



Communications and Digital Committee

Corrected oral evidence: Lawfare and free speech

Thursday 31 March 2022

11.30 am

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Members present: Baroness Stowell of Beeston (The Chair); Baroness Bull; Baroness Buscombe; Baroness Featherstone; Lord Foster of Bath; Lord Griffiths of Burry Port; Lord Hall of Birkenhead; Lord Lipsey; Baroness Rebuck.

Evidence Session No. 1

Heard in Public

Questions 1 - 7

Witnesses

I: Clare Rewcastle Brown, Founder and Editor, Sarawak Report; Franz Wild, Finance Editor, Bureau of Investigative Journalism; Susan Coughtrie, Project Director, Foreign Policy Centre.

USE OF THE TRANSCRIPT

This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Clare Rewcastle Brown, Franz Wild and Susan Coughtrie.

Q1 **The Chair:** Welcome to this special session, which is outside of our other inquiries at the moment. This is a session about SLAPPs, lawfare and freedom of speech. SLAPPs, which stands for strategic litigation against public participation, have become more prominent because they have been used by Russian oligarchs. This is something that we have come to be more familiar with recently because of that. As the Communications Committee, we want to explore how widespread their use is, their impact on investigative journalism and publishing, and what measures in law could be taken to protect freedom of speech, as it is being affected by their use.

We are in one session and we have two panels of witnesses today. I will ask you to introduce yourself in a moment. In one session, there is a limit to the level of detail we are going to be able to get into. As a result of this session and our deliberations from it, we will write to the Justice Secretary in response to his current and open call for evidence.

Before I ask you to introduce yourselves, I should remind the panel and the members that we should follow Parliament's rule in respect of sub judice, which means that we should not comment on any live cases. We are live on the internet. A transcript will be taken and published in due course. Before I get to questions, may I ask you to introduce yourselves?

Clare Rewcastle Brown: Hello. I am a career journalist who has in recent years specialised in one particular inquiry, which I launched myself. I set up an internet site to look at massive deforestation in south-east Asia. I did that as a labour of love on an underreported issue to begin with, but I soon found myself reporting on the major corruption driving that deforestation, which led me to several investigations of what became global scandals involving some of the major actors in Malaysia. That included the Prime Minister, who has now been convicted of grand kleptocracy, and led to the largest asset seizure globally ever, which brought in numerous banks, including Goldman Sachs, which is still facing considerable ongoing issues with this case.

Franz Wild: I am an editor for the Bureau of Investigative Journalism here in London. For most of my career I was a reporter for Bloomberg. For them, I was based in the Democratic Republic of Congo, South Africa and here in London. Over the latter half of my career, I have reported primarily on large corruption cases involving high-profile corporations, businesspeople and politicians. That is the focus of my reporting.

Susan Coughtrie: I am project director at the Foreign Policy Centre, an international affairs think tank, where I lead a project called Unsafe for Scrutiny that examines risks and threats to investigative journalists, particularly working to uncover financial crime and corruption where there is a link to the UK. I am also the co-founder and co-chair of the UK Anti-SLAPP Coalition, which was established in January last year. I have been looking at this issue quite closely for the last 18 months or so.

Q2 **The Chair:** You are all very welcome. Thank you again for your time this morning. I will start off with a basic question. One of the things we are keen to understand is not just how SLAPPs work but how they are different from other forms of litigation and particularly how other laws get deployed by claimants, as it were, whether that is data protection or defamation. Franz, could you give us an introduction to what SLAPPs are and how they are different from other forms of legitimate claims?

Franz Wild: I will start off with a little anecdote, which will help illustrate this. A couple of years ago, I was working on a story about a very wealthy and powerful individual who was under US sanctions. We were looking into whether that individual was circumventing those sanctions, so it was clearly something that was in the public interest. There were two whistleblowers from the Democratic Republic of Congo, who came forward with a lot of information pointing to the fact that, indeed, that person was somehow making transactions worth tens of millions of dollars, despite these sanctions.

