

HARVEY STARTE

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Registered name on the Bar Standards Board Register: Harvey Nicholas Adrian Starte

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SPECIALISATION

- Defamation
- Malicious Falsehood/Trade libel
- Privacy and Confidence
- Injunctions
- Harassment
- Reporting Restrictions
- Contempt of Court
- Protection of Sources
- Data Protection
- Freedom of Information
- Access to Court Documents
- Pre-publication Advice
- Human Rights Law, particularly articles 8 and 10 of the ECHR
- Media law related professional negligence

Harvey specialises in a range of media law and related human rights law, with an emphasis on reputation management. Claimant and defendant clients include corporations, local authorities, health trusts, trade unions, police, charities, entertainment/sports/media celebrities, national and local press. Enjoys working with journalists and publishers on pre-publication/broadcast advice and is a retained pre-publication advisor to Time Magazine and Time Life International Ltd and to various Conde Nast magazine titles.

RECOMMENDATIONS

Harvey is now routinely recommended as a leading junior in the Legal 500 (defamation and privacy) and in Chambers and Partners (defamation/privacy).

Highly experienced barrister who acts for both claimants and defendants in media disputes. He also provides advice on pre-publication to newspapers and magazines. *"He is hugely experienced and has good judgement. He delivers advice in a client-friendly manner and has excellent drafting skills."* **Chambers and Partners 2017**

He has encyclopaedic knowledge and a frighteningly good eye for detail. **The Legal 500 2016**

Media law specialist with particular expertise in reputation management. He acts for both claimants and defendants and frequently provides pre-publication and pre-broadcast advice to major news outlets. *"He is hugely experienced and his good judgement shines through in his advice, which is delivered in a client-friendly manner. He has excellent drafting skills, and really cares about his cases."* **Chambers and Partners 2016**

'Highly experienced with splendid judgement and drafting skills.' **The Legal 500 2015**

Co-author of a seminal defamation law textbook, he is very good on black letter law but also a gifted advocate. In parallel with his litigious work he often advises magazines and newspapers on pre-publication legal requirements. *"Incredibly analytical in terms of examining how a claim looks and how a defence looks. Very good on heavy-duty technical issues."* **Chambers and Partners 2015**

'An expert in media and human rights law.' **The Legal 500 2014**

Harvey is an experienced defamation lawyer who spends a substantial portion of his time working on pre-publication issues with journalists and magazine and newspaper clients. *"Hugely experienced, he has good judgement and his advice is delivered in a client-friendly manner. He is excellent at drafting."* **Chambers and Partners 2014**

Harvey Starte's prior career as a journalist has surely been a contributing factor to his success at the Bar. Highly sought after for his expertise in reputation management issues, he offers expert, to-the-point advice and great judgement. Recently, he acted for British actor Neil
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Morrissey in the successful libel claim he brought against Associated Newspapers in relation to false allegations of drunken behaviour. **Chambers and Partners 2013**

Harvey Starte, "a very safe pair of hands," who has "excellent written skills and judgement you can trust." One solicitor said of him: "When I used him, he made some decisions which turned out to be right even though two silks disagreed with him." Starte has been involved in proceedings on behalf of a Haringey social worker against NGN concerning articles in The Sun and the newspaper's petition in its 'Justice for Baby P' campaign. **Chambers and Partners 2012**

Harvey Starte covers both media and relevant human rights law matters, focusing on reputation management. He acts for both claimants and defendants, including corporations and local authorities, as well as entertainment and media celebrities. He recently represented a police commander and his wife in libel and privacy claims regarding articles and photographs published in the News of the World. **Chambers and Partners 2011**

"Harvey offers advice that is "always clear, pragmatic and full of common sense." His recent work has included representing the family of a man who committed suicide whilst on holiday, in a privacy and libel claim against the Mirror Group."
Chambers and Partners 2010

The "exceptionally clever" Harvey Starte offers a combination of "intelligence and personability" that he uses to good effect in his addresses to the court.
Chambers and Partners 2009

"Harvey Starte is tenacious and has a sensible head on his shoulders." Clients like the fact that he "always tells it like it is"
Chambers and Partners 2008

"Affable" Harvey Starte is "easy to engage with and turns things round quickly." The most responsive of juniors "doesn't shy away from giving the advice needed in the best interest of clients."
Chambers and Partners 2007

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Millfield School, 1970-1974

Cambridge University: BA (Hons), English Literature, Fitzwilliam College; MA (Cantab)

Newspaper journalist, Westminster Press regional press UK 1978-1981, News Limited, Sydney Australia 1981-1982.

City University, London: Diploma in Law, 1984

REPRESENTATIVE CASES OF INTEREST

- *Henry v News Group Newspapers*. Securing a complete retraction, page 3 apology and damages from The Sun for a Haringey social worker wrongly targeted by the paper's "Justice for Baby P" campaign. In numerous articles published over four months, The Sun had pilloried Miss Henry and called for her sacking, making the entirely groundless accusation that she had been to blame for 17-month-old Peter Connelly ("Baby P") being tortured and killed while on Haringey council's "at risk" register.

