

JONATHAN SCHERBEL-BALL

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Registered name on the Bar Standards Board Register: Jonathan Alec Scherbel-Ball

Vat Number: 121510768

Call: 2010

Called to the Bar of Northern Ireland: 2013

SPECIALISATION

- Defamation and malicious falsehood
- Information law, including Freedom of Information and Data Protection
- Privacy and breach of confidence
- Protection of Sources, PACE and Terrorism Act Applications.
- Contempt
- Access to court documents
- Reporting Restrictions and Open Justice
- Media related regulatory advice
- Media related judicial review
- Civil claims engaging articles 8 and 10 of the ECHR
- Intellectual property law (copyright, trade mark, passing off and format disputes)
- Pre-publication advice

Jonathan's practice encompasses all aspects of media and information law. He acts on behalf of a significant number of leading media organisations, internet companies and public authorities, including the BBC, Google, Times Newspapers and Johnston Press. Jonathan is also a member of the Attorney General's 'C' Panel of Counsel.

In addition to his defamation, privacy and breach of confidence work, Jonathan also has a strong information law practice. He often appears in the Information Tribunal and courts in relation to the application of the Freedom of Information Act, Data Protection Act and the Environmental Information Regulations. Jonathan frequently appears for media organisations in cases concerning reporting restrictions and open justice principles in the criminal and family courts. He also advises in relation to online reputation management, the protection of journalists' sources, media-related regulatory and judicial review work together with media-related intellectual property law.

Jonathan has particular interest in the fields of technology, investigative journalism, and political extremism. He often provides pre-publication advice to leading authors and think-tanks in relation to political violence and extremism.

Jonathan is also called to the Bar of Northern Ireland. Prior to joining One Brick Court, Jonathan was as a solicitor practising in media and intellectual property litigation.

RECOMMENDATIONS

Jonathan was listed in Chambers and Partners 2013, 2014 & 2015. He is recommended as a leading junior for both Defamation & Privacy law and Data Protection law in Chambers and Partners 2016 & 2017. He is also listed as a leading Defamation and Privacy junior in The Legal 500 2016.

"He is very strong in the crossover between reputation management and data protection. Genuinely engaged, committed and hugely diligent." "The energy that he brings to a case is absolutely phenomenal. A great team player, his ability to come up with pretty much every available legal argument for assessment is incredibly impressive." - **Chambers and Partners 2017 – Data Protection**

"He has a genuinely encyclopaedic knowledge of this area of law." "He's fantastic - incredibly responsive, really sharp and not afraid to give a frank view, which is refreshing." - **Chambers and Partners 2017 – Defamation and Privacy**

07/04/2017

"He is extremely technically accomplished, imaginative and really on top of his brief." "Very solicitor-friendly and ferociously hard-working." - **Chambers and Partners 2016 – Data Protection**

"He's very clever, very helpful and very user-friendly. He's popular and committed, and has everything you want in a junior; he's modern, pragmatic and sensible." - **Chambers and Partners 2016 – Defamation and Privacy**

Jonathan is regarded as *"really diligent, committed, responsive and engaged. He bounces with ideas, and has masses of enthusiasm."* - **Chambers and Partners 2015 – Data Protection**

Clients say of Jonathan *"he was at the BBC – because of his background he really understands what the clients want."* **Chambers and Partners 2015 – Defamation & Privacy**

Jonathan *"has quickly made a name for himself in the defamation field"*. Commentators say that, *"as a former solicitor, he understands exactly what clients need from counsel"*. *"A good solid performer who is confident in court for someone so young."* **Chambers and Partners 2014**

Jonathan is *"years ahead of his level of call when one looks at his experience"* and *"able to add considerable value to any case."* One commentator said: *"He's both creative and a walking legal dictionary."* **Chambers and Partners 2013**

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

BA (Hons) Modern History and Politics, Lincoln College, Oxford.
MPhil, Modern European History, Fitzwilliam College, Cambridge
Postgraduate Diploma in Law (CPE), Oxford Brookes (Merit)
Legal Practice Course, Oxford Institute of Legal Practice (Distinction)
Trainee Solicitor, Dechert LLP (2005-07)
Solicitor, BBC Litigation and Intellectual Property Law Department (2007-09).
Pupillage at One Brick Court (2010-11)
Tenant at One Brick Court since July 2011

REPRESENTATIVE CASES OF INTEREST

Defamation and Privacy

KL & NN v Sunday Newspapers Ltd [2015] NIQB 88 – Junior Counsel for the Defendant newspaper in a leading case in Northern Ireland about the procedure appropriate for anonymising parties to civil proceedings.

Scappaticci v BBC (unreported 2015) – Junior Counsel for the Defendant in its defence of an injunction application brought by the alleged former British agent.

In February 2015, Jonathan was the author of the Media Lawyers Association's submissions to the Northern Ireland Law Commission's review of defamation law.

Slocombe v Ricochet Ltd and Channel 5 (unreported 2015) – Counsel for the Defendant in its defence of an injunction application brought to prevent a broadcast of *Cowboy Builders*.

Loughran v Century Newspapers [2014] NICA 26 – Junior Counsel for the Defendant, the publisher of the Belfast News Letter, in a libel action brought by a former head of the Northern Ireland Civil Service. The defendant asserted a defence of statutory qualified privilege.

Morrice v BBC (2012 – 2013) – Junior Counsel for the Defendant in its defence of a significant libel claim (asserting defences of justification, honest comment and responsible journalism) brought by a prominent geologist.

