

SARAH PALIN

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Registered name on the Bar Standards Board Register: Sarah McLean Palin

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Call: 1999

SPECIALISATION

- Defamation
- Privacy and Breach of Confidence
- Media Injunctions
- Contempt of Court
- Reporting Restrictions
- Protection of Sources/Production Orders
- Freedom of Information
- Data Protection
- Harassment
- Negligent Misstatement
- Malicious Falsehood/Trade libel
- Media-related Judicial Review and Regulatory work
- Human Rights Law, particularly articles 8 & 10 of the ECHR
- Obscenity Laws & Censorship

Sarah has a wide-ranging practice encompassing all aspects of media and information law, acting for both claimants and defendants, including local authorities, corporations, trade unions and the police. She regularly acts for leading solicitors in the field and on behalf of a number of media organisations. High profile cases include acting for the defendants in *Lowe v Associated Newspapers* and *Burstein v Associated Newspapers Ltd*, two major cases on the defence of fair comment. In 2010, Sarah was junior counsel (led by Andrew Caldecott QC) on behalf of the media interveners in the Supreme Court in *Spiller v Joseph*, the first defamation case to be heard by the Supreme Court.

In 2011/2012 Sarah was instructed as junior counsel to Associated Newspapers Limited (publisher of the Daily Mail and Mail on Sunday) in *The Leveson Inquiry* into the culture, practices and ethics of the press (having previously acted as a junior for the BBC at The Hutton Inquiry). High profile claimant cases include acting for Mohammed Dahlan, a leading Palestinian politician; Neil and Christine Hamilton and Bruce Grobbelaar.

Sarah also regularly gives pre-publication advice to national newspapers, magazines, broadcasters and major publishing houses. She also handles media regulatory work.

RECOMMENDATIONS

Sarah is recommended as a leading junior in Defamation and Privacy in Chambers UK, The Legal 500 and Legal Experts and a leading junior in Media, Entertainment and Sport in the Legal 500.

Reputable barrister whose expertise covers both defamation and privacy cases. She has been involved in a number of the practice area's key cases, including *Spiller v Joseph* in 2010. She regularly acts for high-profile media outlets, including Associated Newspapers. "*She's enormously hard-working and provides sound advice.*" "*She is clear, concise, reliable and gets things out on time.*" **Chambers and Partners 2016**

'She is hugely experienced and talented, and offers practical rather than academic solutions.'
The Legal 500 2015

'Sarah enjoys a strong reputation, and is instructed by solicitors for her detailed knowledge of the newspaper industry and her ability to tackle heavyweight disputes.' "*Her advice will always take into account the realities of what in-house lawyers do.*" "*She's reliable and produces good drafting and clear advice.*" **Chambers and Partners 2015**

'*She applies academic knowledge and practical intelligence to great effect.*'
The Legal 500 2014 – Defamation

Particularly noted for her experience representing newspapers.' **The Legal 500 2014 – Media and Entertainment**

20/11/2015

Maintains a broad practice, but is particularly noted for her work representing newspapers. She was recently involved as sole junior counsel for Associated Newspapers in the Leveson Inquiry. *"She is hugely impressive, excellent with clients and very strong in her field"*
Chambers and Partners 2014

Sarah Palin is 'a real star of the junior media Bar', and 'really understands the workings of journalists and the importance of freedom of speech issues' **The Legal 500 2013/14**

Sarah Palin boasts "impressive intellectual dexterity," and provides "great strategic thinking and solid tactical input." **Chambers and Partners 2013**

"very impressive" **The Legal 500 2012/13**

Sarah Palin's recent sorties have included appearing in defence of Associated Newspapers in a libel action brought by Nicola Horlick, as well as acting in a number of other high-profile libel and privacy cases. She is known not only for her knowledge of the media industry, but also for the "drive and enthusiasm she brings to each and every case."
Chambers and Partners 2012

