

JAMES SCHOFIELD

Call 2004



ABOUT ME

Called to the Bar by Gray's Inn July 2004

Victorian Practising Counsel (Division A, Part 1), Australia, August 2024

James Schofield is developing a broad practice in family law and children law, children's rights and human rights, in all areas of international law and in criminal defence and administrative law, including immigration, disability discrimination and education law.

A highly experienced advocate for parents, children and Children's Guardians in the Family Courts since 2008.

James Schofield acts for children through their Guardian and for parents or other carers. He has a strong interest in proceedings where Non-Accidental Injury is alleged or involving children with Special Educational Needs.

He has a specific interest in challenges to extradition, deportation, juvenile detention and international human rights, public international law and international humanitarian law.

He was Called to the Bar of England and Wales in 2004 and admitted to the Victorian Bar in 2024.

Prior to the Bar, he worked as an overseas correspondent for the ABC Australia in Africa (1991-1995) and the Middle East (1996 to 1997), for the BBC in London (1997-1998) and for the Financial Times of London in Lebanon (1998-2000).

EXPERIENCE

Private Law Disputes

James has extensive experience in relocation cases and in proceedings where allegations of parental alienation are being made.

Public Law Proceedings

James acts in cases involving allegations of non-accidental injury to a child and other public law proceedings where he represents the child, through their Guardian, or a parent or other carer. He has experience in appeals to the Court of Appeal in public law proceedings including appeals against placement for adoption.

Direct Access

James welcomes direct access clients because he believes in providing the best possible service for clients at an affordable cost. In some cases, it may be possible to resolve your problem without going anywhere near the door of a court. But if the dispute continues, James has the advocacy skills to give

you the best possible chance of securing the outcome you want. He works hard for his clients, preparing properly.

Special Education Needs

James has a special interest in cases involving children with social, developmental and learning needs, such as Asperger's syndrome and/or specific learning difficulties such as dyspraxia. James was an accredited tribunal representative of IPSEA (the Independent Panel for Special Education Advice) from 2004 to 2007.

PRACTICE AREAS

Public Law Children

Private Law Children

Human Rights

TESTIMONIALS

"I would like to say that Mr James Schofield has provided me with a superb service after my first barrister made a mess of my case and I lost all faith in the legal system.

Mr Schofield started from a disadvantaged position and with a great deal of hard work, both at weekends and Bank holidays, he managed to turn my case around.

He pays attention to detail, researches the facts, has a conscientious approach and is full of strategy ideas for which I am hugely grateful.

He has been a breath of fresh air after my previous experience of the legal system, and I highly recommend him for his tenacity with my case."

– Ms H (2024).

"I would strongly recommend James to anyone finding themselves in the Family Court with complex Child arrangement cases, including leave to remove applications.

His calmness and reassurance in a time of distress was most important to me and the outcome for our children's well-being could not have been better."

– Mr AE (2018), in a case which turned on whether the mother should be allowed to take the children to live with her abroad. The Court refused the application for leave to remove and directed that the children should live with each of their parents.

“After two and half years of ongoing disputes concerning the arrangements for my children I felt that the problem was irresolvable and I was extremely stressed and despondent.

I had also paid a considerable sum of money on solicitors’ fees which had had no impact on my wife’s intransigence.

I approached James as a direct access client, my wife having made an application to the court alleging emotional and mental abuse on my part towards my children.

I met James in conference and he immediately grasped the fundamentals of the situation and was able to direct me in my response by preparing a position statement for me and suggesting how the matter should be addressed in front of the Judge.

At the subsequent hearing James was able to negotiate an agreement with my wife which no one had been able to achieve before.

The allegations were dismissed by the Judge due to James’ advocacy and an order agreed which was far better than I had hoped for.

James has now given to my children through his skill as a negotiator and advocate a shared care arrangement that both of them had wanted and which will most certainly work in their best interest.

Without James’ calm, intelligent and determined approach my children would still be caught up in a battle between my wife and I and restricted as to the amount and quality of time they now spend with me.

I cannot recommend James highly enough to those caught up in long protracted disputes.”

– Mr C (2016)

EDUCATION

MA (Oxon) English Language and Literature

CPE/ Graduate Diploma in Law (2000 – 2002) “Commended”

Bar Vocational Course (2002-2004) “Very Competent”

Family Law Bar Association

Law Institute of Victoria

Overseas member, Law Council of Australia

Member, International Commission of Jurists Australia (ICJA)

LANGUAGES

French

PROFESSIONAL MEMBERSHIPS

Anglo-Australasian Lawyers Society

Family Law Bar Association

Advocate

AWARDS

1995 Logie Award (Australian television award) for most outstanding achievement in television news (Rwandan genocide).

1994 Walkley award (Australian journalism award) for best application of the radio medium to journalism (Somalia).

1994 Walkley award for best coverage of a current story (Sudan).

Runner-up for the 1995 Golden Walkley Award for Excellence in Journalism, Australia's highest award for journalism.

He was also Highly Commended for a report from a scene of conflict on the West Bank (1997).

PUBLICATIONS

Books

"Silent over Africa: stories of war and genocide" HarperCollins Australia 1996.

"Shaping the Second Enlightenment" (Editor)

Articles

Articles from Lebanon and Syria for The Financial Times, 1998 to 2000.

Israel and the Palestinians: Future Imperfect (chapter), International Security Review 2000, published by the Royal United Services for Defence Studies (RUSI).

Articles on Africa, the Middle East and the "war on terror" for Consilio, an on-line magazine for law students studying with Semple Pigott Rochez (Legal Education) Ltd, 2000 to 2002.

Article on the trial of four Osama Bin Laden associates in New York on charges related to the bombing of two United States embassies in Africa, The Legal Executive Journal, 2001.

Remembering the Genocide, The Legal Executive Journal, May 2004.

Autism and the criminal justice system, The Legal Executive, December 2005

Broadcast interviews

In October 2012, BBC “Witness” programme “Black Hawk Down”:
<https://www.bbc.co.uk/sounds/play/p00yhnx0>

CASES

James has appeared in a number of cases in the High Court of Justice in England and the Court of Appeal, including Re: S (A Child) [2017] EWCA Civ 249 (24 February 2017), an appeal brought by the mother of a young child following the making of a care order and an order authorising the child to be placed for adoption. Lord Justice McFarlane, giving the Judgment of the Court, stated that James had “conspicuously” represented the mother’s interests “both at trial and at appeal with great care, skill and insight.”