37 Hospital Order quashed and absolute discharge substituted

***R v EE***, Basildon Crown Court (2021): Defendant acquitted following submissions highlighting evidence of psychosis.

***R v TO***, Inner London Crown Court (2021): Defendant acquitted following submissions highlighting history of complex mental health needs.

***R v EK***, Oxford Crown Court (2019): Led by Clare Wade QC, represented the first defendant charged with violating 44(1)(b) of Mental Capacity Act, following the death of her mother. There were complex issues of capacity which were the subject of repeated submissions during trial. The Court of Appeal ultimately reversed the conviction, accepting those submissions. The case received national news coverage including the [BBC](#), [Metro](#) and [Gazette](#). ***R v Emma Jane Kurtz [2019] 1 Cr.App.R 19***

## TRAINING AND SEMINARS

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[How to make effective use of the Court of Protection in cross-practice cases](#)

Constitutional and Administrative Law, Freedom Law Clinic.

[The Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 - A dangerous affront to our civil liberties?](#)

Rights and Obligations Under Schedule 7, training delivered to frontline charity workers

## AWARDS

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Fulbright Professor, University of Sarajevo Law School

Marquand Endowed Prize

Harvard University Merit Scholar

Howard University Merit Scholar

## EDUCATION

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Harvard University (Masters)

Howard University (Juris Doctor)

Muhlenberg College (First degree)

## LANGUAGES

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French

Bosnian/Croatian/Serbian

If you would like to get in touch with Susan please contact the clerking team:

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