

FINAL

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Number of terrorism-related defamation cases almost triples in a year

- ∞ **Latest research also shows no let up in high number of celebrities suing for defamation**
- ∞ **Blogs lead to libel**

The number of reported defamation cases brought by people alleged to be involved in terrorism has almost tripled since last year, reveal statistics from Sweet & Maxwell's online legal information services¹.

Figures drawn from Sweet & Maxwell's Lawtel & Westlaw UK services show that terrorism-related cases made up 13% of the total number of reported claims in the year to the end of May 2007. This is compared to just 4% the previous year and 6% the year before.

According to Sweet & Maxwell, a Thomson business, (NYSE: TOC; TSX: TOC), although this increase comes from a low base, these findings are still likely to be a particular concern for the media.

David Price² of David Price Solicitors & Advocates has represented both claimants and newspapers in relation to terrorism claims. He says; "The increase in terrorism-related claims reflects the increase in media coverage of terrorism. Inevitably with a large amount of material in the media mistakes will be made and these will lead to claims. And where a mistake is made it is likely to be seriously defamatory."

"A particular risk area for the media relates to the reporting of alleged terrorist plots such as the one last August. The news is fast moving and there are often a large number of people arrested or otherwise connected. A mistake made by one newspaper can be replicated in a number of others, before the truth emerges, thereby giving rise to serial claims by the wronged party. The extent to which the defence of qualified privilege may be available in these circumstances has not been tested."

The defence of 'qualified privilege' means that if an allegation is made in the public interest and the journalist or publication has acted responsibly and ethically in relation to publication, they may not have to prove the truth of the allegation in order to successfully defend a claim.

Research also shows no let up in high number of celebrities suing for libel

Sweet & Maxwell's research also reveals that there has been no let up in the number of celebrities suing for defamation, following a significant jump in the number of reported cases last year.

¹ Westlaw UK & Lawtel have an archive of over 250,000 law reports and transcripts online.

² David Price is co-author of "Defamation Law, Procedure and Practice", which is published by Sweet & Maxwell.

Claims brought by celebrities accounted for 30% of the total number of reported defamation cases in 2006/7. In 2005/6, the proportion was 28%, compared to 17% in 2004/5.

Sweet & Maxwell says that “forum-shopping”, where foreign celebrities choose to sue in the UK rather than in their own country, could be one reason why the proportion of celebrity claimants remains high. This is because British defamation laws are more favourable to claimants than, for example, American ones. In the US, claimants have to prove malice in order to be successful, and in addition, the right to free speech is actually part of the American constitution. UK courts will consider the right to freedom of expression more carefully against the individual’s right to their reputation.

For example, this year Cameron Diaz sued America’s National Enquirer in the High Court in London, as did Kate Hudson in 2006. Actor Vince Vaughan threatened to initiate legal proceedings in Britain last year against the New York Post. And earlier this year a Ukrainian businessman launched proceedings in this country against an internet newspaper called “Obozrevatel”.

Dan Tench, a Partner at law firm Olswang suggests another reason for the increased number of celebrity defamation claimants in the last couple of years.

He says, “Two or three years ago, the media were tip-toeing around celebrities rather, being very careful what they reported for fear of a flood of privacy actions following the high profile cases brought by Naomi Campbell and Princess Caroline of Monaco. Although these cases did bring about a higher level of privacy protection, they did not open the floodgates of litigation, so journalists’ confidence in what they can report is once again growing.”

Blogs lead to libel

Dan Tench adds, “Another significant trend that we are seeing is a marked increase in the number of individuals and websites being sued for defamatory comments posted on the internet via weblogs or message boards. While this may not yet be reflected in the numbers of reported cases, claims such as the high profile action by Martin Sorrell of WPP earlier this year highlight the growing impact that the internet is having as a form of communication, debate and criticism.”

Earlier this year, Sir Martin Sorrell, Chairman of advertising firm WPP, sued two former employees, claiming that they had posted a libellous weblog and sent offensive emails about him.

Notes to editors:

Numbers of reported defamation claims by year:

	2006/7 Percentage of cases	2006/7 number (total of 64)	2005/6 Percentage of cases	2005/6 number (total of 74)	2004/5 Percentage of cases	2004/5 number (total of 66)
Terrorism- related cases	12.5%	8	4%	3	6%	4
Claims brought by celebrities	29.7%	19	28.3%	21	16.6%	11

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Re-launched just recently, the new Westlaw UK has been designed to reflect the way that legal research is carried out in the UK. It is now significantly easier to use and combines the very best content with a high performance online engine and improved functionality.

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