

JANE PHILLIPS

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Registered name on the Bar Standards Board Register: Jane Rose Phillips

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Call: 1989

SPECIALISATION

- Defamation
- Malicious Falsehood/Trade libel
- Privacy and Confidence, including injunctions
- Harassment
- Reporting Restrictions
- Contempt of Court
- Protection of Sources
- Data Protection
- Access to Court Documents & Production Orders
- Pre-publication and non-contentious reputation management advice
- Other media related torts

Jane specialises in all aspects of media law. Although her practice primarily focuses on defamation and privacy law, she has also been involved in claims for harassment, data protection and breach of copyright. Jane has also appeared in various confidential privacy and breach of confidence cases, including successfully applying for, and resising, emergency injunctions. Jane acted on behalf of Claimants in the phone-hacking litigation, as well as representing them in the Voicemail Interception Compensation Scheme.

In addition, Jane regularly advises in non-contentious matters where reputational issues arise such as employment, company disputes and other high-profile and press-sensitive controversies. She regularly provides pre-publication advice to major publishing houses, particularly in relation to contentious sporting and celebrity biographies and autobiographies. Jane has been retained by Time Magazine to give pre-publication advice for the past 20 years.

Over the years, Jane has acted for a broad range of both Claimants and Defendants, including:

- prominent and well-known individuals from the arts, music, sport, politics and business;
- large commercial organisations and public bodies, including the police, trade unions, local authorities, health authorities, medical defence bodies and charities;
- national broadcasting organisations;
- national, international and local newspaper groups;
- national magazine and book publishers;
- internet companies

Jane also advises overseas clients in relation to claims in other common-law jurisdictions, including Hong Kong, Singapore, Jamaica and the Isle of Man. She is presently advising on litigation in Northern Ireland.

RECOMMENDATIONS

Jane has been consistently recommended as a 'Leading Junior' in Defamation/Privacy in Chambers and Partners Guide to the Legal Profession and in the Legal 500 Directory and Legal Experts. She has been described in previous editions as a 'go-getter' with 'shining intelligence' who 'understands the industry well' and who is 'admired for her persuasive ways'.

In the most recent edition of Chambers and Partners, Jane is described as:

"Well-regarded junior specialising in media litigation. She acts for a number of high-profile celebrity clients and media organisations in sensitive disputes. She also provides pre-publication

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advice to book publishers and broadcasters. *"I would recommend her for her clear, prompt, thorough and excellent advice."* *"She is very calm and has a sharp legal mind."* *"She is highly experienced and has an ability to grasp the key issues and deliver constructive advice. She is approachable, versatile and good at managing clients' expectations."* **Chambers and Partners 2017**

Earlier recommendations are:

"She provides clear, practical and effective legal advice." **The Legal 500 2016**

Respected junior with an extensive defamation practice, who has made frequent appearances in the higher appellate courts. She is noted for her authoritative authorship and contributions to leading commentary within the practice area. *"She has an ability to quickly grasp the key issues and deliver constructive advice. She's highly experienced, approachable and good at managing expectations."* *"She is very effective and provides great strategic insight."* **Chambers and Partners 2016**

"She has very sound judgement and immense knowledge, and is a pleasure to work with." **The Legal 500 2015**

"highly personable, approachable, responsive, helpful and knowledgeable." *"She's very effective and provides great strategic insight."* **Chambers and Partners 2015**

"She exudes confidence." **The Legal 500 2014**

Jane has developed a reputation for working on matters involving an online libel element. She also spends a substantial portion of her time in an advisory capacity, helping media clients with pre-publication issues. Of late, however, she has been heavily involved in News Group Newspapers' voice mail interception compensation scheme. *"She has an ability to quickly grasp the key issues and deliver constructive advice. She's approachable and good at managing clients' expectations."* **Chambers and Partners 2014**

Jane Phillips is *'a true specialist who exudes confidence'*, and is noted for her *'intelligence and creativity'*. **The Legal 500 2013/14**

Jane is noted for her adroit handling of cases for clients ranging from prominent individuals to multinational corporations. While *"some counsel might be overly bullish or overly pessimistic in their diagnosis, she is always pragmatic and quick to give incisive advice,"* say those that use her. Of late Phillips has been acting for actress and wildlife campaigner Virginia McKenna in a libel action brought against the Daily Mail. **Chambers and Partners 2013**

Jane is an *"absolutely excellent advocate"* **The Legal 500 2012/12**

Jane Phillips, *"a go-to senior junior, who is incredibly pragmatic, knowledgeable, and sympathetic to the client."* Her talents are sufficiently manifold that she can easily switch between claimant and defendant work. Matters of note for her include acting on behalf of Barbara Broccoli against Associated Newspapers, and advising a number of celebrities on privacy issues.

