



Kirsty Day – Barrister

Called 2016

Summary:

Kirsty joined Chambers as a Tenant in April 2019.

Kirsty's busy criminal practice encompasses both Defence and Prosecution work largely in the Crown Court. Kirsty has appeared in a number of serious cases representing young and vulnerable Defendants. She tackles each case with diligence and tenacity often achieving favourable outcomes in difficult cases.

Kirsty's family practice comprises mainly of private child cases and family law act proceedings. Kirsty is able to assist and guide clients through each stage of the proceedings with confidence and reassurance.

As an advocate, Kirsty is calm, measured and meticulous and will strive for the best result for every client.

Testimonials

"thank you for all the trouble you put in to securing [the defendant's] eventual acquittal. I know that [the defendant] and his father join me in thanking you as they telephoned me as soon as they got out of court and were quite overcome. Again many thanks for all your hard work and dedication."

Monica Lentin – Solicitor at Shelley & Co Solicitors

"She clearly has ability and I thought her manner to be professional and effective."

District Judge Stone

"Kirsty handles cases with diligence and professionalism. Kirsty is able to put clients who are dealing with particularly stressful situations at ease quickly, providing a considerate approach coupled with pragmatic advice. I have no hesitation recommending Kirsty to clients."

Anna Jones – Solicitor at Tees LLP

"Sarfo Solicitors instruct Kirsty Day on a regular basis to represent our clients in both Magistrates and Crown Court Cases. She is a very caring advocate with a lot of patience. She is particularly good with youths and vulnerable clients. She goes above and beyond for the client and for us. Our clients always provide very positive feedback for her and she is often personally requested when they need Counsel. We can always rely on her for fantastic results. She is always very professional and reliable. Her advocacy skills are extremely effective and gets positively surprising results in challenging cases."

Lucy Wise – Solicitor at Sarfo Solicitors



Family

Kirsty specialises, mainly, in private family law.

She has represented clients (including parents and grandparents) at all stages of proceedings from applying and resisting non-molestation orders to complex Fact-Finding Hearings and Final Hearings.

Kirsty has experience with several aspects of private family law from child arrangement hearings, financial remedy hearings and enforcement hearings. She handles cases sensitively involving additional complexities such as vulnerable adults, international relocation and domestic abuse (including emotional, physical, financial and sexual abuse).

Kirsty has also acted in care proceedings including applications to be added as a party to proceedings, Interim Care Orders and applications from the Metropolitan Police Service for disclosure from care proceedings.

Her approachable but professional nature ensures clients are put at ease. She is dedicated to every client and approaches each case in an enthusiastic and methodical manner.

Crime

Kirsty has represented a wide variety of clients from all backgrounds. Kirsty regularly appears in the Crown Court and Youth Court. She has experience with Trials, Bail Applications, PTPHs, Sentences, Appeals, POCA hearings, S28 pre-recorded cross examinations and led work as junior Counsel.

Kirsty has represented clients charged with various offences including PWITS, Controlling and Coercive Behaviour, ABH, GBH, Indecent Exposure, Burglary and offences against children. She handles unexpected situations and challenging clients with poise and professionalism.

Kirsty is also adept at making legal applications to exclude and introduce evidence, drafting advices and defence case statements, and mitigating on behalf of her clients. She has also had multiple successes in making submissions of no case to answer, particularly those concerning abuses of power by the police.

Kirsty defends in road traffic matters including special reasons and exceptional hardship hearings.

Youth Court

Within her criminal practice, Kirsty frequently appears in the Youth Courts representing difficult clients charged with serious offences including armed robbery, GBH and Wounding and Possession of Offensive Weapons.

Kirsty often achieves good results at trials and at sentencing hearings and has the ability to build a rapport quickly with vulnerable clients to ensure she is able to communicate their case effectively and persuasively to the court.



Notable Cases

Crime

R v H 2023: Appeared as Junior Counsel being led by Janick Fielding in which a Defendant was charged with multiple rapes over the course of a two year relationship. The case necessitated the analysis of 350,000 messages which were served two weeks ahead of the trial date. The jury unanimously acquitted the Defendant of all counts of rape.

