



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 private 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 children, TLATA, Schedule 1, and jurisdictional disputes. She is frequently instructed for both finance and private children proceedings for clients and understands the importance of continuity of counsel. Samara is recognised for her expertise in the Spear's 500 Family Law Barristers Index 2023, where she features as a 'Recommended' barrister.

Samara sits as the Bar Representative on the Hampshire YRes committee and is a member of the Resolution Cohabitation Committee, which aims to promote knowledge and reform on the law for cohabiting couples. She is a regular guest on chambers' podcast, The Family Law Podcast and frequently gives seminars on relevant family law topics.

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 and other family members 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 (including coercive and controlling behaviour), cultural and HBV issues and child sexual abuse.

Samara has acted in many cases with Guardian appointments, including having appeared for the Guardian, and is familiar with the additional layers such an appointment presents. She also has experience in cases involving Part 25 expert reports, including in parental alienation cases.

Of particular interest to Samara is international children work. 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.

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.

H v M

Samara continues to represent the respondent in proceedings where the applicant has been found to have struck the child's car seat with a knife whilst the child was in it, struck the respondent with a knife and made threats to kill the child, the respondent and other non-subject step-children. There are also mental health deliberations involved, including whether the applicant's actions were as a result of potentially undiagnosed post-natal depression.

C v C

Representing the applicant in the High Court, Samara secured a significant LSCO for funding in the applicant's favour, to fund a silk and a junior, in advance of a 5-day jurisdictional dispute (yet to be heard). The respondent appealed; the award secured by Samara was upheld by the Court of Appeal.

B v B

Samara represented the respondent at a 3-day final hearing where both the ISW and psychologist had found her client to have alienated the child against the other parent. Both experts were recommending a transfer of residence (suspended in the case of the psychologist). Samara persuaded the court that the child should remain living with her client and no transfer of residence, suspended or immediate, was ordered.

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.

G v G

Samara represented a parent throughout proceedings who faced allegations of sexual abuse against the subject child. At fact-finding, Samara achieved a costs order against the party making those allegations as the judge agreed with Samara that the allegations had been made to hinder the progression of contact between her client and the child.

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 and s.22ZA applications, enforcement applications and appeals.

Samara has successfully argued for *ex parte* and on notice 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 included arguments of add-back, beneficial interest/intervener disputes, inherited wealth and conduct including findings of non-disclosure. She has experience of cases dealing with assets in a number of jurisdictions. Samara is also very familiar with cases involving the instruction of Part 25 experts.

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, and issues arising from H's tangential bankruptcy proceedings.

B v B

Samara represented H for four years, culminating in a 5-day final hearing, where there were several factual issues including disputed loans, disputed beneficial ownership of investment properties, contributions arguments and most notably, W's non-disclosure of several properties which had been subject to tangential TLATA proceedings involving her ex-partner (subsequent to the marriage). Samara secured a finding at trial that W had deliberately

hidden assets from the Family Court and had produced sham loan agreements to cover up monies transferred to her ex-partner to purchase the non-disclosed properties. Samara also secured a costs order against W for 50% of H's costs.

B v B

Representing H throughout proceedings until settlement, Samara represented H at the 2-day preliminary issue trial to determine the date of separation where the parties were apart by 25 years. Samara achieved 19 findings on behalf of H, including that his date of separation was correct and W had been financially independent from that time. H was awarded 100% of his costs.

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. Samara is representing W in H's upcoming appeal.

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

- Advocate
- FLBA
- Resolution
- Gray's Inn

Professional activities

- Member of the Resolution Cohabitation Committee
- Bar Representative for the Hampshire YRes committee

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

- *Step-children and half-siblings in family proceedings*, Mark Ablett and Samara Brackley, Family Law Journal, July [2021] Fam Law 976
- *Without Notice applications in Children Act and Family Law Act: tips, pointers and warnings*, Mark Ablett and Samara Brackley, Family Law Journal, April [2021] Fam Law 553