

PROGRAMME

8.15-9.00

Registration

9.00-9.05

Welcome and introduction

Desmond Browne QC and Adrienne Page QC

9.05-9.35

Keynote address

John Whittingdale MP

Chair of the Culture, Media and Sport Select Committee

9.35-10.20

Current Defamation issues

Adrienne Page QC and William Bennett

- Fair comment: *BCA v Singh* and *Joseph v Spiller*
- Reynolds: *Flood v Times Newspapers*
- Public authorities: *Clift v Slough Borough Council*
- Update on internet publications
- Reputation as an Article 8 right

10.20-10.50 Mid-morning break

10.50-11.35

Current Privacy issues

Desmond Browne QC and Mark Warby QC

- *Mosley* in the European Court of Human Rights: should there be a notice requirement?
- Injunctions: should *Bonnard v Perryman* apply in Article 8 cases?
- Superinjunctions: *John Terry* and the Master of the Rolls's Working Group Report
- Photographic surveillance: when is Article 8 engaged? *Wood v MPC*, and *Murray v Express Newspapers*

11.35-12.05

Morning Q&A

Moderated by Adrienne Page QC

Morning speakers will open the floor for an interactive session

12.10-1.10

Workshop session 1

Pre-chosen from the selection listed

1.10-2.40 Battlebridge Room lunch

2.40-3.40

Workshop session 2

Pre-chosen from the selection listed

3.40-4.10 Mid-afternoon break

4.10-5.10

Workshop session 3

Pre-chosen from the selection listed

5.15-5.55

Reform debate: Defamation Act 2011

Moderated by Desmond Browne QC. Panel members: Professor Alastair Mullis of the University of East Anglia, and Dr Andrew Scott of the London School of Economics v Alastair Brett, formerly of Times Newspapers and Marcus Partington, Mirror Group Newspapers and Ian Birdsey, Hiscox. The floor will be opened for an interactive session.

- Trial by jury
- Libel tourism
- Corporate claimants
- Electronic archives

5.55-6.00

Closing remarks

Desmond Browne QC

6.00 +

King's Gallery **Champagne reception**

Workshops

Please select your 1st, 2nd and 3rd options. We will do our best to match all of your choices. If this is not possible, we will contact you to re-arrange.

1 Justification: the nuts and bolts

Alex Marzec, Yuli Takatsuki, Susan Asian of Asian-Charles Kousseta LLP and Prash Naik of Channel 4

- A practical workshop based on a case study, looking at the challenges in pleading/proving, or resisting, a justification defence, and how to meet them.

2 Reynolds and the defence of public interest

Justin Rushbrooke, Richard Munden and Liz Grace of BBC

- What amounts to a real public interest in communicating the information?
- How significant is verification of the information, and what is the standard of verification?
- The problem of undisclosed sources: how far can the defendant rely on them?
- *Flood v Times* and other recent cases
- What is reportage, and when is it a defence?
- Is there need for reform?

3 Children, family and media

Adam Wolanski and David Sherborne

- The April 2009 media access rules in perspective: has anything changed?
- The new reporting regime under the Children, Schools and Families Act 2010
- Media access to documents in child cases following *Ward v Ward*
- How private are divorce cases? What can be reported? Can parties prevent media access?
- What use can be made of improperly obtained documents in divorce cases following *White v Withers* and *Imerman v Imerman*?

4 What to do/what not to: a judicial perspective

Sir Charles Gray, HH Judge Richard Parkes QC, introduced by Desmond Browne QC

5 A practical guide to privacy injunctions

James Price QC, Godwin Busuttill and Victoria Shore

- The threshold test, the 'parallel analysis', and discretionary factors which may lead to refusal of an injunction
- Complying with s.12 Human Rights Act
- Complying with the CPR and Practice Directions, including when super-injunctions may properly be granted
- Avoiding the pitfalls shown up by the John Terry case
- The defamation rule, how it impacts on privacy injunctions, and when false private information can be injunctioned
- When should the media be notified of the hearing, and who should be notified
- Injunctions against persons unknown

6 Internet and new media issues

Jonathan Barnes, David Hirst and Dr Laurence Godfrey

- The "new" medium's accessibility and reach
- Principles for liability, identifying those responsible for "publication"
- Evidence of readership, chicken or egg?

7 Sport

Jacob Dean, Stephen Bate, Victoria Jolliffe and Oliver Codrington formerly of the BHA

- Regulatory control in practice: licensing, discipline and media relations
- The "fit and proper" test: football and racing
- Appeal and judicial oversight: *BHA v McKeown*

8 The impact of Article 8 on defamation claims

Adam Speker and Christina Michalos

- After *Terry*: changes to libel to protect Article 8 rights, including:
- Qualified privilege for public authorities after *Wood v West Midlands Police* and *Clift v Slough BC*

9 New media opportunities & risks: an ad agency's practical perspective

Andrew Southam of BBH

- UGC
- Product placement
- Apps
- Social networks and Twitter