As we were preparing for publication, lawyers from Carter-Ruck approached us. What ensued was a flurry of very lengthy letters. They immediately turned the tables on us, essentially, and accused us of dishonesty. They tried to identify our sources. They revealed, separately, that their client had secretly recorded me and was quoting snippets from that conversation back to me. All of this was intended to undermine the reporting. One thing they did not do, incidentally, was answer any questions of ours for quite a while.

Post publication, they continued to pursue the subject. The sources, who were Congolese, were actually convicted and sentenced to death in the Congo. Luckily, at this point they were in Europe and were safe. The point is that Carter-Ruck continued to push this death sentence with the group of journalists reporting on the subject.

In the course of these interactions, a lot of things came across that were clearly untrue. The whole thing was a real high-wire act. We started off on an endeavour that we believed was in the public interest, but we soon realised that by putting one foot wrong we could end up in front of a court. This is just a snapshot. Cases such as this are very common in newsrooms across the UK.

I have been in several similar situations. I know plenty of other journalists who have been in similar situations. It is libel law. GDPR is increasingly being used. It is privacy law as well. I am sure you will be familiar with the Supreme Court ruling of a month or two ago in connection with *ZXC v Bloomberg*, which, again, has tightened privacy law substantially and limited journalists' ability to expose wrongdoing.

I would urge everyone, if you have not already, to listen to and watch the testimony given by Catherine Belton and Tom Burgis in front of the House of Commons Foreign Affairs Committee. They were unfortunate because they were actually sued. I am trying to show that it is much bigger than that. It is almost everywhere you look and the number of law firms involved is plentiful: Harbottle & Lewis, Mishcon de Reya, Taylor Wessing. It is often the same law firms that pop up again and again.

The journalist who starts their endeavour as a public interest inquiry is immediately treated as a defendant. Their ethics are questioned, as are their integrity and their motives. Anything that is said is used against them. You will know that, in Tom Burgis's case, he was followed around the streets of London, if you can believe it. It is a high-wire act. You put one foot wrong and you are in big trouble. The big problem is that there are not any real protections at an early stage. That needs to be addressed.

The Chair: We will pick up on some of the points that you have raised in what you have just said. Before I move on, Susan, from a policy perspective, is there anything more you want to add to give us a sense of what SLAPPs are all about?

Susan Coughtrie: We would say that SLAPPs are an improper use of the law to shut down acts of public participation. I research cases of journalists and media, but this is utilised against whistleblowers and others who are speaking out in the public interest. We started our research a couple of years ago. We were looking at all kinds of risks and threats to journalists, but actually it was legal threats that really clearly came through to us as the greatest challenge for them to be able to continue operating. Not only does it take a lot of time and energy, but it poses such a financial risk and threat for them to be able to continue reporting.

Even if journalists working on stories believe that they have the facts and are putting in requests for information and rights of reply, the challenge is, as Franz has illustrated, that immediately they are being diverted into a quasi-legal back and forth. This is a very common hallmark of legal intimidation in SLAPPs. It is trying to limit or suppress information from getting out, either before, by doing this process, or afterwards, by putting an incredible amount of pressure on journalists and media to take down information, subject to being taken to court. That is the threat.

As Franz has mentioned, Catherine Belton and Tom Burgis made very clear what a burden that is, in terms of both their time and the high costs involved. Their cases were actually, in the ones we have seen, relatively truncated. There are other cases we are monitoring that have gone on for years and have not even made it to trial yet. When journalists are getting these kinds of letters threatening legal action, there is definitely a second thought as to whether they will pursue to publish, not because they do not believe in what they are writing but because it is such an incredible risk and balance.