Chambers and Partners 2012

Recognised as *"conscientious", "bright" and "hardworking"*

The Legal 500 2010/11

Jane Phillips is appreciated for her pragmatism and experience, and for her *"ability to see the key issues immediately."* One interviewee commented: *"I find her easy to discuss ideas or strategies with, and she gets on with clients very well."*

Chambers and Partners 2010

Jane is *'highly able, incisive and pragmatic'*.

The Legal 500 2009/10

Jane has a *'reputation for excellence'* and is a *'top opponent who is inspiring in her approach.'* **Chambers UK 2009**

"Jane Phillips has recently had her share of attention grabbing cases, notably advising on Heather Mills McCartney v Newsgroup and Associated Newspapers regarding libel and privacy. In this, and in other cases, she has shown herself to be 'immensely determined and amazingly clever'. Observers commend her 'great judgment and calm approach'."

Chambers UK 2008

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Interviewees also voiced support for the *'extremely personable'* Jane Phillips, who *'always gives clear answers and gets straight to the heart of a matter by cutting through the nonsense.'*
Chambers UK 2007

Jane's pre-publication advice has received praise in Alex Ferguson's autobiography as *'positive, practical and friendly'*.

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

1977-1984 St Paul's Girls' School, London

1985-1988 Worcester College, Oxford: BA (Hons) (2.1) Jurisprudence

1988 Inner Temple Scholar, Entrance Award, Accommodation Scholarship and Bursary

1989 Called to the Bar (Inner Temple)

1989-1990 Pupillage: 1 Brick Court & New Court Chambers, Chambers of George Carman QC (common Law)

1990-present Tenant at 1 Brick Court

REPRESENTATIVE CASES OF INTEREST

Defamation

- Dr Waghorn v GMC (2017) – Successful application for the GMC for summary judgment in respect of a claim for libel and malicious falsehood by a doctor.
- Shakeel Begg v. BBC (2016) – Successful trial for the Defendant against an Imam found to have preached jihad.
- Dr Fish v. Barnsely Hospital Trust (2013) – Successful libel claim on behalf of the Claimant in case which settled on first day of trial
- Morrice v BBC (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.
- Dr White v Southampton University Trust (2011) – Successful strike application out on the grounds of absolute privilege
- Virginia McKenna v Associated Newspapers (2011) - Successful libel claim on behalf of the claimant against the Daily Mail
- Barbara Broccoli v Associated Newspapers (2011) – Successful libel claim on behalf of the claimant against the Daily Mail & the Mail on Sunday
- Lily Safra v Associated Newspapers (2011) – Successful libel claim on behalf of the claimant against the Daily Mail
- Trafigura v BBC (2009) – Acted for BBC in libel action arising out of Newsnight programme
- Bray v Deutsche Bank (2008-9) – Successful libel claim on behalf of the claimant arising out of a press release published by Deutsche Bank
- Taranissi v. BBC (2008-9) – Successful libel claim on behalf of the claimant arising out of a Panorama programme "IVF uncovered".
- Materazzi v Various Newspapers (2007-8) – Successful libel claims on behalf of Marco Materazzi against the Sun, the Daily Mail and the Daily Star, arising out of head butting by Zinedine Zidane.
- Bunt v. Tilley, AOL and others (2006) – Successful application on the grounds that ISPs were not publishers at common law. Section 1 of the Defamation Act and the E-Commerce regulations.
- Davey v. Dilnot (2006) – Represented the successful Claimant at trial in libel claim

