

Overview

Kate is an experienced junior whose practice encompasses all aspects of media, communications and information law. She acts for claimants and defendants.

Kate has appeared at all levels of the courts and has substantial trial experience, which is highly valued by clients. She regularly acts for public authorities facing claims for misuse of private information and breach of the Data Protection Act. Kate has appeared in a number of high-profile libel actions. She has also acted for numerous companies and individuals responding to the impending publication of confidential or potentially damaging information. In the Family Court and criminal courts, Kate has acted for both media organisations as well as private individuals in applications concerning reporting restrictions and access to documents. She is recognised by solicitors for her commitment to solving clients' legal problems effectively.

In addition to litigation work, Kate gives pre-publication advice to publishers, including academic publishers. Other non-contentious work includes advising on responses to subject access requests.

Kate is a member of the Attorney General's B Panel.

Kate is listed as a leading junior in defamation and privacy in The Legal 500 2018 and Chambers and Partners 2019.

Recognition

Frequently involved in high-profile libel and privacy claims. She has niche expertise in online issues and claims involving public authorities. She has additional expertise in cases concerning reporting restrictions in the Crown Court and Family Court. *"She is sensible and has total mastery of the facts."* Chambers and Partners 2019

"Her attention to detail is excellent." The Legal 500 2018

"She is a compelling advocate who is very analytical and has a keen eye for detail." Chambers and Partners 2018

"She is tremendous - her knowledge of the law is very impressive and she is able to act on instructions swiftly and in an unflappable manner." Chambers and Partners 2017

"She is an extremely practical and accomplished advocate, who is excellent on technical issues." The Legal 500 2017

Highly regarded junior barrister who acts in high-profile claims at all levels, including a recent appearance in the Supreme Court in *Flood v Times Newspapers*. She has extensive experience in obtaining injunctions to restrain harassment. *"She quickly gets to grips with what is important to a client and gives practical and thoughtful advice."* *"She is a fearless advocate and a star with the clients."* *"She is calm and efficient - her advocacy is of a very high standard."* Chambers and Partners 2016

"Her advocacy is very strong, as is her technical legal knowledge." The Legal 500 2016

"She has the ability to deliver even the most difficult arguments with charm." "She shows bags of confidence when on her feet." Chambers and Partners 2015

"Applies fresh thinking to situations which initially seem intractable." The Legal 500 2015



"She is hard-working, very conscientious and careful. She pays a lot of attention to detail, and is sympathetic to clients."
"Precise and thorough, she always has a valuable perspective and is a brilliant wordsmith too." Chambers and Partners 2014

"She is thorough, commercial and also creative in her approach to problems." The Legal 500 2014

Representative Cases

In the matter of G (A child; transparency in the family courts) – Counsel for respondent father to applications (a) to inspect the court file of private family law proceedings, which had taken place in 2002, by an adult half-brother of the child who had been the subject of those proceedings and (b) by mother of that child seeking permission to speak publicly about those earlier proceedings (Jmt of Sir James Munby P at [2018] EWHC 1301 (Fam)).

Pannu v Carter v Medway Council (2017) – Instructed shortly before trial to represent defendant in libel and slander action. Successfully defended claims on issues of meaning, actionability and qualified privilege ([2017] EWHC 3270 QB).

Decker v Rees Hopcraft and Peter Hopcraft (2016-17) – Counsel for both defendants in defamation action, including resisting application for interim injunction. Previously acted for defendants' father resisting claims brought by same claimant.

Flood v Times Newspapers Limited (Costs) – Junior Counsel for defendant on appeal against costs orders. Issue of whether costs orders made against the publisher were an infringement of its art. 10 rights and whether the recoverability of success fees and ATE insurance premiums incurred pursuant to Conditional Fee Agreements should be disapplied. The Supreme Court upheld the CFA regime ([2017] UKSC 33).

Cook v Chief Constable of British Transport Police (2015-17) – Acted for claimant in claim for breaches of the Data Protection Act 1998 (fair and lawful processing, accuracy and excessive processing provisions and a claim for breach of subject access rights). Settled after trial commenced.

Theedom v Nourish Training (t/a CSP Recruitment) (2015-16) – Counsel for the defendant in a libel action brought against a business by a former employee in respect of allegations that the claimant had breached obligations of confidence and there were reasonable grounds to suspect him of committing a criminal offence. Truth defence (s.2 of the 2013 Act) succeeded at trial ([2016] EWHC 1364). Preliminary issues trial on meaning and section 1 of the Defamation Act 2013 ([2015] EWHC 3769 (QB); [2015] EMLR 10).

Anglia Research Services Ltd v Finders Genealogists Ltd [2016] EWHC 297 (QB) [2016] EMLR 15 – Counsel for respondent in pre-action disclosure application in harassment and defamation. Issues included the effect of existing proceedings on availability of pre-action remedies.

AB v Trinity Mirror & oths (2016) – Injunctive relief granted on art. 2 grounds.

Unnadkat v Patel & oths (2014-16) – For defendants in libel claim concerning defamatory allegations about founder of a charity. Summary judgment for defendants granted on part of claim on limitation grounds. Settled shortly before trial.