The set also includes Sarah Palin, who "grasps complicated issues swiftly and provides practical, commercial advice."
Chambers and Partners 2011

recognised as "conscientious", "bright" and "hardworking"
The Legal 500 2010/11

"proactive and impressive" Sarah Palin, is "very balanced and able to take things in her stride without being fazed by unexpected things happening." Her noteworthy work has included acting as junior counsel in a successful reporting restrictions judicial review brought by Paul Dacre and Associated Newspapers against Westminster Magistrates' Court.
Chambers and Partners 2010

Described as a "well-regarded junior" and "technically very able".
The Legal 500 2008/09

"Sarah Palin is rated for being "committed, passionate and client-friendly."
Chambers and Partners 2008

"*Sarah Palin*, a name on many people's radar who is "amazing for someone so junior"
Chambers UK 2007

"Solicitors say that the Hon Victoria Sharp QC is 'set apart by her commerciality and strategic advice'. Leading well-regarded junior Sarah Palin, she acted for the defence in *Lowe v Associated Newspapers*, a case which resulted in clarifications to the media defence of fair comment which were perceived as significant for press freedom"
The Legal 500 2007

"Media solicitors also watch with great interest the career development of Sarah Palin, who acted in *The Hutton Inquiry* as second junior alongside Andrew Caldecott QC"
The Legal 500 2006

Listed as "up and coming" in the Evening Standard's 1000 Most Influential People

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

BA (Hons) Modern History, Brasenose College, Oxford

CPE Postgraduate law diploma, City University

Bar Vocational Course, Inns of Court School of Law

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REPRESENTATIVE CASES OF INTEREST

Defamation

- *JK Rowling v Associated Newspapers Limited* [2014] EMLR 23 – junior counsel for the Defendant newspaper in a libel action brought by the author. Led by Andrew Caldecott QC.
- *Waghorn v Associated Newspapers Limited* – counsel for the defendant in a successful application for summary judgment in respect of a claim for libel and malicious falsehood by a doctor.
- *Edwards v General Medical Council* – acting for the GMC in relation to a claim for libel, misuse of private information, breach of the Data Protection Act and under the Human Rights Act arising out an investigation into the fitness to practise of the claimant's former consultant.
- *Thour v Royal Free Hampstead NHS Trust* [2012] EWHC 1473 – counsel for the Defendant NHS Trust in a successful defence at trial over a claim brought in respect of a defamatory employment reference.
- *Sergeant Jones v Cornwall and Devon Media Limited and Western Morning News & Media Ltd* (2012) – counsel for the regional media in relation to a claim for libel brought by a police officer in relation to allegations of impropriety in the conduct of his professional duties.
- *Dr Petrus Jooste v GMC* (2012) – counsel for the GMC in a successful application for summary judgment in respect of a claim for libel, malicious falsehood and damages under the Human Rights Act 1998.
- *MNO v STU & PQR* (2011) - Instructed by the Treasury Solicitor in an anonymised libel action.
- *David Ross v Associated Newspapers Limited* (2011) - counsel for the Defendant in a claim for libel brought by the co-founder of Carphone Warehouse.
- *Joseph v Spiller* [2010] UKSC 53 – appeared as junior counsel for the media Interveners (Guardian News and Media Limited, Times Newspapers Limited, Associated Newspapers Limited). Led by Andrew Caldecott QC in this first defamation case to go to the Supreme Court.
- *Horlick v Associated Newspapers Ltd* [2010] EWHC 1544 (QB) – junior counsel for the defendant in a libel action brought by Nicola Horlick concerning allegations about her performance as a fund manager. Led by Andrew Caldecott QC in a successful trial by Judge alone of preliminary issues of meaning and whether the words were fact or comment.
- *Al Abdin v Telegraph Media Group PLC* (2010) – counsel for the defendant in a libel action concerning allegations of violent extremism.
- *Mohammed Dahlan v Al Jazeera Satellite TV* [2008] EWHC 923 – junior counsel for the Claimant, a leading Palestinian politician, in a claim over a broadcast on Al Jazeera. Case settled shortly before trial. Led by Andrew Caldecott QC.
- *Terry Edwards v Paul King* – counsel for the ABA's chief executive in a claim brought by the former GB boxing head coach.
- *Fraser v The Royal Free Hampstead NHS Trust* – counsel for the Defendant NHS Trust in a claim brought by a locum social worker.
- *Ali Dizaei v Associated Newspapers Limited* – junior counsel for the Defendant. Led by Andrew Caldecott QC.

