

James Schofield

Called: 2004 (England and Wales)
Victorian Practising Counsel (Division A, Part 1) of
the Victorian Bar, Australia
Qualified to Accept Public Access Instructions



Introduction

James is a dual qualified English and Australian barrister. Called to the Bar of England and Wales by Gray's Inn in July 2004, he obtained his full Qualification Certificate on 30 September 2008. He was admitted as an Australian Lawyer in May 2021 while still practising in London. On 24 July 2024, he was Called to the Victorian Bar in Melbourne. As an English barrister, he is authorised to exercise rights of audience before every court in relation to all proceedings in England and Wales. His Australian barrister's practising certificate allows him to appear before courts in every Australian State or Territory.

Areas of practice: children law, care and placement proceedings and international children law, including child relocation, child abduction and international adoption, usually on behalf of children or their parents (or other carers). He is often instructed by the National Youth Advocacy Service.

He has a particular interest and empathy for children on the autistic spectrum or with specific learning differences or disabilities.

Human Rights: James is a member of the executive committee of the Australian Section of the International Commission of Jurists.

He has a significant level of field experience as a journalist in the Middle East (Israel, Palestine, Lebanon, Syria, Iraq and Kurdistan Region), East, Central and Southern Africa and Australia.

As a Door Tenant at Guernica 37 Chambers, James has a developing practice in criminal law, extradition and international law.

He has a strong interest in international human rights.

Previous career

From 1991 to 2000, James worked as an overseas correspondent in Africa and the Middle East.

In early May 1994, he drove a car into Rwanda with three colleagues, from Bujumbura to Kigali, through some 50 Impuzamugambi and Interahamwe roadblocks. It was in Kigali that the four of them learned, by extrapolating the figures for those killed in Kigali to other sites in Rwanda, that around half a million people had been killed in just four weeks.

South Sudan, in these years, was a primer in atrocity crimes; like the massacre he witnessed near Bor in December 1991 or the aerial bombardment of towns and villages in 1993-1994.

His interest in humanitarian law extends to his interest in protecting journalists working in places where the nature of their work puts them at great personal risk. There was a brutal reminder of the risks they face, on 12 July 1993 in the Somali capital, Mogadishu. Four of his colleagues were murdered when an infuriated crowd turned on them following a deliberate attack by UNOSOM 2 forces against a building whose occupants were never given the chance to surrender – a UNOSOM attack characterised by Keith Richburg of The Washington Post as “the UN’s first officially authorized assassination”. A few months after the genocide in Rwanda, he experienced a dangerous near-miss himself – a tank shell exploding above his head and sending sharp splinters through his back and leg.

He was also one of the very few journalists present in Mogadishu to witness the ‘Black Hawk Down’ battle in October 1993.

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In 1996, he became the ABC Australia Television correspondent in Israel and Palestine. He reported from Gaza and the West Bank, Amman, Cairo, Albania, Iraq and the Kurdistan Region.

He has visited the Golan Heights from Lebanon, Syria, Jordan and from areas occupied by Israel. In 1998, he was appointed by the Financial Times to cover Lebanon. By the time he arrived in Beirut, ad hoc international criminal tribunals had been established for the former Yugoslavia and Rwanda: bricks in a wall to end the culture of impunity and to build a culture of accountability.

He returned to the region in May 2000 to witness Israel's withdrawal to its internationally recognized border with southern Lebanon.

International law

His participation in the work of the International Commission of Jurists since 2021 has been a catalyst for the reawakening of his interest in international law and human rights.

In early February 2024, James wrote to the Law Society journal about the South Africa v. Israel case in the International Court of Justice which caught the attention of the organizer of a conference in Worcester on law in war. James accepted his invitation to prepare and deliver a paper to the conference on 11 March 2024 on the International Court of Justice, with specific reference to the Ukraine v. Russia case and the South Africa v. Israel case. He researched all the relevant ICJ genocide decisions, not just those two. It was the start of an abiding interest in the jurisprudence of the International Court of Justice.

The delivered paper was later published by the ICJ-AS as well:

<https://www.icjaustralia.org/justice-between-states-the-international-court-of-justice>

Notable cases

In the matter of S (A Child) [2017] EWCA Civ 249 (an appeal against the making of care and placement orders for adoption), James represented a mother with learning difficulties and a mental health issue. In the Court of Appeal, Lord Justice McFarlane, giving the judgment of the Court, said this:

“Mr Schofield, on behalf of the mother, who represented her at trial and before this court... has conspicuously done so with great care, skill and insight...”

In a case in 2021, he successfully represented the Vietnamese mother of a 3-month-old baby who had been removed from his parents' care with his older sibling after presenting with metaphyseal fractures of the right and left distal tibia and healing fractures of posterior lateral left fifth and sixth ribs. The mother, like the father, had arrived in England as an unaccompanied asylum seeker. The father had no understanding of English. Expert evidence pointed to non-accidental harm. The Court found that threshold in respect of the rib fractures had not been made out. The Court found that the metaphyseal fractures had not been inflicted in a malicious way; there had been no failure to protect and no failure to seek prompt medical treatment.

The Court ordered that both children be returned to their parents.

Books

James is the author of “Silent over Africa: Stories of War and Genocide” (1996, HarperCollins Australia)

Awards

For his work in Africa and the Middle East, he received the following journalism awards:

Logie Award (1994) - Most Outstanding Achievement in Television News – Australian television award for coverage of Rwanda, the 1994 genocide and the forced exodus of Rwandans into Zaire.

Runner-up for the Golden Walkley Award (1994), Australia's highest award for journalism – for frontline radio reporting from the war in southern Sudan.

Walkley Award (1994) - Best Application of the Radio Medium to Journalism – Somalia - for reporting on the Islamic Courts established in northern Mogadishu during the struggle for power between rival clans.

Walkley Award (1994) - Best Coverage of a Current Story – Sudan – frontline radio reporting from the war in southern Sudan.

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Highly Commended in Walkley Awards (1997) – Occupied Palestinian Territory - for his television reporting from the West Bank city of Hebron during violent stand-off between Palestinians and Israeli Defence Forces soldiers following anti-Muslim provocation of the Palestinians by Israeli settlers

Memberships

Honourable Society of Gray's Inn
The Victorian Bar
International Commission of Jurists (Australian Section)

JUSTICE

Bar of England & Wales
Bar Human Rights Committee
International Law Section of the Law Council of Australia

Education

College of Law, Melbourne (by remote learning), Trusts and Office Accounts, Ethics, Professional Responsibility (High Distinction)

University of Southern Queensland (by remote learning), Australian Administrative Law (High Distinction)

University of Southern Queensland (by remote learning), Company Law

Charles Darwin University (by remote learning), State and Federal Constitutional Law

BPP Law School, Bar Vocational Course (part-time), Sept 2002 to July 2004 (Very Competent)

Middlesex University, Postgraduate Diploma in Law/ CPE (part-time), Sept 2000 to July 2002 (Commendation)

University of Oxford, M.A. English Language and Literature

University of Oxford, B.A. Hons. English Language and Literature, 1979-1982



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