

## Fiona Murphy KC



Call: 2013 (1993 - Solicitor, England and Wales)

Silk: 2023

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### Profile

#### What the directories say

*"Clients absolutely love her. A fierce advocate, incredibly intelligent and always a calming presence. A real joy to work with."* - Legal 500 2024

*"Fiona is an exceptional barrister. Her written work is excellent. She is extremely focused on the detail while having a good eye for the big picture. She is highly respected and regarded as a phenomenal barrister."* - Chambers & Partners 2024

*"Fiona is superb. An expert in her field who is always able to provide advice and advocacy skills of a consistently high level. She is excellent with clients."* - Chambers & Partners 2024

*"Fiona is just so respected in our world. She is tactically very astute; on her feet she is relentless in the most effective way."* - Chambers & Partners 2023

### Overview

Fiona practises in human rights and public law and is well known for her work in headline inquests and public inquiries including in relation to police use of fatal restraint, the care of those in mental health crisis, the protection of women from violent partners, police firearms operations and the Undercover Policing and Grenfell Tower public inquiries. She acted for 77 of the families bereaved by the Hillsborough Disaster at the new inquests and for 600 claimants in group litigation for misfeasance in public office against South Yorkshire Police.

She has recently resolved several high value private law claims against police forces, local authorities, health authorities and private individuals (complicit in human enslavement) most involving complex arguments at the intersection between the common law and human rights, and she has been instructed in a range of public law challenges engaging Articles 2, 3 and 8 ECHR, the police regulatory regime, race discrimination and/or women's rights including before the Supreme Court in *R (W80) v IOPC* [2023] UKSC 24 and *Re Northern Ireland Human Rights Commission* [2018] UKSC 27.

Fiona has a particular interest in the strategic use of private and public law remedies allied with alternative dispute resolution on behalf of victims of human rights abuses.

She is head of our Inquests and Inquiries and Actions Against the Police teams and co-presents an annual advanced Actions Against the Police course for the Legal Action Group. Fiona was awarded "Public Services and Charities Silk of the Year" by Legal 500 in 2023.

Before transferring to the bar in 2013, Fiona was a solicitor for 20 years and in 1998 co-founded leading civil liberties firm, Bhatt Murphy. In 1992 she co-founded British Irish Rights Watch; a charity dedicated to exposing violations of international human rights law in Northern Ireland during the conflict and to promoting transitional justice principles during the peace process.

## **Education**

LLB, London School of Economics

## **Related practice areas**

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

Administrative & Public Law

Children's Rights Group

Clinical Negligence, Personal Injury & Product Liability

Discrimination

Immigration Detention Group

Foreign Jurisdiction Work

## Actions Against the Police and Public Authorities

Fiona has specialised in claimant police law since 1992. Her practice includes private and public law, inquests and inquiries. She has been involved in a number of the test cases in this area and has extensive experience of achieving successful trial outcomes and substantial out-of-court settlements. She has extensive knowledge and experience in broader regulatory law contexts including in relation to the medical and nursing professions, prison, probation and immigration services, social services and the building professions.

Her notable cases include successful challenges to the outcome of independent investigations by the IPCC (**Green** and **Rahman**) and in respect of failures by the DPP to prosecute police officers (**O'Brien** and **Ahmad**), the Court of Appeal guideline case on assessment of damages in police cases (**Thompson**), securing unlawful killing conclusions at inquests concerning excessive use of state force and police misconduct (**Jimmy Mubenga**, **Hillsborough Inquests** and **Richard O'Brien**) and has secured several six figure compensation awards.

Fiona is an experienced negotiator and has a keen interest in alternative dispute resolution.

### Recent and current cases include:

- **Anthony Grainger Inquiry**, 2020. Conclusion reached that the fatal police shooting of Anthony Grainger by Greater Manchester Police was in contravention of Article 2.
- **R (W80) v Independent Office for Police Conduct** [2019] EWHC 2215 (Admin) (currently pending before the Court of Appeal) concerns the intersection between the policing Code of Ethics and the purposes of misconduct proceedings; specifically, the role of subjectivity and objectivity in assessing professional conduct.
- **R (on the application of City of London Police Commissioner) v Independent Office for Police Conduct** [2018] EWHC 2997 (Admin). Fiona acted for the interested party, Alfie Meadows, in a successful defence of the decision to institute gross misconduct proceedings against an officer in relation to a serious injury suffered by Alfie in the course of a student loan protest.
- **R (on the application of Green) v Independent Police Complaints Commission** [2016] EWHC 2078. A successful challenge to the outcome of an independent IPCC investigation on irrationality grounds.