- *Inayat Bunglawala v Express Newspapers Limited* (2008) – counsel for the claimant, the assistant secretary-general of the Muslim Council of Britain. Settled with substantial damages paid to Claimant.
- *Burstein v Associated Newspapers* [2007] EWCA Civ 600 – junior counsel (led by Victoria Sharp QC) for the defendants in successful application for summary judgment on a defence of fair comment. This was the first consideration of the defence of fair comment by the Court of Appeal in recent times.
- *Martyn Jones MP v Associated Newspapers* [2007] EWHC 1489 – junior counsel for defendant newspaper in jury trial of justification defence. Significant judgment on indemnity costs, Part 36 offers and CFA claimants.
- *Lowe v Associated Newspapers* [2007] 2 WLR 595 – junior counsel for defendant (led by Victoria Sharp QC) in significant fair comment case ("*the most important decision of the past year for the development of the law of defamation*").
- *Neil and Christine Hamilton v Max Clifford, News Group Newspapers and Express Newspapers* [2004] EWHC 1542 – acted for the claimants (led by Richard Hartley QC) in libel actions arising from Nadine Milroy-Sloan's false accusations of rape. Successful application before Mr Justice Eady to strike out the defence of fair comment.
- *Sofola v Lloyds Bank PLC* [2005] EWHC 1335 – counsel for the defendant in a claim for slander, breach of confidence and for damages and rectification under the Data Protection Act 1998.
- *Donal MacIntyre v Chief Constable of Kent* [2003] EMLR 9 – second junior for the claimant (with Andrew Caldecott QC and Manuel Barca). Settled with substantial damages paid to the claimant.
- *Steven Bennett & Starchaser Industries v BBC* [2003] EWHC 553 second junior for defendant (led by Andrew Caldecott QC).
- *Grobbelaar v News Group Newspapers* – junior counsel for claimant (led by Richard Hartley QC) in the House of Lords [2002] 1 WLR 3024 (misdirection in the summing-up, excessive damages and perversity) and Court of Appeal [2001] 2 All ER 437 (Reynolds privilege; misdirection and unreasonable verdict).

Media reporting restrictions and contempt of court

- *R v Kupstys* – counsel for national newspaper in an application to successfully lift a section 4(2) order prohibiting the reporting of the mistaken release by the Prison Service of a prisoner on remand during his trial for murder.
- *R v Local World Limited* - acted for the publisher and editor of the North Devon Journal in respect of a prosecution for breach of a s.39 order for publishing the name of a teenage victim. The publisher was fined following a plea of guilty, and the CPS agreed to discontinue against the editor.
- *R.(on the application of Dacre) v Westminster Magistrates' Court* [2009] 1 W.L.R. 2241; [2009] 1 Cr. App. R. 6 - junior counsel (led by Jonathan Caplan QC) in a successful judicial review of the City of Westminster Magistrates' refusal to stay a criminal prosecution against the Daily Mail and its editor for breach of a reporting restriction.
- *In the matter of LJ AND MJ*, Hedley J and Sir Mark Potter (P) (January 2009) – counsel for the local newspapers in resisting an application for an injunction by the guardian of the children of Lisa Hayden-Johnson, the mother who faked her child's illnesses, to restrict reporting of her criminal proceedings
- *R v Gromwek*, Cardiff Crown Court, Maddison J (2008) – acted for the BBC in successfully resisting an application on behalf of the Police Federation to postpone reporting under s4(2) of Contempt of Court Act 1981.