We conducted a survey a couple of years ago with 63 journalists in 41 countries. Of those receiving threats, over 70% had received a legal threat. The UK was identified as the international leading source of those threats. We see that as because of the legal system here, which is very lengthy, very costly and puts the burden of proof, from the beginning, on the defendant. It puts that spotlight on the journalists and ultimately diverts attention away from the person or people who were being

investigated. It is a diversionary and resource-intensive process to intimidate and harass journalists and media.

The Chair: I have one point before I move on. We have had some briefing that there have been 14 SLAPPs cases in the UK in the last year. You are saying that that is purely the tip of the iceberg and this is something that is quite systemic in the way in which people are now bringing claims against journalists.

Q3 **Baroness Featherstone:** Faced with the sorts of things you are talking about, SLAPPs are going to have an impact on the work of a journalist. Clare, I want to know what effect it had. What were the worst things? I am not sure whether you are the best example, because you have not been dominated or threatened out of existence, but it must have had an impact on you—chilling, or the intimidation or the cost. Could you tell us?

Clare Rewcastle Brown: Yes, I will, picking up on this pre-action issue, to emphasise how much of this kind of litigation is actually pre-action litigation that people do not hear about. You will receive threatening letters where the ulterior motive is not to say, "You shouldn't have said that". The ulterior motive is to shut you up or blackmail you into removing often months old articles as part of a clean-up exercise by the person who has engaged the lawyers. It is very recognisable.

They will accuse you of a smorgasbord of violations. It will all be about how you went about your work and it actually will not be focusing at all on something that you have said. They will be accusing you of meaning something you did not say and then dragging you into expensive to and fro. Very rarely, but on occasion it will progress. A tiny percentage of the actions of mine have progressed into a court situation. Again, the SLAPP case is proceeding along the same lines.

In one example of the SLAPP—over and done with—where I was dragged into court, I later learned from the litigant's side that they had been assured by the law firm, having assessed me, my means and my apparent stamina in this matter, that it should take only an outlay of around £200,000 for the political party that was seeking to undermine my journalism to get me to retract and to force a submission, an apology, out of me. That would be very useful for them in elections that were going to be held in Malaysia, where they were siding with the Government that were the subject of the 1MDB scandal. I had to stand my ground.

Actually, they were the ones who gave in, not only because I got more information against them. At that stage, I was having to prove the meaning of something I had not said. I had never mentioned the person who was put forward as the litigant in any of my articles. There was a construct. You are faced with that and then actually trying to prove it. Thankfully, I was able to start proving what I had not said, which put a lot of pressure on them. The real pressure on them was that they were running up costs of around £2 million by that stage.

Thanks to marvellous legal support, I had stood my ground and they retreated. As the politicians involved openly said to their local media,

“The elections are over now. The whole point of it was to put her under pressure during the elections and we’ve gained our objective”. That is a SLAPP case.

In terms of the pressure it puts on a journalist, the legal action is never in isolation, in my experience. We have a whole range of service industries here, in what has been known as the concierge capital of the world. In the course of finding myself up against very powerful people with the 1MDB investigation, I had ex-SAS operatives, ex-Metropolitan Police officers, ex-senior GCHQ personnel running private investigation companies who were engaged in an all-round operation to vilify me. While they were operating slightly more openly in some cases, that came hand in hand with being openly photographed meeting alleged sources, that being put up on blogs, blog sites being opened against me, endless attack sites vilifying me and defaming me, but anonymous.

It was black PR in all forms. I was hacked. My Gmail was hacked and a website was set up, which played around with my emails to make it look as if I had said things I had not. That website was linked to by a newspaper owned by people who were proceeding against me, who had hired PR. It is a combined pressure.

Baroness Featherstone: You are an exceptional woman. I do not know how you are still standing, personally. Briefly from either of you, what do you fear most about the chilling, the costs or the effects—the impacts on journalists’ work? From that account, I would think no one would publish anything other than the weather.

Franz Wild: Clare’s example is extreme, but, on a daily basis, the effect is that a lot of journalists either voluntarily steer away from those stories or are unable to pursue them because their newsrooms are not willing to take the risk for whatever reason.