Decker v Geoffrey Hopcraft (2014-15) – Counsel for defendant in two defamation actions. Parts of claim struck out. Successfully applied for preliminary issue trial, including determination of whether the claim satisfied section 1 of the Defamation Act 2013 ([2015] EWHC 1170 (QB)). Subsequently settled.

Barron v Collins [2015] EWHC 1125 (QB) – For claimant. Preliminary issue trial of meaning and questions of whether fact or opinion in context of political speech.

Ma v St George's Healthcare NHS Trust (2013-15) – Counsel for defendant in libel action arising from safeguarding concerns. Truth and qualified privilege defences succeeded at trial ([2015] EWHC 1866 (QB)).

Jackson v Hampshire Hospitals NHS Foundation Trust [2014] EWHC 3954 (QB).

Lord McAlpine v Bercow (2013) – Junior Counsel for claimant, led by Sir Edward Garnier QC, in Lord McAlpine's defamation action against Sally Bercow. The claimant successfully argued that meaning should be determined as a preliminary issue [2013] EWHC 981 (QB) and then, at the subsequent hearing, that the tweet was seriously defamatory of him [2013] EWHC 1342 (QB). One of the earliest Twitter-based claims.



Lord McAlpine v BBC (2013) – Junior Counsel for claimant in obtaining substantial damages for a *Newsnight* broadcast.

R (Gandy) v Lowestoft Magistrates' Court [2013] EWHC 659 (Admin) – Counsel for interested party, a local newspaper, in judicial review proceedings, which successfully opposed an application for anonymity by a local councillor who had been the subject of criminal proceedings.

Flood v Times Newspapers Ltd (2007-17) – Junior Counsel for the defendant publisher in libel claim by a police officer. The Supreme Court's decision upholding the defendant's defence of *Reynolds* privilege ([2012] UKSC 11) was subsequently an important foundation of the public interest defence in s.4 of the Defamation Act 2013.

Miller Homes & anthr v Chrisp & anthr (2012) – For claimants, including representative action on behalf of numerous employees, on successful application for interim injunction to restrain harassment.

Whatley v Telegraph Media Group (2012) – For claimant. Obtained damages for defamatory allegations in *The Telegraph* of dishonestly running a fake museum for personal gain.

R v Bartlam (2012) – For BBC, on successful application to lift anonymity of defendant teenager who had murdered his mother. Section 39 of the Children and Young Persons Act 1933.

Gregory v Benham [2012] EWHC 2971 (QB).

Crossland v University of Glamorgan (2010-12) – Counsel for defendant facing libel action by former student. Claim struck out. Appeal dismissed ([2011] EWHC 2809 (QB)) and application to Court of Appeal dismissed, on consideration of test for a second appeal.

UK Learning Academy Ltd v Leeds City Council [2011] EWCA Civ 1513 – Instructed for appeal only. Successfully appealed against earlier order striking out wide-ranging claim.

Re. BBC (Care Proceedings: Costs: Identification of Local Authority) [2011] 1 FLR 977 – Counsel for the BBC on a successful application to lift reporting restrictions, in order to name a public authority which had been criticised in care proceedings.

Re. William Ward (A child) [2010] EWHC 16 (Fam) – Application by experts in care proceedings for anonymity and consideration of scope of s.12 of the Administration of Justice Act 1960 on reports of the care proceedings.

Shovell v Adventis (2010) – Libel and malicious falsehood trial. Junior Counsel for defendants, led by Andrew Caldecott QC.

Carmen Mitchell-Briscoe v Constance Briscoe (1) and Hodder & Stoughton (2) (2008) – Libel trial at which justification defence succeeded. Junior Counsel for defendants, led by Andrew Caldecott QC.

Gregg v O'Gara [2008] EWHC 658 (QB) – Counsel for claimant, a senior police officer. Obtained substantial award of damages (£50,000) for libel.

Hon & Oths v Lecler (2007) – Junior Counsel, led by Patrick Moloney QC, for claimants at trial of libel action by a Hong Kong based businessman.

Publications and Seminars

Contributor to *Arlidge, Eady & Smith on Contempt*, 4th edition (2011) 5th edition (2017)

Co-author, with Jane Phillips, of the Libel and Slander and Malicious Falsehood chapters in *Bullen & Leake & Jacob's Precedents of Pleadings*, 15th, 16th, 17th and 18th Editions

Co-author, with Sarah Palin, of the *Privacy* section of LexisNexis's LexisPSL online service

Co-author of *The Family Courts: Media Access & Reporting*, a joint publication of The President of the Family Division, the Judicial College and the Society of Editors (2011)



Access to documents in criminal proceedings, Freedom of Information journal, Vol. 8, Issue 5, May/June 2012
Privacy Update, Protecting the Media conference, London, September 2016

False Information: Misuse of Private Information, One Brick Court Seminar, *False Information: The New Legal Battlegrounds*, April 2016

Kate has given various seminars to solicitors firms including, recently, on *Strasbourg and Internet Intermediaries*, *Corporate Reputation Management* and *Pre-Action Disclosure: Defamation and Harassment*

Qualifications

BA (Hons), Philosophy, Politics and Economics, University of Oxford (Magdalen College)

MPhil, International Relations, University of Cambridge (Trinity Hall)

Postgraduate Diploma in Law (Distinction), Westminster University

Inner Temple Jardine Scholarship, 2004