

Max Melsa

Call: 2015



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Max maintains a solid common law practice, which allows him to bring his experience of different jurisdictions and procedures to cases he is instructed in. He has an interest in proceedings that cross different areas of law, particularly between criminal and family proceedings.

Despite his relatively recent Call, Max has already appeared twice in the Court of Appeal, both in the Criminal and Family Division. His most recent appearance in *Re: B* was a case that set an enduring precedent for how family proceedings have taken place at interim hearings during the COVID-19 pandemic.

Prior to being called to the Bar he worked as a County Court Advocate, as well as working with Gerard McDermott QC on all aspects of high-value cases of catastrophic personal injury, in particular involving elements of travel law, cross-border or jurisdictional issues.

Areas of Expertise

Family Law

Max maintains a common law practice, which allows him to bring his experience of criminal and civil procedures into family proceedings he is instructed in. His knowledge of disclosure between jurisdictions has aided him in ensuring that such issues are dealt with comprehensively and at early stages.

Public Law

Max appears in Public Law care proceedings, acting for Local Authorities in complex matters from initial to final hearings.

Max was instructed by the Local Authority in the appeal case of *Re B (Children) (Remote Hearing: Interim Care Order) [2020] EWCA Civ 584* which set out guidance nationally as to the approach the courts should have to urgent hearings during the COVID-19 pandemic.

He also appears regularly for interveners and the Police and has a keen interest in matters involving disclosure between the criminal and family courts. Max was recently Junior Counsel in *Re: I (a Child)* which triggered a full review by the Police into disclosure processes in family proceedings involving significant Police investigation. The case involved complex matters that required multiple applications for Public Interest Immunity.

Notable Public Law cases

Acting for Local Authorities in cases with the following issues:

- proceedings involving a mother who was herself only a child, who had suffered long-term abuse within her own family.
 - successfully opposing the discharge of a Care Order, the application being made by the mother who had killed the children's father.
 - cross-allegations of domestic abuse.
 - mental health deterioration and self-harm.
 - expert evidence on brittle bones and non-accidental injury.
 - successfully arguing against designation.
 - obtaining secure accommodation for a child.
 - applying for an FGM Protection Order.
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Acting for Respondents

- for the mother of a child that it was agreed was beyond parental control, arguing for the Local Authority to amend their care plan to a therapeutic residential unit.
 - for a parent of a child whose mother was convicted of murdering her new partner.
 - on behalf of a convicted sexual offender in care proceedings.
 - for a client with multiple personality disorder.
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Private Law

Max also represents parties in private children hearings at any stage, including FHDRAs, DRAs and enforcement proceedings.

Civil

Max has a strong civil practice, advising and representing both Claimants and Defendants. In particular, he is interested in claims that have an overlap with the other areas he practices in.

Personal Injury

Max regularly advises and appears in fast-track personal injury claims, including where issues of fundamental dishonesty are raised. He has also represented clients at multi-track trials.

Max is very capable of advising on issues involving:

- Occupiers Liability Act
- Highways Act
- Road Traffic Act
- Employers' liability
- Vicarious liability
- Claims against public authorities

He has a great experience in Portal Claims, having previously worked as a Claims Handler in the insurance team at a global law firm. He is highly knowledgeable in representing parties in Stage 3 and disposal hearings, as well as drafting Advices on Quantum.

Notable Personal Injury cases

advising on behalf of a child Claimant in regards to quantum following a road traffic accident that caused the child to lose her hearing in one ear and partly her sense of smell.

obtaining damages for a Claimant who suffered multiple spinal fractures.

advising as to contributory negligence and dependency of the family members of the deceased Claimant following a serious motorcycle accident.

Clinical Negligence

Notable Clinical Negligence cases

Advising as to unnecessary surgery undertaken upon the Claimant.

Representing the Claimant, a protected party, who was provided negligent treatment by his carers whilst residing in a care home.

Crime and Police

Max is a CPS Grade 2 prosecutor, who has an well-formed practice in criminal law, which has included appearing in the Court of Appeal (Criminal Division).

Crown Court

Max both prosecutes and defends in the Crown Court.

In addition, Max has appeared in the Court of Appeal (Criminal Division) in relation to sentencing credit for sexual offences involving multiple indictments.

Forfeiture and POCA

Max has significant experience in representing authorities in cash forfeiture and POCA proceedings.

Quasi-criminal and Regulatory

Max was instructed to defend two Defendants in the fourth ever prosecution brought by OFSTED of running an unregistered school, which involved a large amount of disclosure.

Max is an appointed Clerk at the Bar Tribunals and Adjudication Service (BTAS) and assists in Disciplinary Tribunals of barristers facing charges of professional misconduct.

Notable Crime and Police cases

R v A

for the Crown regarding charges of benefit fraud.

R v T

acting for the Prosecution in relation to charges of serious assault against the mother of her vulnerable child, involving issues of hearsay evidence and res gestae.

R v C

representing the Prosecution at trial pursuing charges for GBH following a fight that left the victim with permanent injuries.

R v L

arguing for a suspended sentence for a Defendant convicted of causing serious injury by dangerous driving involving a police officer.

R v A

successfully defending a client of good character against multiple charges of possession with intent to supply Class A and B drugs.

R v B

defending a client charged with armed robbery and firearms offences.

R v S

appearing in a Newton Hearing regarding possession with intent to supply Class A drugs, successfully arguing for the Defendant's Basis of Plea to be accepted and for the term of imprisonment to be suspended.

Inquests

Max is able to bring his common law experience to representing clients at Inquests.

Notable Inquests cases

Representing the family of the deceased following a motorcycle accident, whereby the Coroner made significant criticisms of Police's conduct of their investigation.

Representing the family of the deceased where the driver at fault had suffered from a medical episode, with expert evidence being called in regards to the effects of antidepressant medication on a driver diagnosed with lupus, and potential arguments of automatism.

Representing the Police following the death of a new-born baby, involving complex expert reports as to asphyxiation.

Education

- 2015: BPTC, BPP Law School Manchester
- 2014: LLB (Hons) Law with Politics, University of Manchester

Memberships

- Honourable Society of the Middle Temple
- Criminal Bar Association

Appointments

- Grade 2 Prosecutor, CPS
- Clerk to Bar Tribunal Adjudication Service