Max Melsa

Call: 2015

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Max Melsa maintains a strong mixed practice of family and personal injury work alongside representing Interested Parties at Inquests.

Max is noted in the Legal 500 2026 as an excellent advocate. He has an outstanding grasp of the detail in complex children law cases.'

Max has appeared three times in the Court of Appeal, both in the Criminal and Family Division. He was involved in ***Re: B*** which set an enduring precedent for how family proceedings took place in interim hearings during the COVID-19 pandemic.

More recently in ***Re: D,*** Max represented the children in the first case to reach the Court of Appeal dealing specifically with the interpretation of Hair Strand Testing.

Max is regularly instructed in high value multi-track personal injury matters and routinely attends CCMCs and multi-day trials involving complex issues, including a developing practice in cases involving automatism and highly technical defences. He is greatly experienced in advising on liability, causation and quantum, as well as attending JSMs and advancing cases towards settlement.

Areas of Expertise

Family 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 was more recently instructed to act for the children in ***Re: D (Children: Interim Care Order: Hair Strand Testing)*** [2024] EWCA Civ 498 which summarised the law in respect of the interpretation of Hair Strand Testing. The case was also reported as ***London Borough of Lambeth v M & Ors*** [2025] EWFC 55 (B).

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

Notable Family Law cases

Acting for Local Authorities in cases with the following issues:

- *Re: B* – regarding issues in re-assessing a special guardian in the second proceedings brought within a short period of time.
- *Re: N-S* – proceedings involving a mother who was herself only a child, who had suffered long-term abuse within her own family.
- *Re: B* – successfully opposing the discharge of a Care Order, the application being made by the mother who had killed the children's father but had subsequently been found not guilty of murder.
- *Re: M-R* – a matter involving mental health deterioration and self-harm.
- *Re: B* – case involving particularly complex needs of a child that resulted in the Local Authority making significant adaptations to the family home.
- *Re: N* – regarding the admissibility of expert evidence on non-accidental injury.
- *Re: C* – use of the Advocates' Toolkit and ground rules in proceedings involving a highly vulnerable mother.
- *Re: M* – proceedings involving three different fathers involving contentious issues regarding contact.
- *Re: C* – proceedings, including Deprivation of Liberty Safeguards, regarding a child with suicidal tendencies requiring 24-hour supervision.
- *Re: O* – regarding relocation of a child involved in county lines drug dealing.
- *Re*: *R* – proceedings relating to children whose mother was charged with murder, with the children being witnesses in the criminal proceedings.
- *Re: R* – High Court proceedings dealing with the issue of jurisdiction, successfully arguing that the English and Welsh Courts did not have jurisdiction to make public law orders.
- *Re*: *M* – lengthy proceedings involving a vulnerable mother with multiple personality disorders, resulting in care and placement orders.
- *Re: K* – proceedings for a 16-year-old child who had been out of school for a number of years and had limited social interaction.
- *Re: B* – multiple applications for Child Assessment Orders, leading to an application for an Emergency Protection Order and subsequent care proceedings.
- *Re: S* – application for a Forced Marriage Protection Order.
- *Re P* – fact-finding involving serious domestic abuse, including sexual allegations. Allegations proven.

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 father of a child whose mother was convicted of murdering her new partner.
- For a father who was facing serious allegations of physical abuse against the subject child.
- Representing a client suffering from multiple personality disorder.
- Acting for the children (through their Guardian) in proceedings involving complex arguments regarding the mother's

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capacity, with significant findings of domestic abuse found against the father.
- Acting for the child (through their Guardian) in a second set of proceedings, dealing with issues of what orders the Court could make in respect of an application for a Special Guardian for a Child Arrangement Order.
- Acting for a mother in a fact-finding hearing regarding allegations of physical abuse by the mother against the children, including the cross-examination of multiple paediatricians.
- Acting for the child (through their Guardian) in repeated Deprivation of Liberty proceedings.
- Acting for the children (through their Guardian) in private law proceedings regarding whether the Local Authority should issue care proceedings.
- Acting for a father in proceedings which required taking into account the cultural background of being Jehovah's Witnesses.

Personal Injury

Max has a strong civil practice, advising and representing both Claimants and Defendants.

He was published in PI Focus Magazine (October 2021) following his success in a claim made under the Montreal Convention, which governs accidents that occur in the process of travelling via air carriage. He was also published in Medico-Legal Magazine (November 2023) for his article regarding whether these is a need for separate claim forms in cases involving a significant number of Claimant.

Max regularly advises and appears at CCMCs and multi-day trials in multi-track personal injury claims, including those with values in six figures, and where issues of fundamental dishonesty are raised. Recent cases include:

- advising as to contributory negligence and dependency of the family members of the deceased Claimant following a fatal motorcycle accident.
- assisting in settling a claim where the Defendant had obtained evidence of the Claimant's social media of her undertaking sporting activities during the prognosis period of her injuries.
- successfully arguing for primary liability to be found in favour of a Claimant involved in a high-speed collision on a motorway.
- obtaining damages for a Claimant who suffered multiple spinal fractures.
- representing a fireman who suffered from heat exposure during training exercises.
- representing the Claimant following a house fire.
- successfully arguing against a Defendant raising automatism.
- advising a Claimant following a motorcycle accident resulting in catastrophic injuries, with lengthy analysis provided regarding contributory negligence.
- advising a prison officer following being injured on duty. Liability and causation disputed. Settlement in mid-six figures agreed.
- advising a child Claimant (through their Litigation Friend) in relation to suffering carbon monoxide poisoning whilst attending a school event.

Max is very capable of advising on issues involving:

- Occupiers Liability Act;
- Highways Act;
- Road Traffic Act;
- Employers' liability;

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- Vicarious liability; and
- Claims against public authorities.

Inquests

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

Notable Inquests cases

Recent 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 Police following the murder of a young child by a father who had previous convictions for violent offences. The case examined in particular the use (or lack of) by the Police of Violent Offender Orders.
- 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.
- representing the Police where the Deceased had been restrained for a prolonged period of time whilst under the influence of illicit substances.
- representing the Police where the Deceased, a serving armed police officer, was found dead at Luton Airport.
- representing the family of a young woman killed in a road traffic accident, following the driver being convicted of causing death by dangerous driving.

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

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Notable Cases

- *Re: B (Children) (Remote Hearing: Interim Care Order)* [2020] EWCA Civ 584
- *Re: D (Children: Interim Care Order: Hair Strand Testing)* [2024] EWCA Civ 498
- *London Borough of Lambeth v M & Ors* [2025] EWFC 55 (B).

Awards

- 2014: Sir Jules Thorn Scholarship to practice the BPTC, Middle Temple
- 2014: Excellence Scholarship to practice the BPTC, BPP Law School

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