Susan Coughtrie: It is a pretty common experience from journalists that I have spoken to over the course of my research. There are judgments about what information to leave in stories. Say, for example, a story is about several figures. They might say, “We’ll remove the information about X, Y and Z because we don’t want to run the risk of too many potential lawsuits”. You see a slight pulling of information from the public domain, which creates a vacuum of information. Those things are important for due diligence in banks and law enforcement leads. That is why people want information about them out of the public domain, by and large, if it is related to wrongdoing.

The most concerning thing is the fact that a lot of journalists, and actually academics and authors as well, have said to me, “No one’s even called yet. No one’s even sent a legal letter yet”, but because of this experience, and the knowledge of the system, they are already pre-emptively self-censoring.

Baroness Featherstone: It is high volume now, is it?

Susan Coughtrie: Yes.

Q4 **Baroness Buscombe:** Clare, did you have any help pro bono, any free

legal advice to help you with this from lawyers who were on side, or not?

Clare Rewcastle Brown: I was treated very generously by my lawyers, but, no, I have not had any pro bono support in this country.

Baroness Buscombe: Franz and Susan, I may be straying into the next session, but I would love to hear from you. What about support from the National Union of Journalists? What about support from the Press Association? What about editors working collectively to support journalists, or is this affecting only freelancers on the whole?

Susan Coughtrie: I would not say that this is affecting only freelancers. It can affect freelancers more, because they do not have the support that being with a publication would provide, whether that is insurance or in-house legal counsel, but this is an issue across the board. In terms of organisations speaking out, the NUJ, for example, is a member of our coalition, which has been up and running for only 18 months. This problem extends far beyond that. There has been a shift in the last couple of years to really realise how deep a problem this is and how it needs to be addressed.

We are very pleased to see that the Government are now holding this call for evidence and examining proposals. We would very much encourage those who have had this experience to submit that evidence, because it is really key. I have had a challenge with journalists and others affected feeling even confident to talk to me about this. The letters they get come stamped "private and confidential—not for publication". They are worried if they talk to me or show me anything they have experienced that they may get in trouble.

There are those who have wanted to speak out and write out their experiences, but I know of one example where they then got the threats against them reissued, effectively, so they decided not to pursue telling their story. Those who have been subject to threats, if they have complied, do not want to talk about it, because obviously that goes against their instincts as journalists in particular. If they have not, they do not necessarily want to rear their head. They have got through the problem. They want to move on.

There has been a shift and we see more people talking about it. There is Catherine Belton and Tom Burgis's case. We have seen a huge uptick in other journalists writing about these stories. That is so important.

Baroness Buscombe: You have a very powerful group here, which is called the Press Association, as you know. In many ways, it is the pinnacle of the power of the media. What is it doing, to your knowledge?

Franz Wild: You are not going to be happy with this answer specifically, because it is not about the Press Association. In my experience, working within organisations, what outsiders can do is very limited, because it is a specific legal case.

Baroness Buscombe: I am talking about the editors working collectively.

Franz Wild: When there is a lawsuit against you, or a potential lawsuit, there is nothing another editor can do necessarily. The editors can work together to lobby for political or legislative change. Particularly, Susan and others have formed a powerful group that is pushing for this legislative change. In specific examples, it is usually within that newsroom that it needs to be dealt with.

The Chair: We may come back to this when we get to Lord Hall's question.

Q5 **Lord Griffiths of Burry Port:** There is quite a lot of overlap in the areas of concern. The question that has been allocated to me is this: how extensive is the fear of SLAPPs and self-censorship in the UK? I notice this statistic from our briefing notes. A 2020 survey by the Foreign Policy Centre of journalists working across 41 countries found that the UK was the source of 31% of legal threats. That is compared to 24% for all EU countries combined and just 11% in the United States. There has to be something here on a scale that does not reappear elsewhere. I wonder if you could help us put a finger on that.

