

## Sarah Palin



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### **Profile**

Listed as “up and coming” in the Evening Standard’s 1000 Most Influential People, Sarah practices in all areas of media and information law, including defamation, privacy, breach of confidence, data protection, freedom of information, harassment, negligent misstatement, Articles 8 and 10 related human right law, contempt, election law and reporting restrictions. She also has a strong interest in media regulation. She is recognised by the legal directories as a leading barrister in these areas.

Sarah has extensive experience in media and information law litigation, acting for both claimants and defendants and has advised a broad range of clients, including government departments, local authorities, police forces, NHS trusts, professional regulatory bodies, television companies, the national and local press, as well as for individuals. Her practice also includes pre-publication advisory work for national newspapers, magazines, broadcasters and major publishing houses.

Sarah has appeared in numerous high-profile defamation and privacy actions. She represented Associated Newspapers, publishers of the Daily Mail, at The Leveson Inquiry and previously acted on behalf of the BBC at The Hutton Inquiry into the circumstances surrounding the death of Dr David Kelly. Her significant cases include acting with Andrew

Caldecott QC on behalf of the intervening media in the Supreme Court in *Spiller v Joseph*, an important case in the development of the defence of honest opinion. High profile claimant cases include acting for Mohammed Dahlan (the Palestinian Authority's former Minister for Security), Neil and Christine Hamilton and Bruce Grobbelaar.

## Recognition

Sarah is recommended as a leading junior in Defamation and Privacy in Chambers UK, Who's Who Legal and The Legal 500.

*"She really understands how media businesses work, which allows her to get to the heart of an issue quickly."* - Chambers and Partners 2023

*"Extremely thoughtful, knowledgeable and practical. Her advocacy is strong."* - Legal 500 2023

*"She is great at thinking outside the box, coming up with solutions in tricky cases, and is always insightful and clear with her advice. She also knows the industry incredibly well."* - Chambers and Partners 2022

*"Sarah is tremendously experienced in defamation/privacy and one of the best juniors around in my opinion. She has very sound judgement, a deep knowledge and understanding of this area of the law, and a great attention to detail, making her extremely dependable."* - Legal 500 2022

*"She is great at thinking outside the box, coming up with solutions in tricky cases, and is always insightful and clear with her advice. She also knows the industry incredibly well."* - Chambers and Partners 2021

*"Popular junior who draws praise for her advocacy skills and busy defamation and privacy practice. She is best known for acting on behalf of newspaper groups and media organisations. 'I have used her on defamation claims and have been very impressed.'" - Chambers and Partners 2017*

*"An excellent source of advice and service."* - The Legal 500 2016

*"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's enormously hard-working and provides sound advice.'" - 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. 'Good drafting and clear advice.'" - Chambers and Partners 2015*

*"She applies academic knowledge and practical intelligence to great effect." - The Legal 500 2014*

*"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.'" - The Legal 500 2013*

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

*"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*

*"'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." - Chambers and Partners 2010*

*"Sarah Palin, a name on many people's radar who is 'amazing for someone so junior'" - Chambers and Partners 2008*

## **Education**

BA (Hons) Modern History, Brasenose College, Oxford

CPE Postgraduate law diploma, City University

## **Related practice areas**

Media, Defamation and Freedom of Expression

## Representative Cases

**Secretary of State for the Home Department v SA (2023)** – acting for Associated Newspapers Limited in an application to lift an anonymity order in the Upper Tribunal (IAC).

**HMRC v A Taxpayer (2024)** - acting for Times Media Limited and News Group Newspapers Limited in resisting an application for anonymity by an un-named taxpayer in the tax tribunal.

**Abdul Shokoor Ezedi v Secretary of State for the Home Department (2024)** - acted for the Telegraph Newspapers Plc and Associated Newspapers Ltd to the First-tier Tribunal (Immigration and Asylum) for disclosure of the judgments and related case materials in the asylum appeal of Abdul Ezedi, the suspect in the Clapham chemical attack, and to lift the anonymity order.

**Baroness Doreen Lawrence, Prince Harry the Duke of Sussex, Sir Elton John and David Furnish, Elizabeth Hurley, Sir Simon Hughes and Sadie Frost Law v Associated Newspapers Ltd [2023] EWHC 2789, [2024] EMLR 3** – junior counsel, instructed by Baker McKenzie, in the high profile claims brought by Prince Harry and Baroness Lawrence amongst others against Associated Newspapers Ltd, publishers of the Daily Mail, for use of unlawful information gathering methods including voicemail interception and landline tapping. In March 2023 Associated made an application to challenge the claims on the grounds that the claims were time-barred and that the particulars of claim contained material pleaded in breach of the orders made by Leveson LJ. [2023] EWHC 2789, [2024] EMLR 3. The trial is expected in 2025/6.

