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Emma Price
Call: 2007



Emma specialises in inquests and inquiries, public law, human rights and civil liberties and personal injury.

Emma is particularly experienced in inquests and inquiries into deaths in detention and custody, or following restraint, deaths of military personnel and deaths raising issues about the adequacy of health and social care provision or policy.

Notable high profile examples of Emma's inquest and inquiry work include the Baha Mousa Public Inquiry, the fresh inquests into the deaths of Cheryl James and Sean Benton at Deepcut Barracks and the Infected Blood Inquiry, in which Emma is currently instructed on behalf of the Department of Health and Social Care.

Emma's public law practice encompasses judicial review claims across a range of areas, including prisons, policing, asylum, immigration, inquests, health and social care and education.

Much of Emma's work engages human rights issues and she is regularly instructed in relation to Human Rights Act claims, particularly in relation to articles 2, 3, 5 and 8 of the European Convention on Human Rights.

Emma was appointed to the Attorney General's C Panel of Counsel in 2014 and was elevated to the B Panel in September 2018.

For more information email clerks@5essexcourt.co.uk

Recommendations

"She is an extremely diligent and hard-working barrister." (Inquests & Public Inquiries)
Chambers UK 2022

"Emma has outstanding analytical ability and is always well prepared." (Inquests & Public Inquiries)
Chambers UK 2022

'Meticulous in every respect. She misses nothing and is a great strategic advocate, with everything prepared in good time.'
Legal 500 2021

Inquests

Emma has particular expertise in inquest work. She is regularly instructed on behalf of central government departments, police forces, NHS trusts, local authorities and families in inquests.

Emma has particular expertise in:

- Inquests involving deaths in detention and custody, following both fatal acts of self-harm and restraint;
- Inquests exploring alleged failings in the provision of mental and physical health care, including those investigating deaths occurring during detention under the Mental Health Act;
- Inquests exploring alleged failings in the provision of social care; and
- Inquests into military deaths.

She has significant experience in the article 2 issues often arising in these types of inquest and in subsequent civil article 2 claims.

Notable inquests include:

The Fresh Inquest into the death of Sean Benton at Deepcut Barracks in 1995. Instructed on behalf of the Ministry of Defence as Junior Counsel to Nicholas Moss. Issues explored in the fresh inquest included alleged bullying and physical abuse by fellow trainees and Sean's superiors, the instructions given to trainees on armed guard duty and welfare provision for trainees.

The Fresh Inquest into the death of Cheryl James at Deepcut Barracks in 1995. Instructed on behalf of the Ministry of Defence and two individual soldiers as Junior Counsel to Nicholas Moss. The fresh inquest heard evidence from over 100 witnesses and explored third party involvement in the death as well as allegations of sexual harassment, abuse and bullying at Deepcut.

The Inquest into the death of Joseph Phuong, who died whilst detained under the Mental Health Act, following mental health treatment in the community and a period of police custody and restraint. Instructed on behalf of the London Borough of Richmond.

The Inquest into the death of Edwin O'Donnell, who had a history of self-harm and violence and died following an act of fatal self-harm in prison. Instructed on behalf of the Ministry of Justice.

The Inquest into the death of Jack Portland, who died whilst he was on s. 17 Mental Health Act leave from hospital, following a period of detention in prison. Instructed on behalf of the Ministry of Justice.

The Inquest into the death of Luke Johnson, who died following his release from prison of heroin toxicity. Instructed on behalf of the Ministry of Justice.

The Inquest into the death of Olawale Adelusi, who died in hospital following an act of fatal self-harm in prison. Instructed on behalf of the Ministry of Justice.

The Inquest into the death of Andrew Ashman. Instructed on behalf of the Marine Accident Investigation Branch in this inquest into the death of a crew member sailing in the Clipper "Round the World Race".

Public Inquiries

Emma has been instructed on the Infected Blood Inquiry on behalf of the Department of Health and Social Care (one of three junior counsel being led by Eleanor Grey QC) since April 2019.

Emma was instructed on the Baha Mousa Public Inquiry, on the Inquiry's team. This major statutory public inquiry concerned the death of an Iraqi civilian whilst detained by British soldiers in Iraq and the mistreatment of others. The use of conditioning techniques by British soldiers was explored, including the use of hooding and stress positions, as was tactical questioning and interrogation policy. The Inquiry made 73 recommendations to the

Ministry of Defence.