While ordinary members of the public become aware of the high-profile cases that are blazoned around and wonder how journalists go on doing what they have done, at a much humbler, almost non-visible level, there is a terrific amount of pressure, threatening behaviour and so on happening. Can you help us to get the scale of that and perhaps answer that question: why here, in such a way, and not elsewhere?

Susan Coughtrie: Regarding your questions on our survey, it was conducted specifically with investigative journalists covering financial crime and corruption. There is an element of a link here with the UK, as it is known to be a global hub for the facilitation of dirty money, unfortunately.

Also within that survey, of those journalists we asked, at least 60% knew of a direct or indirect link with the UK in their investigation. Even if they were writing about somebody who was not based in the UK and they are not based in the UK, through using a shell company, buying property, sending their kids here, having perhaps got a visa and moved here part time, there is a link with the UK. That link also allows those individuals to build up a high enough bar of a reputation to defend in the UK. Unfortunately, there is a particular synergy and a duality to the UK as a place where dirty money ends up, but also where services that can be used to suppress information about that dirty money are available.

Lord Griffiths of Burry Port: I will add another question. We have a second panel coming of lawyers involved in this kind of work. Clearly, the law is the secret to finding ways to handle these matters. The laws take forever to put on the statute book. Are there any speedy ways in which some of this mess can be sorted out?

Susan Coughtrie: A lot of the cases, even the ones that make it to court, do not actually fully make it to trial. A lot of them settle before then and are withdrawn by the claimants. That is a common hallmark that you see. They are trying to draw out the process as much as

possible. It may not be a case that, when you get to that stage, the law is a problem. Actually, it is the fact that it takes that long to get there that is problematic.

I am sure that colleagues who are speaking after will go into more detail, but we need mechanisms to solve the problem at an earlier stage. That is also through legislative change, but those could not take so long. They could be things that could be relatively quick and there is certainly Government interest on this topic that I hope would expedite that.

There is also this bit before things get to court, looking at those who are facilitating these legal threats being issued and how they are doing that. There has not been a lot of scrutiny, largely because of the way the system works, with the letters being private and confidential, and the fear of reporting.

The Solicitors Regulation Authority for the first time referenced SLAPPs when it published its updated guidance on conduct and disputes last month, which is a very positive step. Journalists I have also spoken to who have complained to the SRA have not felt satisfied that anything has come of it, or not even felt it was worth the effort, which is a shame. It is important to give the evidence. We must look at this in the round. Certainly, the public attention that more recent cases have given to this issue will place a certain amount of scrutiny and spotlight on every step.

Clare Rewcastle Brown: It would be helpful if some of these cases were taken out of the very expensive arena of the High Court in the first instance. There could be an initial bar, whether it be that you should take your complaint first to the IPSO and only following an IPSO ruling do you go to court. When I sought to complain about various solicitors who had really taken it too far, in my view, in terms of blatant blackmail in one case, I went to the Solicitors Regulation Authority. Its response was, "You have to exhaust that firm's own legal procedures before you come to us". A bit of that attitude perhaps could be taken on the other side.

If you are a genuine litigant and you are really upset about something, that is where this system falls down. It is not there for the ordinary person who may genuinely, either deliberately and malignly, or accidentally, have been libelled. There needs to be something accessible to all of us that works. At the moment, there is IPSO. In fact, I have been libelled and IPSO found in my favour, and that was enough for me, frankly. Why should I need any more? Of course, these are not the threats that are being mobilised by super rich litigants. They want damages and an expensive trial that media cannot stand up to.

I have one quick point. What really troubles me is the chilling effect this has on the bigger media. It is having to cover stories across the globe, across the spectrum. I was able to carry on, because I was hugely focused on one story and I just hung on in there. A newsroom, a news editor, has a team of journalists, each of them with potentially troubling stories. The financial temptation is to avoid them completely and go after somebody who cannot fight back in that way. Getting the expense of it out of the way, in the initial stages at least, would be very helpful.