**Zoe Harcombe PhD and Dr Malcolm Kendrick v Associated Newspapers Ltd** (Trial, July 2023) Described by the Judge in charge of the Media & Comms List as “*the most significant piece of defamation litigation that I have seen in a very long time*” - junior counsel, instructed by Reynolds Porter Chamberlain, in a very large and complex libel trial in respect of articles about a group of doctors who dispute the health benefits of statins. The two week trial of the public interest defences (s4 of the Defamation Act 2013, statutory qualified privilege) and the issues of meaning, fact/comment and malice took place in July 2023. Judgment was reserved and expected to be handed down in early summer 2024.

**YSA v SSHD [2023] UKUT 75(IAC); [2023] UKUT (IAC) 75** - application before the President and Vice-President of the Upper Tribunal (IAC) in the Upper Tribunal to lift an anonymity order in respect of YSA and resist proceedings for contempt against a national newspaper.

**Zoe Harcombe PhD and Dr Malcolm Kendrick v Associated Newspapers Ltd [2022]**

**EWHC 543** – acting for the Defendant newspaper in a very large and complex libel claim in respect of a series of articles about a group of doctors and researchers who dispute the health benefits and side effects profile of statins.

**Al Hussein v Al Maktoum (finance proceedings) [2021] EWFC 94** – acted for Guardian News and Media Ltd, Times Newspapers Ltd, Telegraph Media Group Plc, Financial Times Ltd, Associated Newspapers Ltd and Reuters News and Media Ltd in an application for publication of the judgment of Moor J relating to the financial provision for the two children of the marriage and capital provision following an overseas divorce.

**Re Al M (The Phone Hacking Fact-finding) Judgment [2021] EWHC 1162 (Fam)**

(December 2021) – acted for Guardian News and Media Ltd, Times Newspapers Ltd, Telegraph Media Group Plc, Financial Times Ltd, Associated Newspapers Ltd, the BBC, Sky Plc and Reuters News and Media Ltd in respect of a cross-media application to the President for publication of The Phone Hacking Fact-Finding judgment and 10 other judgments of the President and the Court of Appeal. Nominated for Times Lawyer of the Week in respect of this work.

**Delta Bell Shepherd (a child by Kristen Bell her mother and litigation friend) v Associated Newspapers Ltd (October 2021)** – acted for Associated Newspapers Limited in respect of a privacy claim brought by the child of Hollywood actors.

**R v Charles Elphicke MP [2020] 12 WLUK 155** – acted for Guardian News and Media Ltd, Times Newspapers Ltd and Associated Newspapers Ltd in a successful application for the release of character references relied on at the sentencing hearing as part of the mitigation advanced on behalf of Mr Elphicke. This was the first reported application of the principles in *Cape Intermediate Holdings v Dring* [2020] AC 629 by the Crown Court. In a significant victory for open justice, Whipple J ruled that character references relied on at sentencing hearings are as a class not confidential and should be released to the media on request.

**Kirklees Metropolitan Borough Council v KM & Ors** (re the family of Shannon Matthews) – advised the media in respect of an application to extend reporting restrictions prohibiting the publication and solicitation of information relating to the welfare of Shannon Matthews and her siblings indefinitely.

**Lilly James v Associated Newspapers Ltd** – acted for Mail Online in respect of a threatened application for a privacy injunction.

**R (YA) v Secretary of State for the Home Department** (Foster J, UTIAC and Court of Appeal June-Nov 2020) – application to set aside an anonymity order on the grounds that it

was in the public interest for the subject to be identified.

**Re Al M (Publication) [2020] EWHC 122 (Fam)** – sole counsel instructed by Guardian News and Media Ltd, Times Newspapers Ltd, Telegraph Media Group Plc, Financial Times Ltd, Associated Newspapers Ltd, the BBC, Sky Plc and Reuters News and Media Ltd in an application to the President of the Family Division to lift reporting restrictions in family proceedings concerning the children of HH Sheikh Mohammed Al Maktoum and HRH Princess Haya. The President's decision was upheld on appeal: **Re Al M (Children) [2020] EWCA Civ 283 [2020] EMLR 15** (led by Andrew Caldecott QC).

**Re Al M (Reporting Restrictions Order) [2020] EMLR 17** – sole counsel instructed by Guardian News and Media Ltd, Times Newspapers Ltd, Telegraph Media Group Plc, Financial Times Ltd, Associated Newspapers Ltd, the BBC, Sky Plc and Reuters News and Media Ltd in resisting an application by a witness for anonymity under the Venables jurisdiction because of serious risk of harm or death if they were identified publicly.

**DXB v Persons Unknown [2020] EWHC 134 (QB)** - acted on behalf of Associated Newspapers Limited, Times Newspapers Limited and Telegraph Media Group Plc in successful resisting an application for a contra mundum injunction to extend reporting restrictions imposed at a juvenile's criminal trial into adulthood.