- *R v Levi Bellfield*, Central Criminal Court, Rafferty J (2008) - acted for The Times in a successful application to lift s4(2) order under Contempt of Court Act 1981 prohibiting reporting of the defendant's name and photograph at the conclusion of his trial.
- *R v Sawdon*, *Sheffield Crown Court*, *Andrew Smith J* – successful application to lift an order pursuant to section 39 of the Children and Young Persons Act 1933 in respect of three teenagers guilty of murder.
- *R v Huntley and Carr*, *Moses J* – counsel for Associated Newspapers, Mirror Group Newspapers and Telegraph Group Newspapers – application to lift reporting restrictions ordered by Mr Justice Moses pursuant to Section 4(2) of the Contempt of Court Act 1981.
- *Attorney-General v BBC*[2001] EWHC Admin 1202 – junior counsel for BBC (led by Andrew Caldecott QC) in contempt proceedings arising from the publication of the identity of a victim of sexual abuse.

Privacy/breach of confidence/data protection/harassment

- *Edwards v General Medical Council* – acting for the GMC in relation to a claim for libel, misuse of private information, breach of the Data Protection Act and under the Human Rights Act arising out of an investigation into the fitness to practise of the claimant's former consultant.
- *M v East Midlands Newspapers Limited* - acting for the Defendant newspaper in a privacy, data protection and negligence claim in relation to an alleged breach of reporting restrictions protecting the anonymity of a victim of a sexual offence.
- *Clift v Clarke* [2011] EWHC 1164 – counsel for the Defendant in a successful resistance of a Norwich Pharmacal application for disclosure of information that would assist in the identification of the authors of comments posted on a national news website.
- *Sophie Dahl and Jamie Cullum v Associated Newspapers Limited* (2010) - counsel in a claim for breach of privacy in respect of an article revealing details of their wedding.
- *Jenkins v Sheffield Wednesday Football Club* (2009) – counsel for football club in claim under Data Protection Act 1998.
- *Dr Hassan v General Medical Council* (2008) – counsel for the GMC in an action brought by a doctor under the Data Protection Act 1998 in respect of a fitness to practise investigation by the GMC.
- *Sofola v Lloyds TSB Bank PLC* [2005] EWHC 1335 – counsel for the defendant in a claim for slander, breach of confidence and for damages and rectification under the Data Protection Act 1998.
- *Abdullah Masry v Mona Al Khatib*, *High Court Family Division*, *Sumner J* (led by Timothy Scott QC) – successful application for an injunction restraining the press generally from publishing stories about the parties and their children (a contra mundum order) – application of the court's jurisdiction in wardship.
- *Morgan v Chief Constable of Durham Constabulary* – counsel for the defendant – breach of confidence – data protection – negligence – article 8.

Judicial Review

- *R. (on the application of Dacre) v Westminster Magistrates' Court* [2009] 1 W.L.R. 2241; [2009] 1 Cr. App. R. 6 – junior counsel for the Defendants in successful judicial review proceedings to quash the magistrates' refusal to stay a criminal prosecution for breach of reporting restrictions.

Public Inquiries

- *The Leveson Inquiry: Culture, Practice and Ethics of the Press* – junior counsel for Associated Newspapers.
- *The Hutton Inquiry* – junior for the BBC (led by Andrew Caldecott QC)

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PUBLICATIONS AND SEMINARS

Contributor, Arlidge, Eady and Smith on Contempt, 4th Edition (December 2011); Supplement to 4th Edition (November 2013).

Author, Atkin's Court Forms on Confidence, Privacy, Data Protection, Freedom of Information and Interception of Communications (2014)

Author, Atkin's Court Forms on Contempt of Court (2013).

OTHER INFORMATION

Sarah is a member of the Bar Pro Bono Unit