Franz Wild: I agree with Susan and Clare. We have seen through the Belton and Burgis cases again that it is actually not about the trial. It is about bringing to bear this incredible pressure pre trial. There are all these cases that you have never heard about, that never see the light of day, because one side backs down, generally. Capping costs, controlling costs and finding an easier mechanism before it goes into the courts is essential.

A change in the law seems essential as well. I do not know any other country that has this problem to the extent that the UK has, as your figures clearly show. There has been talk of showing malice. That seems a pretty obvious one. There are a number. I am not a lawyer, so I do not want to go into how you should fix the problem. It is fairly obvious that something needs to happen.

Q6 **Lord Hall of Birkenhead:** Lord Griffiths was talking about what to do from your point of view. Personally, to start with, I will say congratulations on what you have achieved despite all the odds stacked against you. It is formidable. We have talked a bit about some practical ways of giving more protection at an early stage. I do not know whether any of you want to say anything more about that. I notice in the US there is a defamation defence fund. Is that something that you think might be useful here?

Franz, in your opening remarks, you mentioned that there are whole lot of things being used here to clamp down on what you want to do. You also mentioned data. I wondered whether you could talk about how, in your experience, data protection is being used, and whether that is an issue that needs to be looked at.

Franz Wild: Yes. The data protection law is incredibly rough around the edges. You might want to write about someone and they will often cite, "This information is a breach of data protection laws", so it is something that we are seeing increasingly commonly.

Briefly on your point about a common defence fund, one big problem is that the costs reach that level. Why do we need a system where it will cost literally hundreds of thousands or millions of pounds to sort out one case? It seems a really peculiar way of resolving this particular kind of conflict. It is also one that is only accessible to multimillionaires and billionaires. We only ever get to that level when the claimant has those kinds of resources. I do not think arming up the other side is necessarily the solution here. Sorry, you raised a few questions I have now forgotten.

Lord Hall of Birkenhead: You have answered data. Thank you very much. The key thing here, from a lot of your evidence, is how this is a drag on you getting out the journalism you want. At some point, people may, sadly, give up, or, in one of the pieces of written evidence you have put forward, it becomes no longer important and life has moved on. It would be really helpful to us to understand more about what could help you in those early stages carry on doing the stories you want to do.

Clare Rewcastle Brown: Susan introduced me to one very helpful tool, which perhaps could be expanded upon, to help make these cases counterproductive. They are trying to shut you up. Of course, people in Parliament are able to speak out. They use parliamentary privilege. The Council of Europe has initiated a platform for the protection of journalists. In a recent case I had, I used that to upload a complaint I had about a SLAPP case that inevitably detailed quite a lot of that case and who the litigant was.

Since it was patently clear that the purpose of the case was to get that litigant's name off the internet with relation to the issue he was trying to distance himself from, that was very effective. That SLAPP case dropped away, because the whole point of this is to shut up the story, whether it is right or wrong. Frankly, if it is wrong, the litigant is quite happy for the publicity. They want to just rectify it. That is an area that could be developed to give some kind of privilege to journalists to say what is happening.

Lord Hall of Birkenhead: Susan, could I just ask you one final question? You have mentioned the Solicitors Regulation Authority—the SRA—mentioning SLAPPs for the first time earlier this year, I think. Could you expand on what you, thinking about journalism, would ask of it to take its notice further and be more helpful to what you, as journalists, are trying to do?

Susan Coughtrie: Recognising that this is an issue is a good first step. The regulatory authorities have to have the power to regulate and therefore they need to know what the problem is and set out guidance, or rules of engagement, I would say.

We have heard from the examples that Clare and Franz have given, but from others I have spoken to as well, that these letters are issued often at very short notice, are often very lengthy, are often putting in all kinds of potential claims and then asking for incredibly high demands in terms of damages, unless the information is withdrawn, taken down or what have you. That kind of behaviour is inappropriate. There should be a way of engaging with journalists or media, or whomever these letters are going to, in a manner that is appropriate and can deal with the issue fairly and transparently at this stage. It seems like there are too many manipulative tactics.