R v S 2023: Achieved an acquittal for a client following a two-day appeal in which the client was charged with multiple assaults against his then wife. This case involved bad character and hearsay applications in addition to extensive cross examination regarding fabrication of evidence and motivation to lie.

R v F 2022: Represented a vulnerable adult Defendant who was unfit to plead and accused of attempting to arrange or facilitate a child sex offence. Despite being unable to take instructions from the Defendant, the Defendant not being able to give evidence and the Crown presenting numerous pages of messages sent by the Defendant, through deft cross examination and careful pitching of the closing speech, the Defendant was acquitted.

R v N 2022: Successfully persuaded the CPS to offer no evidence on a Count on the indictment on the basis that to pursue a Prosecution in circumstances where the offence had already been investigated years previously would be an Abuse of Process.

R v N 2021: Made a successful submission of no case to answer for a client charged with resisting arrest on the basis that the arresting officers had acted outside of their powers by breaking his nose.

R v W (Youth Court) 2020: Secured an acquittal for a vulnerable 15-year-old who was accused of PWITS Class B and Possessing a Bladed Article. The defendant had been the victim of modern slavery and had the benefit of an expert psychologist. The defendant did not give evidence at trial and he had a significant learning difficulty and a traumatic past.

R v G (Youth Court) 2020: Successfully argued an Abuse of Process point which necessitated a voir dire in the youth court on the basis that the police had promised the defendant a caution (which the police denied) and yet the case had proceeded to prosecution and trial.

R v H (Youth Court) 2020: Persuaded a court to pass a non-custodial sentence for a young person with a significant history who had committed a S18 GBH, robbery and possessing a bladed article.

R v J 2020: Persuaded the CPS to discontinue a case due to the misconduct of police officers in investigating the offence prior to the trial.

Family

K & S 2023: Secured an order for the Father to have indirect contact only following a prolonged final hearing during which Ms Day represented a vulnerable Mother who was the victim of the Father's



domestic abuse. Throughout the final hearing, the Father would not accept the findings made against him and, instead, blamed the Mother for causing him to act in a violent way towards her.

H & H 2022: Represented a Father at a final hearing in a case which had been ongoing for over a year whereby a final order was made that the child would live with the Father and spend time with the Mother on alternate weekends.

D & A 2021: Represented a vulnerable client in a Fact-Finding Hearing with multiple allegations of rape and sexual assault.

K & S 2021: Secured an order for the return of a child who had not been returned to the Mother for over 6 months following a routine contact weekend with the Father.

N & N 2020: Represented a client in a 3-day Fact Finding Hearing involving several allegations of serious sexual offences resulting in some of the findings being proven.

L & R 2018: Appeared for a client in the High Court in an emergency hearing which prevented the other parent from abducting the couple's young child to a foreign country.

CPS

Grade 2

Education

Queen Mary University London – LLB Law – 2:1

University of Law – BPTC – Very Competent

Awards & Scholarships

Lincoln's Inn Pupillage Award - 2017

Lincoln's Inn Kennedy Scholarship - 2015

University of Law Advocacy Award in Family Law – 2015

Queen Mary University Pearl Prize in Family Law - 2014

Queen Mary Legal Advisor Award - 2014

Memberships

Advocate (Panel Member)

Lord Denning Society (Scholar)

IPSEA (Tribunal Support Worker)

The Honourable Society of Lincoln's Inn

Family Law Bar Association

Criminal Bar Association

Women in Criminal Law

Neurodiversity in Law



Publications & Articles

2020: Youth courts: are we still failing our most vulnerable?

<https://www.counselmagazine.co.uk/articles/youth-courts-are-we-still-failing-our-most-vulnerable->

2020: Law and Order in the Time of Coronavirus

Interests

Roller Skating (Grade 5)

Musical Theatre (Watching not participating!)

Karate (1st Dan in Karate, 1st Dan in Self Defence)

Sewing

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