



PUMP COURT
CHAMBERS

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SAMARA BRACKLEY

"A rising legal star, confident, personable and very eloquent and direct in court. Our client was most impressed with your representation of him"

Partner, Tier 1 Legal 500 firm

Call: 2016

For enquiries please call +44 (0)20 7353 0711 or email

Samara is a specialist family practitioner. She accepts instructions across the full spectrum of family law proceedings and appears before all levels of judiciary. She completed pupillage at a specialist family law chambers in October 2017.

Samara has a busy practice comprising of family finance, private and public children work. She is frequently instructed for both finance and private children proceedings for clients and understands the importance of continuity of counsel. Samara is mindful that settlement will often be in a client's best interests and she provides robust advice where required.

Prior to coming to the Bar, Samara studied French and Italian at the University of Bristol before completing the GDL and BPTC. She received the Cynthia Terry BPTC Award from Gray's Inn, one of the Inn's major scholarships, and a BPTC Advocacy Scholarship from BPP in recognition of her skills in that area.

Children Law (Private)

Samara represents parents, other family members and Guardians at all stages of private children law disputes, from FHDRA to fact-finding hearings and final hearings. This includes representing clients in fact-finding hearings as well as welfare disputes. Samara has experience of cases concerning allegations of serious domestic abuse, cultural and HBV issues, parental alienation, and child-on-child sexual abuse. She has acted in cases with Guardian appointments, including having appeared for the Guardian, and is familiar with the additional layers such an appointment presents.

Of particular interest to Samara is international children work. She has represented clients seeking location orders in the High Court and clients requesting evidence from foreign experts through ICACU. Her cases often involve

parallel immigration issues or relocation arguments. She has been instructed on cases involving both the Family Law Act 1986 and the Hague Convention in relation to jurisdiction and Habitual Residence disputes.

Samara acts for parents with mental health difficulties (including parents who have been sectioned under the Mental Health Act 2005) and has acted in cases where a party lacks capacity.

Selected Cases

M v M

Samara successfully represented a parent seeking a declaration of habitual residence in relation to another UK jurisdiction under the Family Law Act 1986 on the basis of a finding of non-consensual removal of the child from that jurisdiction. The court also dealt with bridging orders and wardship of the child under the inherent jurisdiction until proceedings could be restored in the jurisdiction where the child had been declared habitually resident.

E v E

Samara represented a parent seeking child to live with him after child disclosed sexual abuse and rape by a non-blood-related child relative.

S v S

Samara secured an interim transfer of residence to the applicant after the respondent had failed to protect children by neglecting to call a fire brigade when the children were locked in a house with a stove that had caught fire.

A v A

Ongoing High Court proceedings representing a parent accused of having extreme Islamist affiliations, dealing with the risk posed to the children of potential radicalisation.

T v T

Ongoing proceedings regarding an intractable dispute where after multiple years of shared care, child suddenly states they no longer want to see the respondent. A 16.4 Guardian has been appointed and a family psychological report ordered.

Children Law (Public)

Samara receives instructions in all forms of care, adoption, Court of Protection and other public law proceedings.

Samara acts predominantly for parents but also accepts instructions to represent local authorities and Guardians. She has also appeared as sole counsel in High Court proceedings, including recently representing a parent in a radicalisation case with PII and disclosure issues. She has experience of Secure Accommodation applications and procedure. She has experience of cases involving domestic abuse, injury to children (including NAI cases), chronic neglect and drugs and alcohol addiction.

Samara accepts instructions in Court of Protection work, predominantly involving young adults. This includes applications for authorisation of the Deprivation of Liberty Safeguards under the inherent jurisdiction of the High Court.

Selected Cases

A Local Authority v D

Samara acted as sole counsel in the High Court throughout the proceedings for a parent accused of radicalising the children and showing them extremist material. There were live PII applications and disclosure restrictions. The case settled with private law orders.