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- *Dizaei & Dizaei v News Group Newspapers*.
Acting for police Commander and his wife in successful libel and privacy claims in respect of articles and photographs published in the News of the World.
- *Dennis v Rubython and Rubython v McLaren Group Ltd*.
Acting for Formula One racing team group and its chairman in successful libel claims against sports business and finance magazine publisher and that publisher's defamation claim against the group.
- *Fuller v Associated Newspapers Ltd*.
Acting for police Chief Constable in successful defamation claims in respect of diary items in the Daily Mail.
- *Moyes v Rooney, Davies and Harper Collins Publishers Ltd*.
Acting for football club manager in successful libel claims in respect of allegations in Manchester United star's autobiography (first volume).
- *Moyes v Associated Newspapers Ltd*.
Acting for football club manager in successful libel claims in respect of allegations in the Daily Mail attributed to Manchester United star Wayne Rooney's autobiography.
- *Akinleye v East Sussex Hospitals NHS Trust and Pennine Acute Hospitals NHS Trust*.
Acting for defendant trusts, obtaining summary judgments on privilege defences to claims on reports by the defendants to other trusts and to the public concerning the claimant's work as a locum cardio technician.
- *Koronky & Koronky v Time-Life Entertainment Group Ltd & Lewis*
Security for costs against foreign claimants of modest means from non-EC jurisdiction (Sudan) defamed by publication of book in this jurisdiction (first instance and Court of Appeal).
- *Robbie Williams v MGN Ltd and Northern & Shell*
Acting for (heterosexual) international recording star falsely accused of concealing (non-existent) youthful gay sexual encounters.
- *King v Telegraph Group Ltd*
Acting for successful claimant falsely implicated in Al Qaeda terrorism, including determinations (first instance and Court of Appeal) on what defamatory meanings permissible for defendant to attempt to justify and on (unsuccessful) applications to restrain claimant pursuing claim with benefit of CFA funding without ATE insurance.
- *Gregg Lloyd Smith & Anor v Short & Ors*
Acting for internet service provider ntl and its defendant employee, defending claims for alleged website publications and responding to Data Protection Act applications for disclosure to identify the authors of website material and defamatory e-mails.
- *The Right Honourable Lester Bird v BBC (2002)*
Acting for Prime Minister of Antigua in claim for broadcasts on Radio Four, BBC World Service, BBC World Television and BBC World Online or baseless allegations of embezzlement and corruption.
- *Massima Management Ltd v White (2002)*
Acting for defendant ex-employee of Naomi Campbell defending claim for breach of confidence, including contractual confidentiality terms.
- *Al-Fagih v HH Saudi Publishing (October 2001)*
An important, media-friendly decision of the CA applying the decision of the House of Lords in Reynolds v Times Newspapers, deciding that "Reynolds privilege" attached to a report of an allegation by one exiled Saudi dissident against another when it was contained in "neutral reportage" of a significant political dispute between the two men.
- *Rahamim v ITN and Rahamim v Channel Four (2001)*
Acting for defendants to claims for publication by news broadcast, publication on the defendant's website of material archived from the news broadcast and for subsequent publications by broadcast and video and DVD distribution of a film containing archive material supplied to third parties.
- *Reid Minty v Taylor (trial Dec 2000; costs appeal Oct 2001)*
A "reply to attack" privilege defence was available to the defendant, the chief executive of the Professional Footballers Association, as well as his successful defence of justification when, after a prolonged campaign of public attacks by the claimants on him and the PFA and in reasonable anticipation of further attack, he replied on air on BBC radio that they were liars who had misled an MP into fronting a meeting for them at the House of Commons.
- *Ruddy v Mercury Communications (July 2000)*
Whether a claim based on information in a document obtained by disclosure in other proceedings was an abuse of process. Held it was not because the claimant's implied undertaking not to use the information save for the other proceedings was

terminated by the document being referred to in open court in the other proceedings (see *Tejendrasingh v Christie* above).

- *Rowe & Maw v Lander & Newman (2000)*
Obtaining disclosure to identify authors of defamatory postings on a financial bulletin board and thereafter tracing and serving proceedings and injunction electronically on those authors.
- *Barrymore v News Group Newspapers Ltd (1999)* – Acting for defendant newspapers in claim by Michael Barrymore for publication of false allegations of homosexual rape.
- *S v Newham LBC (1998)*
CA decision that immunity from suit did not extend to the publication by a local authority of information to the Dept. of Health for the purpose of consideration being given to a person's inclusion on the register of persons considered a risk if employed to work with children.
- *Cumming v Scottish Daily Record (1995)*
Applicability of doctrine of forum non-conveniens between Scottish and English jurisdictions.
- *Tejendrasingh -v- v Christie (1993)*
Whether a claim based on information in a document obtained by disclosure in other proceedings was an abuse of process. Held it was because the claimant's implied undertaking not to use the information save for the other proceedings was not terminated by the document being referred to in open court in the other proceedings (see *Ruddy v Mercury Communications* below).
- *Purdew & Purdew v Seress-Smith (1993)*
Whether absolute privilege/immunity from suit extended to publication by the defendant to a DSS adjudication officer in support of a claim for benefit.
- *Evans v Granada Television (1993)*
CA decision on the scope of duty of discovery on a defendant justifying a meaning that there was "reason to believe...".

PUBLICATIONS AND SEMINARS

Editor of the 4th and 5th (current) editions of Carter-Ruck on Libel and Slander and Carter Ruck on Defamation and Privacy due out early 2010.