Emma is currently instructed on the Infected Blood Inquiry on behalf of the Department of Health and Social Care (one of three junior counsel being led by Eleanor Grey QC). The Inquiry is examining the circumstances in which men, women and children treated by the NHS in the United Kingdom were given infected blood and infected blood products, in particular since 1970, via blood products and blood transfusions.

Public / Administrative

Emma's public law practice encompasses judicial review claims across a range of areas, including prisons, policing, inquests, health and social care, asylum, immigration and education.

Emma regularly advises and is instructed by central government departments, police forces, public bodies and functional public authorities, as well as local authorities.

Notable cases include:

R (Peter and Elizabeth Skelton) v Senior Coroner for West Sussex (Defendant) & (1) Chief Constable of Sussex Police (2) Robert Trigg (Interested Parties) [2020] EWHC 2813 (Admin). Instructed on behalf of the Chief Constable of Sussex Police. Challenge to the Senior Coroner's decision that there were not arguable breaches of the State's substantive obligations under article 2, such that the State's procedural article 2 duty was not engaged in relation to the inquest into the death of the Claimants' daughter. The Divisional Court provided a definitive answer to the question of what the court's task is on a judicial review of such decisions and also provided guidance on the legal test formulated in the case of DSD v Commissioner of Police of the Metropolis [2019] AC 196, in the context of the threshold that operational failures in a police investigation must reach before there will be a breach of the State's general framework duty under article 2.

R (Scarfe & ors) v (1) Governor of HMP Woodhill (2) Secretary of State for Justice [2017] EWHC 1194 (Admin). Instructed on behalf of the Secretary of State for Justice and the Governor of HMP Woodhill (led by James Strachan QC). Challenge alleging systemic breach of article 2 in the context of suicide and self-harm prevention in prison, dismissed by the Divisional Court.

R (A and B) v (1) Secretary of State for Education (2) Central Bedfordshire Council Local Education Authority (3) Chief Constable of Bedfordshire Police (4) Secretary of State for the Home Department. Instructed on behalf of the LEA in this challenge to the lawfulness of the guidance issued in respect of the "Prevent duty", conferred on specified authorities by section 26 of the Counter-Terrorism and Security Act 2015, which included claims of breach of the claimants' article 8, 9, 10 and 14 rights.

R (Luke Griffin) v Secretary of State for the Home Department. Instructed on behalf of the Secretary of State in this challenge to the Secretary of State's decision to depart from a recommendation made by the Parole Board as to the claimant's categorisation as a prisoner.

R (Muhammad Jawar Abbasi) v Secretary of State for the Home Department. Instructed on behalf of the Secretary of State in this challenge to the decision to classify "print and send" immigration applications as applications made by post, as opposed to applications made online, for the purposes of paragraphs 34 of the Immigration Rules.

R (Sherika Sharon Taylor & Abigail Owusu-Akyeaw) v Secretary of State for the Home Department. Instructed on behalf of the Secretary of State for the Home Department in this challenge to the Secretary of State's retrospective application of the Immigration Rules that came into force on 9 July 2012 to the Claimants' immigration applications.

Human Rights

The majority of Emma's inquest, inquiry and public law work involves human rights issues.

She has particular experience in complex article 2 inquests and subsequent article 2 claims brought pursuant to the Human Rights Act.

Emma is also regularly instructed in relation to Human Rights Act claims relating to articles 3, 5 and 8 of the European Convention on Human Rights, in the context of prisons, policing, mental health, asylum and immigration and education.

Personal Injury

Emma has longstanding experience of personal injury work, including employers' liability claims, negligence actions, civil claims for assault in the prisons and policing context and claims brought by military personnel.

She has been instructed by central government departments, including the Ministry of Justice and the Ministry of Defence, as well as police forces, in high value claims with complex medical evidence including cases of: serious psychological injury following sexual assault; life-changing orthopaedic injuries; and freezing injuries following military training exercises.

Healthcare

Emma acts for a range of interested persons, including NHS Trusts, private companies providing healthcare in prisons and care homes, in inquests in which there is scrutiny of clinical decision-making and policy, as well as in subsequent civil claims.

Emma is currently instructed on the Infected Blood Inquiry on behalf of the Department of Health and Social Care (one of three junior counsel being led by Eleanor Grey QC). The Inquiry is examining the circumstances in which men, women and children treated by the NHS in the United Kingdom were given infected blood and infected blood products, in particular since 1970, via blood products and blood transfusions.