A Local Authority v M

Samara acted for a parent throughout the proceedings regarding a teenager who was beyond parental control, with no dispute over the parent's care of the 5 other children. Case settled with child staying in a residential unit.

Southwark v F [2017] EWHC 2189 Fam

Samara acted for the Local Authority throughout the proceedings to locate a secure accommodation placement for a vulnerable 14-year-old boy.

Family Finance

Samara assists clients in all financial remedies disciplines and has a busy matrimonial finance practice. She regularly attends first appointments, FDRs and trials, and other stages of proceedings, including preliminary issue hearings, MPS applications, enforcement applications and appeals.

Samara has successfully argued for *ex parte* worldwide freezing injunctions under s.37(2)(a) MCA 1973 and has experience of setting aside dispositions under s.37(2)(b) MCA 1973.

Samara's cases increasingly involve factual disputes, which have recently included arguments of add-back, post-separation accrual, third party interests in matrimonial property, inherited wealth and conduct including findings of material non-disclosure. She has experience of cases dealing with assets (disclosed or undisclosed) in a number of jurisdictions, including most recently Iraq, Sierra Leone, Serbia, Spain and Hong Kong.

Samara is instructed in contested divorce cases and has advised specifically on the validity of single and triple Talaqs and other non-proceedings foreign divorces.

Selected Cases

H v H

Junior counsel for H in an 8-day final hearing. Issues involved separating the parties' property portfolio of c. 115 properties (with highly mortgaged properties including some in negative equity), the parties' multiple businesses (some SPV's), and issues arising from H's tangential bankruptcy proceedings. Awaiting judgment.

L v L

Representing H, the judge made no finding of hidden assets, alleged by W to be owned by H, in Sierra Leone. H was awarded 25% of his costs relating to the undisclosed assets arguments.

A v A

Representing W, Samara secured a finding of H's material non-disclosure of property and income available to H in Iraq. W was awarded a Mesher over UK property until completion of youngest child's tertiary education with a 55:45 division in her favour upon sale, and a lump sum reflecting her interest in property found to be owned by H in Iraq. W was awarded 35% of her costs.

B v B

Representing W in contested divorce proceedings, H asserted that the parties had a triple Talaq in their country of origin, so W's divorce petition was invalid. Judge dismissed H's application.

TLATA and Schedule 1

Samara accepts instructions from clients pursuing or defending claims under TLATA and financial remedies for children under Schedule 1. She is familiar with the issues that present in the cross-over between the two applications if being made simultaneously.

She has recently acted for a parent of disabled children seeking a Schedule 1 claim post-divorce.

Qualifications

- University of Bristol, French and Italian BA (Hons) (2:1)
- Kaplan Law School, GDL (Commendation)
- BPP, BPTC (Very Competent: Outstanding in Opinion Writing, Cross Examination, Examination in Chief and Family Law modules)

Professional associations

- Bar Pro Bono Unit
- Family Law Bar Association
- Young Legal Aid Lawyers

Professional activities

Scholarships

- Gray's Inn Cynthia Terry BPTC Award (Major Scholarship)
- BPP Advocacy Award

Outside Interests

Samara actively contributes to life at Gray's Inn, particularly in relation to music and performance having achieved Grade 8 Singing, Grade 8 Acting and Grade 8 Musical Theatre. She is a member of the Gray's Inn Chapel Choir, the Gray's Inn Songbirds and performs in the Gray's Inn Miscellany.

Samara assists with advocacy training at taster days aimed at university students and judges moots for BPTC students.

Samara enjoys art, history and politics. Samara is fluent in French and Italian, having spent time abroad during her degree as an Erasmus student in Geneva and Bologna respectively.

Publications

Secure Accommodation: Where Are We Now?, published on Pump Court Chambers Blog, 12 October 2018

Publication and transparency in family proceedings (In the matter of A and B (Children)), published by Lexis PSL Family on 10 January 2019