

MTYBA 'Expand Your Practice' part V: Sunyana Sharma presents 'A Beginners Guide to Inquests'.

On 12 May 2021, MTYBA hosted the fifth in its popular 'Expand Your Practice' series with Sunyana Sharma of 3PB Barristers, who delivered a comprehensive overview of the law on inquests.

Sunyana began with a candid discussion of her own career, detailing her launch into inquests law. Advising others how to do so, Sunyana suggested that budding inquest barristers make the most of their clerking teams by asking for inquest work. If chambers do not do inquests, it was recommended that practitioners form a small group in chambers to market themselves as accepting instructions. For aspiring barristers, Sunyana recommended attending a local coronial court to observe an ongoing inquest to build that necessary practical experience.

Sunyana explained how her experience as a young tenant in crime and personal injury (PI) contributed to her successful inquests practice. PI experience, Sunyana stated, is particularly useful when it comes to cross-examining medical professionals. She noted, however, the softer approach to cross-examination at an inquest, highlighting the inquisitorial as opposed to adversarial nature of the process.

Turning to the inquest itself, Sunyana described the prominent role of the coroner and their power to set the scope of the inquest. Under s.1 of the Coroners and Justice Act 2009 ('2009 Act'), the coroner has a duty to investigate (i) violent or unusual deaths, (ii) deaths where cause unknown, and (iii) deaths in state custody. The coroner alone decides which witnesses to call, and can deliver either a short form conclusion, i.e., suicide, or a narrative conclusion, detailing the circumstances of death. Sunyana informed us of the statutory tests relevant to the process contained in the 2009 Act (supplemented by several statutory instruments) which require answers to the questions: (a) who died, (b) how, where and when the deceased died, and (c) the particulars of death. Where state actors are involved (e.g., a NHS Trust), a barrister must ask themselves 'is article II of the ECHR engaged?'

Drawing on her own experience, Sunyana emphasised the need for a barrister to ask themselves: 'who am I representing?', 'what is their role in the death?' and 'who are the other interested parties?', this, she says, helps to focus the barrister on their role in the process. Finally, Sunyana stressed the importance of allowing enough time when arriving at court at the beginning of an inquest to take instructions from individual witnesses and of conducting an early conference to identify any gaps in the case.

Sunyana urged those looking to branch into inquests to take a leap of faith. She recommended the Serjeants' Inn inquests blog as a good starting point, and essential texts such as 'Jervis on Coroners' and 'Dorries' Coroners' Courts: A Guide to Law and Practice' for those serious about expanding their practice. On a final note, Sunyana highlighted the importance of leaving your comfort zone when looking to expand your practice and recommended those keen in the audience to take the risk as she did, which led her to discover her passion for inquests at some 15 years call.

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