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## **Jump in defamation cases driven by celebrities**

- **Number of cases involving celebrities and sports personalities nearly trebles**
- **Controversially – little sign of “forum shopping”**

The number of reported defamation cases has risen by 6% from 78 in 2008-09 to 83 over the last year, led by an increase in claims from celebrities and sports stars, says Sweet & Maxwell, the leading legal information provider.

Sweet & Maxwell’s research shows that the number of cases brought by celebrities and sports personalities has nearly trebled from 11 in 2008-09, to 30 in 2009-10 (examples below).

There were only 57 reported defamation cases in 2007-08.

Sweet & Maxwell says that this rise in the number of reported cases may be the result of a closer working relationship between agents and managers of celebrities and law firms that specialise in bringing defamation claims against the media.

The more widespread use of digital media monitoring services of print and online media by the managers of celebrities give a more reliable record of when the media might have published damaging material.

The media has also complained that the use of “no win no fee” agreements encourages defamation claims against the media that would not normally have been launched.

Korieh Duodu, co-author of the latest (fourth) edition of *Defamation: Law, Procedure & Practice* (2010) published by Sweet & Maxwell, says that the number of defamation cases could have been even higher if celebrities had not also started to use privacy injunctions and super injunctions as an alternative route to quash negative stories.

Forum shopping – is it really a big problem?

Despite the overall rise in reported defamation court cases the research from Sweet and Maxwell found that only three of those cases in 2009-10 could be categorised as “libel tourism”.

Libel tourism is said to be the use of the UK courts by overseas residents to sue a media outlet that also has few interests in the UK.

The low number of libel tourism cases identified raises the question as to how widespread libel tourism now is.

Critics of the UK's libel laws say that libel tourism allows powerful foreign figures to use the UK's courts to restrict the press freedoms of the non-UK media.

US politicians are currently trying to pass a new law to prevent libel tourism in UK courts by preventing UK libel judgments being enforced in the US.

Some judges such as Justice Eady have suggested that the UK courts have taken steps to reduce libel tourism in the UK.

Korieh Duodu of Addleshaw Goddard LLP says: "The results show that there are just a handful of cases involving individuals from outside of the UK. This contradicts the much publicised theory that the UK's legal system is being exploited by libel tourists. It seems appropriate that if a foreign national experiences genuine harm in this country that they should be able to seek redress."

#### New Media Cases

There has also been an increase in the last year in "new media" defamation cases. Sweet and Maxwell's research shows that cases involving new media have risen from three in 2008-09, to seven in 2009-10.

Korieh Duodu of Addleshaw Goddard LLP says: "The rise in defamation cases linked to the internet is inevitable if new media journalists like bloggers or tweeters fail to put in place the same kind of pre-publication controls that traditional media uses."

#### Cases involving Terrorism

There was a 57% jump in the number of terrorism related defamation cases, from four in 2008-09 to seven in 2009-10.

#### Examples of defamation cases brought by celebrities last year

- Lily Allen

The claimant brought a successful libel claim after the publication of an article stating that she had made various offensive remarks about other celebrities in an interview.

- Kate Beckinsale

The claimant brought a successful libel claim after it was alleged that she has not been chosen for her dream role in a film, suggesting that the actress' film career was in decline. An apology was made to the actress in open court.

- Peter Andre

A statement of apology was made in open court by the publisher to the claimant after publishing an article claimed to be by his then wife that described him as abusive and difficult and included misleading claims about parts of his marriage.

- David Beckham

The claimant launched a claim after an article was published claiming he had emailed a model with private party invitations.

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