Collyer Bristow

For Immediate Release

London, 26 March 2010

GOVERNMENT PUSHES THROUGH DEFAMATION COSTS PROVISION DESPITE WIDESPREAD OPPOSITION

The Government was able to push through a draft order, which will limit success fees in libel CFAs, following a debate in the House of Lords yesterday evening. This was despite impassioned speeches started by Lord Martin and followed by the highly respected Lord Woolf and Lord Scott and others with only one speech being made in favour of the proposal. Prior to this debate strong opposition to the proposal had been expressed by the Master of the Rolls, the Senior Costs Judge, the Bar Council, the Law Society and Lawyers for Media Standards, a body which represents lawyers who act for both claimants and defendants under CFA Agreements.

Steven Heffer, Head of Media at Law Firm Collyer Bristow LLP, commented:

"The approval of this measure is shameful. It shows the Government is being directed by the interests of the powerful media lobby in the run-up to the election. It is obviously prepared to sacrifice access to justice in claims against those media interests by the ordinary citizen. These individuals will no longer be able to pursue proper legal claims without paying expensive lawyers' fees. It signals the end of CFAs in libel claims and leaves those defamed with little prospect of a remedy. The libel courts will once again be the preserve only of the rich and powerful.

All this was dressed up as being in the public interest and protecting freedom of speech, but only the press and media will be happy with the result.

In a cynical move the Government has promised to consult further with lawyers, after they refused to consult properly at the outset. This measure is being rushed through Parliament with the General Election looming."

The following are extracts from the debate:

Lord Henley: *"What is the concern and why this mad rush? The Noble Lord….. ought to be suspicious of a Government who are rushing just one part – not even a recommendation*

of the Jackson report – through at this stage with such undue haste"

Lord Thomas: (whose speech quoted **Dominic Crossley** of Collyer Bristow) *"Both claimants and defendants are hit by this artificial reduction of the success fee down to 10%"*

Lord Woolf: *"The personal consequence of not being able to bring proceedings, which could be the result of a 10% cap, can be very serious indeed to the citizen – more serious, if I may say so, than the harm that would be caused to the press. We want not to rush into amendments of a sort now proposed but to carry out research properly that needs to be done before we seek to change the law in this way."*

Lord Scott: *"10% is, with respect, a ridiculous rate. It would deny access to justice to a whole range of people who would not be able to litigate. It would be a denial of the whole purpose of the civil justice system, which is to discourage self-help. It would also be apt to promote a deserved disrespect for the law."*

Lord Marlsford: *"It is pretty appalling to consider such orders in three weeks when the normal procedure is to have three months to consider them. What possible reason is there to do so?"*

For further information please contact:

Steven Heffer, Partner, Collyer Bristow LLP
T: 020 7468 7211 E: steven.heffer@collyerbristow.com

Dominic Crossley, Partner, Collyer Bristow LLP
T: 020 7468 7269 E: dominic.crossley@collyerbristow.com

Larry Cattle, Business Development Director, Collyer Bristow LLP
T: 020 7470 4413 E: larry.cattle@collyerbristow.com

Notes to Editors

Collyer Bristow LLP is a 30 partner firm of solicitors with offices in London and Geneva. It is ranked in both Chambers and the Legal 500 directories. It provides a complete legal service to a wide range of businesses and private individuals. Its client base includes multinationals, public and private companies, businesses and partnerships, public sector organisations and it also has a substantial private client practice. The firm's Geneva office provides a European base from which to service its many international clients. The firm is particularly highly regarded for its work in commercial and residential property, charities, corporate and commercial, dispute resolution, employment, IP, insolvency, private client, sport, sponsorship, media and entertainment, and for its leading international family law team. Famous for its own ground-breaking in-house art gallery, the firm is passionate in its support for the contemporary arts. The current exhibition can be viewed at www.collyerbristow.com.

...FROM CASH FLOW TO GAME SHOW, *from inbound flight to copyright,* FROM INCOME TAX TO RUNNING TRACKS, *from resignations to emigrations,* FROM PRENUPS TO WINNERS' CUPS, *from cargo to embargo,* FROM SQUARE FEET TO BALANCE SHEETS, *from litigation to mitigation,* FROM BUILDING SITES TO OPENING NIGHTS, *from allegations to liquidations,* FROM CORPORATION TO DEFAMATION, *from litigation to aviation,* FROM SQUARE FEET TO CONCRETE, *from mortar to exporter,* FROM PARTNERSHIP TO COMPANIONSHIP, *from insolvency to residency,* FROM CONTROVERSIAL TO COMMERCIAL, *from websites to patent rights,* FROM INNOVATION TO COMPANY FLOTATION, *from allegation to arbitration,* FROM COMPENSATION TO COMPILATION, *from board meeting to completing,* FROM MEDIATION TO PUBLICATION, *from office space to relay race,* FROM NEGOTIATION TO EXONERATION, *from building lease to press release,* FROM SKYSCRAPER, TO BLUEPRINT PAPER, *from cohabitation to investigation,* FROM SHORT LET TO LARGE DEBT, *from disclosure to exposure,* FROM COMPANY DIRECTORS TO TAX COLLECTORS, *from restaurant chain to ad campaign,* FROM SALARIES TO GALLERIES, *from discrimination to TV station,* FROM COPYRIGHT TO SOUND BITE, *from designer to cargo liner* ,FROM INVENTOR TO PRESENTER, *from licensee to retiree,* FROM TITLE DEEDS TO SALE PROCEEDS, *from courts to sports,* FROM CURRENCY TO INSOLVENCY, *from CGT to IHT…*