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- Bardwaj v. The International Society for Krishna Consciousness Ltd (2006) – Represented the successful Defendant at trial of slander by gesture and assault.
- Rackham v. Sandy (2005) – Represented the successful Claimant at trial in case of qualified privilege and malice.
- Ken Bates v. Dave Allen (2005) – Acted for Defendant in case brought by Leeds Football Club Chairman against the Chairman of Sheffield Wednesday Football Club.
- Davies v. Granada Television Limited (2004-5) – Acted for Defendants in successful application to strike out Claimant’s claim arising out of “Facelifts from Hell” programme
- McArdle v. Newcastle Chronicle (2004) – Acted for the Defendant in case which settled at trial concerning allegations about a nursing home.
- Williams –v- News International (2003) – Acted for Robbie Williams who received substantial damages from the News of the World
- Mills v. MGN Limited (2002) – Acted for Heather Mills who received substantial damages from the Sunday Mirror
- Ferguson v. Associated Newspapers (2002) – Acted for Sir Alex Ferguson, in successful proceedings under Sections 8 and 9 of the Defamation Act 1996.
- Semenenko v. MGN (2002) – Acted for the Claimant who received substantial damages from the Sunday People
- Komarek v. Ramco (2002) – Represented the Czech Claimants at trial in case arising out of publication to the British Ambassador in Prague.
- Blackstone v. MGN Limited (2000) – Represented the successful Claimant at trial who obtained £50,000 damages against the Sunday Mirror arising out an article concerning a marital dispute.
- McCahill v. Royal Sun Alliance and Thomas Howell Group (1999) – Represented the successful Second Defendant at trial.
- Little v. George (1998) – Represented the Defendant in case on hunting.
- Marks and Spencer v. Granada (1998) – Represented the Claimant in libel action which settled at trial.
- Ashby v. Times Newspapers Limited (1995) – Represented the Defendant in five-week trial in successful defence of justification concerning allegation that conservative MP was gay.
- Mori v. BBC (1998) – Represented the Defendant at trial in the first contested case concerning a live broadcast defence under Section 1 of the Defamation Act 1996.
- Allason v. BBC and Hat Trick Productions (1998) – Represented the Defendants at trial who successfully pleaded fair comment arising out of a “Have I Got News For You” annual which alleged that conservative MP was a “conniving little shit”.
- Awwad v. Geraghty (1997) – Represented the Claimants at trial in costs proceedings arising out of a libel action.
- Adams v. Associated Newspapers (1995) – Represented the Claimant in 3rd party proceedings for libel brought by Associated Newspapers.
- Upjohn v. BBC and Professor Oswald (1994) – Represented the Defendant in three-month trial arising out of a Panorama programme which made allegations of drug fraud
- Walker and Cartmell v. Central Television (1991) – represented the Claimants in six-week trial arising out of an episode of The Cook Report making allegations concerning animal experimentation

Defamation - Court of Appeal/Privy Council

- Mionis v Demokratia (2016) – junior for the Claimant. Awaiting Judgment on issue of enforcement of Tomlin Orders.
- Citation Plc v Ellis Whittam Ltd [2013] EWCA 54 Civ 155 – junior for successful Defendant in a strike out application for abuse of process

- Strachan v. The Gleaner (2005) – junior for successful Defendant in Privy Council case on default judgments and jurisdiction.
- Bonnick v. The Gleaner (2002) 3 WLR 820 – junior for successful Defendants in Privy Council case on qualified privilege.
- Khalili v. Associated Newspapers (2000) EMLR 996 – junior for Claimant in successful appeal against dismissal of his case for want of prosecution.
- Williamson v. Commissioner of Police for the Metropolis – junior for Defendant in Claimant’s unsuccessful appeal against dismissal of his case for want of prosecution.
- Adams v. Associated Newspapers Ltd (1999) EMLR 26 – junior for Defendants in their appeal on 3rd party proceedings in libel.
- C v. Mirror Group Newspapers Ltd and others (1997) 1 WLR 131 – junior for Defendants in Claimants unsuccessful appeal against strike out on limitation grounds.
- Lloyd v Express Newspapers (LTL) 24/06/96 – junior for Claimant in appeal by Defendants on severable allegations in libel (pre-cursor of Cruise v. Express Newspapers).

Privacy/breach of confidence, data protection & harassment

- Allan v Mawer (2013) – Acted for defendant doctors in successful application to strike out claim under Data Protection Act.
- Robertson v Rogers (2012) – Acted for defendant in application for harassment injunction
- Law firm v Employee (2012) – Emergency injunction obtained to restrict breach of confidence.
- Mills v Associated & Newsgroup Newspapers (2007) – Acted for Heather Mills in her privacy and libel claims against the Daily Mail and the Sun.
- A v B (2007) – emergency privacy injunction obtained for Claimant against national newspaper
- A v B (2007) – acted for Claimant in privacy case against a private individual

Media, reporting restrictions & production orders

- Commissioner of Police for the Metropolitan Police v BBC (2012) – Acted for the BBC in an application for a production order arising out of a Panorama programme entitled “Tabloid Hacks Exposed”.
- Al-Alas (2012) – Acted for The Times in a successful application to lift reporting restrictions in family court proceedings.
- W v M,S and a NHS Primary Care Trust [2011] 2 FLR 1143 – Acting for the Times in a successful application to lift reporting restrictions and a ‘non-contact’ injunction imposed by the Court of Protection.

PUBLICATIONS AND SEMINARS

A contributor to the 4th Edition of Arlidge, Eady & Smith, a leading text book on the law of contempt and reporting restrictions.

Co-author with Kate Wilson of the sections on Defamation and Malicious Falsehood in Bullen and Leake and Jacobs “Precedents of Pleadings” (with comprehensive text and precedents)

Formerly co-author of issue of Atkins Court Forms title on Evidence

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Jane also speaks at conferences and seminars to solicitors, publishers and journalists on libel, breach of confidence and privacy

OTHER

Chair of Governors at the Henrietta Barnett School 2010-2015

Independent Barrister to the Voicemail Interception Compensation Scheme set up by News International in the wake of the phone-hacking scandal.