- **The new Hillsborough Inquests**, 2016. Fiona held significant instructions on behalf of 77 of the bereaved families including taking a lead in the questioning of emergency response witnesses, representing individual families during phase 2 of the inquests and working within a core team preparing legal submissions. She is currently instructed in the ongoing misfeasance group litigation.
- **A v Commissioner of Police for the Metropolis**, 2016. Fiona advised in this claim for assault and battery, false imprisonment and in respect of breaches of the HRA which began when Mr A was thrown through the glass front window of a barber shop by a police officer. The claim resolved with the payment of a substantial sum in damages to the claimant.
- **V v National Crime Agency (NCA)** 2016. Fiona advised in this claim for false imprisonment and malicious prosecution arising from a botched NCA surveillance operation and in which it was alleged that there was a wholesale failure to comply with the Code for the Identification of Offenders. The litigation resolved with the payment of a substantial sum in damages.
- Inquest touching upon the death of **Azezur “Ronnie” Khan**, Senior Coroner for Inner South London, 2016. 21-year old Ronnie Khan was caught in cross fire between rival South London gangs at a funeral in 2011. The inquest jury concluded that a catalogue of individual and systemic failures by the Metropolitan Police - in sharing information and in their risk assessments, planning and deployment of officers - significantly contributed to his preventable death.
- Inquest touching upon the death of **Logan Peters**, Devon & Cornwall Coroner, 2016. Following legal submissions, the Coroner directed the jury that 22-year old Logan Peters had been falsely imprisoned by police officers shortly before he was found hanged. The jury concluded that errors, omissions and failures to comply with the Police and Criminal Evidence Act together with the use of *“unreasonable, disproportionate and unnecessary force”* contributed to his death. Further, that an unauthorised strip search and the failure to address Logan’s complaint *“significantly contributed”*.
- **HJM v Commissioner of Police for the Metropolis**, 2015. The claimant recovered substantial damages in respect of her deception by an undercover police officer.
- **Kambana & Others v G4S**, 2014. Fiona represented the family of Jimmy Mubenga at the inquest. The jury concluded that he had been *“unlawfully killed”* whilst under restraint by G4S officers. Fiona was also instructed in the subsequent civil action which was compromised.

- **R (on the application of Rahman) v Independent Police Complaints Commission**, [2013] EWHC 4696 (Admin). Fiona acted for Mr Rahman in this successful judicial review of an IPCC independent investigation report which led to the quashing of the report and ultimately the finding of a case to answer for gross misconduct against the relevant police officer.
- **Watson Woodhouse v. The Chief Constable of Cleveland**, 2013. Fiona secured £550,000 compensation for a firm of solicitors in a claim for malicious procurement of search warrants and misfeasance in public office.

## Inquiries and Inquests

The representation of families at controversial inquests involving allegations of excessive force, malpractice and neglect is a mainstay of Fiona's practice.

### **Fiona's current and recent inquest and inquiry work:**

- **Anthony Grainger Inquiry**, 2020. Conclusion reached that the fatal police shooting of Anthony Grainger by Greater Manchester Police was in contravention of Article 2.
- **Darren Cumberbatch**, Inquest, 2020. Resulting in a jury conclusion that Darren's restraint related death in custody was contributed to by excessive force.
- **Undercover Policing Inquiry**. Fiona is instructed on behalf of several women who were deceived into entering into relationships with undercover police officers and a child born of one of those relationships. She is also instructed on behalf of parents who have suffered the theft of their deceased children's identities to support officers' cover "legends".
- Inquest touching upon the death of **Azezur "Ronnie" Khan**, Senior Coroner for Inner South London, 2016. 21-year old Ronnie Khan was caught in cross fire between rival South London gangs at a funeral in 2011. The inquest jury concluded that a catalogue of individual and systemic failures by the Metropolitan Police - in sharing information and in their risk assessments, planning and deployment of officers - significantly contributed to his preventable death.
- Inquest touching upon the death of **Logan Peters**, Devon & Cornwall Coroner, 2016. Following legal submissions, the Coroner directed the jury that 22-year old Logan

Peters had been falsely imprisoned by police officers shortly before he was found hanged. The jury concluded that errors, omissions and failures to comply with the Police and Criminal Evidence Act together with the use of “unreasonable, disproportionate and unnecessary force” contributed to his death. Further, that an unauthorised strip search and the failure to address Logan’s complaint “significantly contributed”.

