



ELIZABETH PROCHASKA

MAIN AREAS OF PRACTICE:

Commercial and corporate law
Community care law
Competition and regulation
Education law
Election law
Environmental law and natural resources
EU law
Healthcare, mental health and mental capacity
Human rights law
Immigration, asylum and free movement
Inquests and inquiries
Media and information law
Prison law
Public law
Tax law

Called to the Bar 2007

CONTACT:

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Elizabeth is a public lawyer, with a particular interest in human rights and equality law. She is ranked as “Up and Coming” in Chambers & Partners UK (2015) for civil liberties and human rights in which she is described as “very strong, both as an advocate and in terms of her written advice - she clearly has a stellar future ahead of her. ... She is technically very good, and displays keen attention to detail.” She is also listed for Education Law in Legal 500 (2015).

Her areas of expertise include human rights, education, social welfare, elections, healthcare, EU and regulatory law, and commercial law.

She was appointed to the Equality and Human Rights Commission B Panel in 2015.

Elizabeth enjoys working closely and flexibly with clients and delivers to tight deadlines. She undertakes a wide range of advisory work for organisations including statutory bodies, companies, schools and universities, NGOs and local authorities.

Her recent advisory work includes:

- Application of election law to third-party campaigners
- Legality of the EU sanctions regime imposed on Russia
- Lawfulness of academy school admission arrangements
- Scope of the application of the Public Sector Equality Duty to hybrid public authorities
- Statutory responsibility of local authorities to provide Direct Facilities Grants
- Application of the Freedom of Information Act to sensitive commercial information
- Implications of EU Directive on cross-border healthcare

Elizabeth has a particular interest and expertise in women's rights in pregnancy and childbirth. She founded Birthrights in 2013 and regularly advises women and health professionals in this area. She writes and lectures internationally on childbirth rights.

Elizabeth is a co-author of one of the leading textbooks on human rights law, the Blackstone Guide to Human Rights Act (2015). She has also contributed to books on prison law, human rights and criminal justice. She has written for the Guardian on legal issues and tweets as @epochaska.

Before practising as a barrister, Elizabeth was judicial assistant to Baroness Hale and Lord Brown.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY

'A recognised public lawyer who comes recommended for her diverse knowledge and experience. Her practice encompasses community care, prison, education and immigration law.' "She is very, very bright."

Chambers & Partners, 2016
(Civil Liberties & Human Rights)

'Highly regarded for public law issues of education.'

Legal 500, 2015
(Education)

"She's very strong, both as an advocate and in terms of her written advice - she clearly has a stellar future ahead of her." "She is technically very good, and displays keen attention to detail."

Chambers & Partners, 2015
(Civil Liberties & Human Rights)

'named as "one to watch" by sources, who highlight her for having "a confidence well beyond her years." Prison, immigration and community care matters all fall within her ambit.'

Chambers & Partners, 2013
(Education)

NOTABLE CASES

R (Kutoch) v West Hertfordshire NHS Trust (2015) Represented claimants in judicial review of the withdrawal of private obstetric services by an NHS Trust.

AW v United Kingdom (ECHR, pending) Represented claimant in ECHR application challenging domestic decision on education negligence law and the right to receive an education.

Smith v Ministry of Defence [2013] UKSC 41: Intervened on behalf of the EHRC in Supreme Court case concerning the application of the Human Rights Act to soldiers serving overseas. Led by Helen Mountfield QC.

Kadogo v SSHD (2013) Upper Tribunal appeal in asylum case concerning rape victim from the DRC.

R (M) v Secretary of State for Education (2013) Represented claimant in judicial review of legislation denying free school meals to the children of failed asylum seekers.

R (Catt) v The Commissioner of Police of the Metropolis & Ors and another case [2013] EWCA Civ 192: Represented EHRC intervening in challenge to police retention of personal details on the National Domestic Extremism Database.

R (Z) v St Cyprians Greek Orthodox Primary Academy Trust (2013) Represented claimant in judicial review of refusal to permit a child to wear a headscarf at school.

R (J) v Calderdale Borough Council (High Court, 2012) Successful challenge to local authority social care procurement practices. Led by David Wolfe QC.

AM v Secretary of State for the Home Department [2012] EWHC 1854 (Admin) Represented AM in challenge to the imposition of a Terrorism Prevention and Investigation Measure. Led by Dan Squires.

Ladele v UK (2012) (European Court of Human Rights) Intervened on behalf of the EHRC in leading case concerning religious rights in the workplace.

R (Bibi) v University of Central Lancashire (High Court, 2012) Challenge to university's refusal to permit student to wear the niqab.

Inquest into the death of Claire Teague (2012) Represented midwife in an inquest into the death of a mother in her care.

Inquest into the death of Paul Wright (2012) Represented family in an inquest into the death of man in the care of the Tower Hamlets Specialist Addiction Unit.

Kiobel v Royal Dutch Petroleum (2012, US Supreme Court) Drafted amicus brief with Richard Hermer QC and Blinne Ni Ghraígh in case concerning the scope of the Alien Tort Statute to human rights abuse by multi-national corporations.

R (McKenzie) v Parole Board (High Court, 2012) Successful challenge to the Parole Board's assessment of a prisoner who had received an orchidectomy.

R (RMC) v Commissioner of Police for the Metropolis [2012] EWHC 1681 Intervened on behalf of the EHRC with Alex Bailin QC in a challenge to police retention of personal information.

Arash Shipping Enterprises Co Ltd v Groupmama Transport & Anor [2011] EWCA Civ 620 Representing a Cypriot company and one of a number of co-assured on a composite policy of marine insurance. Involved challenging the

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Iranian sanctions regime which prevented renewal of the commercial insurance contract. Represented interested party with Rhodri Thompson QC.

Hillingdon LBC v Neary (by his litigation friend, the Official Solicitor) & Ors [2011] EWHC 1377 (Fam) Declaration granted that the local authority had unlawfully detained a 21-year-old man with autism and a severe learning disability, in breach of Arts 5 and 8 ECHR. Represented EHRC (intervening).

Lumba (WL) v Secretary of State for the Home Department [2011] UKSC 12 Led by Rabinder Singh QC representing JUSTICE before the Supreme Court in challenge to government's detention of foreign national prisoners.

Milner v South Central Strategic Health Authority & Anor [2011] EWHC 218 (Admin) Represented claimant with David Wolfe in judicial review of an SHA decision on water fluoridation.

R (JM and NT) v Isle of Wight Council [2011] EWHC 2911 (Admin) Led by David Wolfe in a successful challenge to cuts to the Isle of Wight's social care budget.

Smith v Secretary of State for Defence [2010] UKSC 29 Led by Michael Beloff QC and Raza Husain QC representing the EHRC before the Supreme Court in leading case on jurisdiction of HRA 1998 in Iraq.

LANGUAGES

Elizabeth also has an excellent working knowledge of French.

PUBLICATIONS

Co-author, Blackstone Guide to the Human Rights Act, 7th ed (2015)

Contributor, Livingstone, Owen and Macdonald, Prison Law 5th ed (2015)

Contributor, Human Rights and Criminal Justice, 2nd ed (2012)

Contributing editor, Clayton and Tomlinson, The Law of Human Rights, 2nd ed (2009)

Elizabeth accepts instructions under Standard Contractual Terms, details of which be found on our website under Our Service.