Tilbrook v Parr [2012] EWHC 1946 (QB) - Counsel for the Defendant successfully striking out a claim for libel brought by the chairman of a political party – a reference to a political party incapable of defaming the party's chairman.

King v Grundon [2012] All ER (D) 96 (May) – Counsel for the Defendant in libel action which was successfully struck out on the grounds of 'Jameel' abuse, substantial truth and absolute privilege.

Way v Northcliffe Media Ltd (unreported, 2012) - Counsel for a publisher striking out a claim for harassment and libel brought against the publishers of a regional newspaper in relation to a series of articles concerning the Claimant.

Neil Morrissey v Associated Newspapers Ltd (unreported, 2011) - Junior Counsel for the Defendant in libel action brought by the famous television actor against the publishers of the Daily Mail – unilateral statement in open court is premature when there are still matters in dispute between the parties as to damages.

Taranissi v BBC (2007-09) - Solicitor for the BBC in libel action brought by a prominent IVF clinician in respect of a *Panorama* investigation into the IVF industry in the UK; led a successful application in the Administrative Court for access to court documents - *R (on the application of Taranissi) v Human Fertilisation and Embryology Authority* [2009] EWHC 130

Haddock v MGN and others [2008] NICH 14 - Solicitor in successful defence of an application for a permanent injunction sought by a leading loyalist in order to prevent the reporting of his identity and whereabouts upon his release from jail, citing Article 2 and Article 8 ECHR.

Information Law

In November 2015, Jonathan was the author of the Media Lawyers Association's submissions to the Independent Commission reviewing the Freedom of Information Act 2000.

Tomlinson v ICO and BBC – Counsel for the BBC before the FTT in its defence of an appeal concerning the scope of its journalistic designation under FOIA in respect of a request for the costs of producing programmes and output.

Galloway v Frazer, Google Inc and others – Junior Counsel for Google Inc. defending a claim brought by a well-known politician in relation to online content posted by third parties.

Heggin v Persons Unknown and Google Inc [2014] EWHC 3793 (QB); [2015] 1 Costs L.O. 65 – Junior Counsel for Google Inc defending a claim brought by an international businessman under the Data Protection Act in relation to Google search results and other Google products.

McIntosh v ICO and BBC (EA/2014/0033), 24 October 2014 - Counsel for the BBC in its defence of an appeal under FOIA before the FTT relating to the meaning of 'personal data' under the Data Protection Act 1998.

Miller v ICO and BBC (EA/2013/0253, 21 July 2014) – Junior Counsel for the BBC before the FTT in its defence of an appeal concerning the scope of its journalistic designation as a public authority under FOIA in respect of its cricket output and sports rights.

Newbery v Information Commissioner and BBC (EA/2009/0014, 8 November 2012) – Junior Counsel for the BBC in Information Tribunal decision concerning the application of the Freedom of Information Act to the BBC and the application of the personal data exemption under s.40 FOIA.

07/04/2017

Montford v Information Commissioner and BBC (EA/2009/0014, 14 August 2012) - Counsel for the BBC in Information Tribunal ruling which determined that the Environmental Information Regulations 2004 did not apply to the BBC.

Reporting Restrictions and Reporting the Courts

In recent years, Jonathan has appeared on behalf of media organisations challenging reporting restrictions in a number of high profile criminal cases, including in the trial of Vicki Pryce and Chris Huhne and the "LIBOR rigging" criminal proceedings.

Surrey County Council v Al-Hilli [2013] EWHC 2190 (Fam) – counsel for the Sunday Times in its successful opposition to an application by Surrey Police to exclude the media from access to care proceedings in the Family Division on the basis of Article 2 ECHR.

Hunt v Hunt [2012] All ER (D) 217 (Oct) - counsel for Times Newspapers Limited in successful application to report proceedings in the Family Division of the High Court and to name the parties to proceedings pursuant to s.97 of the Children Act 1989 in international child abduction case.

R v Premier News Ltd and anr (2012, unreported) - Counsel for the publishers of a local newspaper charged with naming youths in contravention of s.49 of the Children and Young Persons Act 1933.

Other

R (on the application of Craig) v BBC [2008] EWHC 1369 - solicitor in the successful defence of an application for judicial review on the basis of a purported infringement of freedom of expression as protected by Article 10 ECHR.

Applications for journalists' materials under PACE and Terrorism Act: solicitor representing media organisations in relation to a wide variety of confidential applications for journalists' sources and materials in relation to terrorism and related criminality.

PUBLICATIONS AND SEMINARS

'Perception and Reality: Publicity Developments in the Family Courts' – Family Law Bar Association, December 2013.

'Media Access to court documents: Transparency in the Family Court' – Family Law Bar Association Annual Conference, 2014.

Contributor, Arlidge, Eady and Smith on Contempt, 4th Edition Supplement and Second Supplement (2013, 2015).

Contributing Editor of 'Survey of English Libel Law', Media Law Resource Center, 2011-2015.

Contributing researcher on comparative defamation analysis for 'Article 19, the Global Campaign for Free Expression', 2006-07.

'The Business of Keeping Secrets', Commercial Litigation Journal, 2007.

OTHER INFORMATION

Judicial Assistant to Mr Justice David Richards, Chancery Division, January – April 2007.

INTERESTS

The interaction of politics and the media, political extremism, cooking and playing sport (football, cricket, squash and skiing).

07/04/2017