- Inquest touching upon the death of **Hannah Evans**, Senior Coroner for Warrington, 2016. The inquest jury found that Hannah’s death, while a detained mental health patient, was contributed to by multiple failures in planning her care and ultimately in failing to maintain the designated supervision level.
- Inquest touching upon the death of **Jimmy Mubenga**, 2013. Fiona was junior counsel on behalf of the family of Jimmy Mubenga Following an 8-week hearing, the jury concluded he had been ‘unlawful killed’ whilst under restraint by G4S officers.

Fiona is currently instructed in several private and Human Rights Act claims on behalf of bereaved families and has extensive experience of resolving such claims.

As a solicitor Fiona gained extensive experience in representing the families of those who have died in custody including Richard O’Brien (unlawful killing), Simon Allen (state neglect) and Kevin Jacobs (state neglect).

In 2006, Fiona was commissioned by the Hon Mr Justice Blake to prepare an opinion for his review of the controversial deaths at Deepcut Barracks.

## Administrative and Public Law

Fiona has a specialist public law practice focusing upon decisions reached by the police and those responsible for police oversight together with public law issues arising from her involvement in inquests and inquiries.

### Recent cases include:

- **R (W80) v Independent Office for Police Conduct** [2019] EWHC 2215 (Admin) (currently pending before the Court of Appeal) concerns the intersection between the policing Code of Ethics and the purposes of misconduct proceedings; specifically, the role of subjectivity and objectivity in assessing professional conduct.

- **R (on the application of City of London Police Commissioner) v Independent Office for Police Conduct** [2018] EWHC 2997 (Admin). Fiona acted for the interested party, Alfie Meadows, in a successful defence of a decision by the IOPC to compel a gross misconduct proceedings against an officer in relation to a serious injury suffered by Alfie when he was struck by a police officer's truncheon in the course of a student loan protest.
- **Northern Ireland Human Rights Commission's Application for Judicial Review, Re** [2018] HRLR 14. Fiona acted for Humanists UK, led by Caoilfhionn Gallagher QC in the Supreme Court who concluded that the Northern Ireland arrangements denying access to abortion in cases of rape, incest and even fatal foetal abnormality were in violation of Article 8 of the European Convention on Human Rights.
- **R (L) v Commissioner of Police of the Metropolis** [2016] EWHC 2880 (Admin). A successful application for permission and interim relief in relation to a decision to permit a police officer to retire and thereby escape the reach of disciplinary proceedings.
- **R (on the application of Green) v Independent Police Complaints Commission** [2016] EWHC 2078. A successful challenge to an independent IPCC investigation on irrationality grounds.
- **R (Rahman) v Independent Police Complaints Commission** [2013] EWHC 4696 (Admin). A successful judicial review of an IPCC's independent investigation report which led to the quashing of the report and ultimately the finding of a case to answer for gross misconduct against the relevant police officer.

Fiona's work on behalf of bereaved families has also led to her involvement in a number of public law cases as a solicitor including **R (Hurst) v HM Coroner for North London** [2007] 2 AC 189 (which concerned the coronial jurisdiction to investigate Article 2 systemic failings following the conclusion of a related homicide prosecution and the temporal reach of the Human Rights Act) and **R (Keith Lewis) v HM Coroner for Mid and North Division of the County of Shropshire** [2010] 1 WLR 1836 (which concerned the means by which jury verdicts should be elicited post-Middleton).

Similarly, her work on behalf of victims of police misconduct led to her involvement in successful challenges to chief officers, the DPP and IPCC including in relation to a decision to permit a senior police officer to retire and thus escape the reach of misconduct proceedings (**R (Coghlan) v The Chief Constable of Greater Manchester Police** [2005] ACD 34) and to a decision by the DPP not to prosecute police officers (**R v DPP ex parte O'Brien**, RCJ 1997).