



James Holmes

YEAR OF CALL: 2011



James specialises in the following areas: Children's Law, Court of Protection, International Family Law, Financial Remedies and Public Access Family Law. He is registered with the Bar Council to accept Direct Access work.

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

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CHILDREN LAW

James's practice covers all aspects of Children's Law. He has a particular interest in public law proceedings including care, supervision and adoption. He regularly appears in the High Court and Family Court on behalf parents, guardians and local authorities. He also has also represented r16.4 Guardians in private law cases.

James has experience in dealing with cases involving the most serious allegations including; death of/catastrophic injuries to a child, shaken baby, sexual assaults on both adults and children; non-accidental injuries; fabricated induced illness cases; female genital mutilation; and serious allegations of domestic violence. James has recently been instructed on cases before the High Court where issues around the use of

Special Advocates and closed material proceedings had to be considered.

In addition, he has been instructed on cases with international elements, including transfers of jurisdictions; permanent and temporary relocation and/or recognition of orders from other jurisdictions.

NOTABLE CASES

LC (Placement Order) [2020] EWCA Civ 787

Successfully represented the father opposing the Local Authority's appeal against a Judge's refusal to make a placement order for a child aged 2 years old. The Court of Appeal dismissed the appeal as they held the judge had carried out a fair and balanced analysis.

Re A (A Child) [2020] EWCA Civ 731

Court of Appeal upholds ruling of the President of the Family Division that Family Courts are not bound by a previous assessment or determination on the risk of 'FGM' made by the First-Tier Tribunal.

Re A (A Child: Female Genital Mutilation: Asylum) [2019] EWHC 2475

Application by Local Authority for an injunction against the SSHD preventing the removal of a child deemed by a Local Authority to at risk of FGM if removed by the SSHD.

Re X (FGMPO No. 2) [2019] EWHC 1990 (Fam)

Rehearing of a Local Authority's application brought under section 5A and Schedule 2 of the Female Genital Mutilation Act 2003 for a Female Genital Mutilation Protection Order relating to a two year old girl which would prohibit her removal from the jurisdiction until she was 16 years old.

Re A, B, C & D (Children) [2019] EWFC B32

Application by Foster Carers for Special Guardianship Orders in relation to one of 4 children.

RE X (A CHILD) (Female Genital Mutilation Protection Order) [2018] EWCA Civ 1825

The court of appeal quashed part of a female genital mutilation protection order prohibiting the removal of a two-year-old girl from the UK until she was 16 where there was insufficient evidence for the imposition of an absolute travel ban, and where the judge had failed to give sufficient reasons as to why another less intrusive order would not have sufficiently protected the child from female genital mutilation.

The Child and Family Agency (Ireland) v M & Ors [2018] EWHC 1581 (Fam)

James was instructed by Denbighshire County Council whom were one of two Local Authorities, to resist an application brought by The Child and Family Agency for the transfer of proceedings pursuant to an Article 15 of the EC Regulations 2201/2003 and designation. At the conclusion of the hearing, Mr Justice Williams

made an order nisi accepting jurisdiction and appointed Flintshire County Council as the designated local authority.

Re X (A Child) (Female Genital Mutilation Protection Order) (Restrictions on Travel) [2017] EWHC 2898 (Fam)

James was instructed by Hertfordshire County Council in respect of their application for a Female Genital Mutilation Protection Order. The local authority issued these proceedings after a referral by the Health Visitor to safeguard X and to prevent any likelihood of mutilation by seeking orders preventing her mother or anyone else from taking X to Egypt. At final hearing the court made a Female Genital Mutilation Order until the child's majority.

Re SW [2015] EWCA Civ 27

James was instructed in behalf of the appellate mother in a successful appeal to the Court of Appeal against the final care orders made in respect of the mother's three children. The appeal focused on whether it was appropriate for the court to have adopted a summary procedure in care proceedings and the interpretation of the Children Act provisions regarding the consideration of the permanency provisions of care plans.

INTERNATIONAL FAMILY LAW

James continues to develop his International Family Law practice, having been instructed in cases involving international abduction; the transfer of jurisdictions; permanent and temporary relocation; and recognition of orders from other jurisdictions. He was recently instructed in a case involving removal from the jurisdiction where FGM is a risk and whether the SSHD can be prevented from removing a child from the jurisdiction. James also has experience in dealing with cases involving international abduction and threats of abduction.

NOTABLE CASES

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FAMILY LAW: FINANCIAL REMEDIES

James has a wide experience in claims for financial relief and associated TOLATA claims. James has represented clients in cases involving hidden assets, assets held out of the jurisdiction and disputes on whether the courts of England & Wales is the correct jurisdiction in which a claim for financial relief should be brought.

COURT OF PROTECTION

James has experience of acting for vulnerable clients through his family practice, which has led him into Court of Protection work. He is currently developing a practice in the court of protection. He has been instructed in cases involving the following:

- **Lasting Power of Attorney Disputes;**
- **Challenges to issues of Capacity;**
- **Personal Welfare disputes;**

- **Disputes involving property and affairs;**
- **Challenges to DOLS in Section 21A proceedings**

PRO BONO WORK

James is a legal adviser and trustee of the Temple Legal Centre, a charity that provides free and independent legal advice to people involved in family law matters who are unable to afford legal advice. James also is an advisor for at FORWARDS Female Genital Mutilation Legal Advice Surgery, the first of its kind in the United Kingdom.

James is also a member of the Bar Pro Bono Unit and is a volunteer on the Court of Appeal Pro Bono Scheme (COAS).

BACKGROUND

Prior to joining Garden Court James undertook his pupillage at Trinity Chambers in Chelmsford before moving to 1 Gray's Inn Square.

James is a keen hockey player and hockey umpire in his spare time.

PUBLICATIONS

'Preventing deportation of a child at risk of FGM: can the Family Court injunct the Home Secretary? Part One' ([Family Law, April 2019](#)), James co-authored this with [Naomi Wiseman](#), also of Garden Court Chambers.

TRAINING AND SEMINARS

James regularly provides training to professionals, he most recently provided training on female genital mutilation and Forced Marriage Protection Orders.

EDUCATION

- **BPTC: Nottingham Law School 2011, Very Competent**
- **LLB Honours Law: Staffordshire University, First Class**

PROFESSIONAL MEMBERSHIP

- **Family Law Bar Association**
- **Committee Member of the Family Law Bar Association**
- **Former Committee Member of Young Bar Council**
- **South Eastern Circuit**
- **Lincolns Inn**
- **Middle Temple**
- **Bar Pro Bono Unit**
- **Trustee of Temple Legal Centre**

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