



HARVEY STARTE
Call: 1985

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

Harvey brings enormous experience and a comprehensive skill set of legal expertise, exceptional drafting, compelling advocacy, tactical nous, strategic judgement and both commercial and emotional insight to a practice that extends across the spectrum of media and information law. Recent clients include social workers; police officers; union leaders; actors; academics; medics; National Health Trusts; feuding private healthcare providers; online opticians; a Premiership footballer's ex-WAG; the BBC Top Gear producer assaulted by its celebrity presenter; an anti-corruption/eco crusader sued by the leader of a Malaysian Muslim political party; and a billionaire US/China-based businessman vilified on Facebook, YouTube and Far Eastern fake news websites.

Claims in privacy, confidence, DPA, harassment and professional negligence have seen Harvey acting in cases of: ex-spouses' disputes over their child's suicide; a businessman's wife posing as another man's partner on a "reality" TV show; whistleblower ex-employees informing and assisting with confidence, conspiracy and fraud claims against their former employers; a construction company implicated in anti-union blacklisting (the Construction Industry Vetting Information Litigation); an academic hounded over six years from posts in Australia and the UK by anonymous poison emailers; and a man falsely identified as a kidnapper and murderer deprived of claims against TV and national newspapers by solicitors' and counsel's negligent advice.

A former newspaper journalist in the UK and Australia and legal manager of The Independent and Independent on Sunday from 1995-1996, Harvey has always enjoyed pre-publication work with journalists and publishers and is a retained advisor to Time Inc.

Recognition

Highly experienced barrister who acts for both claimants and defendants in media disputes and related human rights law issues. He also provides pre-publication advice to newspapers and magazines. He brings industry experience as a former journalist in Australia and the UK. *"Hugely experienced. He has good judgement and delivers advice in a client-friendly manner. He has excellent drafting skills and is a skilled tactician."* Chambers and Partners 2019

"Excellent judgement and great knowledge of the media." The Legal 500 2018

"He's a really solid performer. The ultimate safe pair of hands. He's wily and pragmatic." Chambers and Partners 2018

"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

"Highly experienced with excellent judgement and good knowledge of the way the media works." The Legal 500 2017

"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

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

"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, *"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."* Chambers and Partners 2012

Representative cases

Serrano v Associated Newspapers Ltd – Successfully resisting a Truth defence at trial to secure substantial damages for a GP falsely accused by Kelvin Mackenzie in the *Daily Mail* of being an incompetent "foreign doctor" who had misdiagnosed a bus driver (who in fact had admitted routinely drinking half a bottle of rum the night before driving an early shift) as suffering from alcohol-induced gout and needlessly lost him his driving licence and job by wrongly reporting him to the DVLA.

Henry v News Group Newspapers – Securing a complete retraction, page 3 apology and very substantial 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 groundless accusation 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.

Morrissey v Associated Newspapers Ltd – Acting for "Men Behaving Badly" TV star in successful libel claim in respect of false allegation he had been banned from a bar local to his French home for binge drinking rowdiness. Drafted client's submissions to Leveson Inquiry, favourably received and adopted as a case study of press abuse in Lord Leveson's report.

Dizaei & Dizaei v News Group Newspapers – Acting for subsequently disgraced 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 then Everton manager David Moyes in successful libel claims against then Manchester United star Wayne Rooney, his ghost writer and publisher, in respect of allegations in the footballer's autobiography (first volume) that he had betrayed the footballer's trust when managing him at Everton by leaking confidences to the Press.

Akinleye v East Sussex Hospitals NHS Trust and Pennine Acute Hospitals NHS Trust – Acting for defendant health 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.

Musa King v Telegraph Group Ltd – Acting for successful claimant falsely implicated in Al Qaeda terrorism, including first instance and Court of Appeal determinations on meanings the defendant was permitted to attempt to justify and the



defendant's unsuccessful applications to restrain the claimant from pursuing his claim with CFA funding but 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 – Acting for Prime Minister of Antigua in claim for broadcasts on Radio Four, BBC World Service, BBC World Television and BBC World Online in respect of baseless allegations of embezzlement and corruption.

Massima Management Ltd v White – Acting for defendant ex-employee of supermodel Naomi Campbell defending claim for breach of confidence, including contractual confidentiality terms.

Al-Fagih v HH Saudi Publishing – Success for the exiled Saudi dissident claimant at trial but overturned by the Court of Appeal decision that *Reynolds* public interest privilege extended to the Saudi-language newspaper defendant's publication of an allegation against the claimant by another exiled Saudi dissident because it was contained in "neutral reportage" of a significant political dispute between the two men.

Rahamim v ITN and Rahamim v Channel Four – Acting for broadcaster defendants to claims for publication by news broadcast, by website publication of material archived from the news broadcast and for subsequent publications by third parties of a film containing archived material supplied by the defendants.

Reid Minty v Taylor – Successfully prosecuted at trial a justification defence and a "reply to attack" privilege defence for the chief executive of the Professional Footballers Association (PFA) when, after a campaign of public attacks by the claimant solicitors on him and the PFA and in reasonable anticipation of further attacks, he responded on live BBC radio that the claimants were liars who had misled an MP into fronting a meeting for them at the House of Commons.

Rowe & Maw v Lander & Newman – 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 – Acting for *The Sun* and *News of the World* defending a claim by TV star Michael Barrymore in respect of false allegations of homosexual rape.

S v Newham LBC – Acting for the local authority defendant in case in which the Court of Appeal decided immunity from suit/absolute privilege 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 – Acting for claimant in case deciding on the applicability of the doctrine of forum non-conveniens between Scottish and English jurisdictions.

Tejendrasingh v Christie – Successfully resisting a claim based on information from a document obtained by disclosure in other proceedings on the basis it was an abuse of process: 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 those proceedings.

Purdew & Purdew v Seress-Smith – Acting for employer claimants in case deciding that absolute privilege/immunity from suit did not extend to an ex-employee's publication of allegations to a DSS adjudication officer in support of a claim for benefit.

Evans v Granada Television – Acting for claimant police officer falsely accused of corruption in which CA decided the scope of discovery required of a defendant prosecuting a truth defence to a "grounds to believe" meaning.

Since 2014, adjudicating on Disciplinary Committee of the Greyhound Board of Great Britain.



Publications and Seminars

Editor of *Carter-Ruck on Libel and Slander*, 4th & 5th editions, and contributing editor to *Carter-Ruck on Libel and Slander* 6th edition (2010)

Qualifications

MA (Cantab), English Literature, University of Cambridge (Fitzwilliam College)

Newspaper journalist, Westminster Press, 1978-1981, NCTJ qualified

Postgraduate Diploma in Law, City University, London

Barrister representative member of Media and Communications List User Group