**Carole Carruthers v Associated Newspapers & News Group Newspapers [2019] EWHC 33 QB** – junior counsel (led by Catrin Evans QC) for the publishers of Mail Online in respect of a privacy and defamation claim brought by a Haringey social worker. Privacy claim settled after the media succeeded in a summary judgment application of the libel claim.

**Steve Morgan CBE v Associated Newspapers [2018] EWHC 1850; [2018] EWHC 1725; [2018] EWHC 3960** – junior counsel (led by Catrin Evans QC) for the publishers of the Daily Mail in respect of a libel claim brought by the chairman of Redrow Housing Plc. Claim settled after a trial of preliminary issues.

**Roberto Carlos da Silva Rocha v (1) Westdeutscher Rundfunk Koln (2) Associated Newspapers Limited (2017)** – Junior counsel (led by Andrew Caldecott QC) for The Mail on Sunday newspaper in relation a claim for libel by Roberto Carlos, the former Brazilian and Real Madrid player, over allegations that he took performance-enhancing drugs during his career, including in and around the 2002 World Cup, when he won the World Cup as part of the Brazilian national team.

**The Kerslake Arena Review (2018)**

**An Inquiry into Human Rights and the Rule of Law in Turkey** - Sarah was appointed to assist Lord Woolf CH, Professor Sir Jeffrey Jowell QC KCMG, and Sir Edward Garnier QC in a high-profile inquiry into the current human rights situation in Turkey, focusing in particular on freedom of the press and freedom of expression in Turkey.

**Information Commissioner v Colenso-Dunne [2015] UKUT 471** – advised affected third parties in relation to a freedom of information request and whether the information sought was ‘sensitive personal data’ within section 2(g) of the DPA.

**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.

**MATCH Hospitality AG, Match Services AG & Byrom Group Plc (2014)** – junior counsel advising FIFA partners appointed to provide ticketing and hospitality for the FIFA World Cup 2014 and 2018 in relation to defamatory publications around the world following the arrest in Brazil of a company director.

**Waghorn v General Medical Council (2014)** - Counsel for the GMC in relation to a number of claims for libel, misuse of private information, breach of the Data Protection Act and under the Human Rights Act 1998 by doctors who have been erased or suspended from the Medical Register.

**The Leveson Inquiry: Culture, Practice and Ethics of the Press (2011-2014)** – junior counsel for Associated Newspapers.

**Jooste v General Medical Council (Tugendhat J)** – acted for the GMC in a successful application to strike out an action against the GMC in respect of publications arising out of an investigation into the claimant’s fitness to practice and interim suspension.

**R v Kupstys (2014)** – counsel for national newspaper in an application at Lincoln Crown Court 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.

**Edwards v General Medical Council (2014)** – 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 a fitness to practise investigation.

**Thour v Royal Free Hampstead NHS Trust [2012] EWHC 1473** – counsel for the Defendant NHS Trust in a successful defence at a trial before Tugendhat J in respect of a claim brought in relation to 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.

**M v East Midlands Newspapers Limited (2012)** - 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.

**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)** – counsel for a government department, instructed by the Treasury Solicitor, in a libel action.

**Clift v Clarke [2011] EWHC 1164** – counsel for the Defendant online publisher in a successfully resistance of a Norwich Pharmacal application for the disclosure of information likely to lead to the identification of the authors of comments posted on a national news website.

**R v Local World Limited (2011)** - 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.

**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 .... Supreme Court.

**Horlick v Associated Newspapers Ltd [2010] EWHC 1544** – 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.

**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.

**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.

**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.

**Burstein v Associated Newspapers [2007] EWCA Civ 600** – junior counsel (led by Victoria Sharp QC as she then was) 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.

**Low v Associated Newspapers [2007] 2 WLR 595** – junior counsel for defendant (led by Victoria Sharp QC as she then was) in a significant case in the development of the defence of honest opinion.

**Neil and Christine Hamilton v Max Clifford, News Group Newspapers and Express Newspapers [2004] EWHC 1542** – acted for the claimants in libel actions arising from Nadine Milroy-Sloan's false accusations of rape.

**The Hutton Inquiry** – junior counsel for the BBC (led by Andrew Caldecott QC).

**Donal MacIntyre v Chief Constable of Kent [2003] EMLR 9** – junior counsel for the claimant (with Andrew Caldecott QC and Manuel Barca). Settled with substantial damages paid to the claimant.

**Grobbelaar v News Group Newspapers [2002] 1 WLR 3024** – junior counsel for claimant (led by Richard Hartley QC) in the House of Lords (misdirection in the summing-up, excessive damages and perversity) and Court of Appeal [2001] 2 All ER 437 (Reynolds privilege; misdirection and unreasonable verdict).

**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.

## Publications and Seminars

Contributor, Arlidge, Eady and Smith on Contempt, 5th Edition

Author, Atkin's Court Forms on Confidence, Privacy, Data Protection, Freedom of Information and Interception of Communications (2018)

Author, Atkin's Court Forms on Contempt (2014)