Perhaps if you are an in-house legal counsel, you are really familiar with the law and can see through the bluff and bluster. You can assess pretty quickly that this is just a put-up job and trying to intimidate you. That is fine, but lawyers should be aware of whom they are engaging with. If they are sending these kinds of letters to journalists, especially freelancers, in other parts of the world, there is no equality of arms in that sort of engagement.

We would really like to see the SRA set out more and do more to educate the legal community, some of whom might not understand the wider ripple effect that this kind of thing has. It should also have a framework by which, when journalists complain and say, "I've received these letters and this is happening", the SRA can effectively then go back to those law

firms and lawyers and say, "This behaviour is inappropriate", and for there to be a note of that somehow and, if it continues, for that to be penalised effectively.

Lord Hall of Birkenhead: That is really clear, so there is work for them to do. Clare, I saw you were nodding there. Do you think that would be helpful?

Clare Rewcastle Brown: Yes, a code of conduct.

Susan Coughtrie: Yes, a code of conduct. Clare mentioned the Council of Europe media alert platform. The UK also launched last March its national action plan on the safety of journalists. At the moment, that covers only physical attack and online harassment. We would really like to see legal threats included within that. One of the requirements is for DCMS and the NUJ, which is a partner within that, to monitor and survey their members and journalists in the UK. Getting more data on that and having a place where you can report that information is really important.

Clare Rewcastle Brown: One other big issue is actually funding. To what extent are law firms being required to perform the sort of due diligence that they ought to? On a number of occasions when I have faced a SLAPP suit, I have mentioned my concern to the law firm that I know and can prove that the money funding the case is illegal, and asked whether that worries them. Invariably, they have said that they have satisfied themselves on that front. They clearly do not have the due diligence that the financial services industry has imposed on it. We have had a situation with the 1MDB case where people were buying houses, yachts and artwork using the good offices of the client account of various law firms, and PR services were being funnelled through law firms, based on the easier path for that money.

Franz Wild: Can I make a brief point on SRA regulation code of conduct? I believe lawyers have a dual duty, first towards their client and secondly towards the interests of justice. In this instance, you do not see the interests of justice being supported in any way. As a case in point, quite consistently, lawyers repeat their clients' lies, so there is no testing of any truths. They become a mouthpiece for a corrupt individual, with all the armoury and legal threats to go with it. Is there a way that the SRA could oblige them, in a code of conduct, to test the blatantly untrue counter-allegations that their clients make?

Lord Hall of Birkenhead: That is really helpful. Thank you very much.

Q7 **Lord Foster of Bath:** Going back to a point that you were discussing, Franz, with Lord Hall, can you help us with an example of a SLAPP case that is based on an alleged breach of GDPR? I am interested in this use of data protection in SLAPP cases.

Franz Wild: I will have to come back to you. One does not immediately spring to mind. I know that that has definitely been cited in several letters to me.

Clare Rewcastle Brown: I usually get accused of it over the several pages that are sent to me. I am usually accused of breaching the digital

privacy of the client. One letter was summarised with the statement, "In short, it's obvious that the privacy of our client outweighs the public interest in this case", the public interest being the theft of \$1 billion that the client was involved in. That is what I demonstrated.

Yes, it is part of what they throw at you. They throw everything at you. I will not admit to understanding the digital legislation very well. I am always accused of not being registered. In fact, I am registered with the agency, but it is just one of the things they accuse you of.

Susan Coughtrie: There is a live case at the moment that I will not speak to, but also it was an element of Catherine Belton's case, if I am not mistaken.

Franz Wild: Yes.

Susan Coughtrie: As HarperCollins and Catherine Belton's lawyer will be speaking after this, she would be able to perhaps inform you.

Lord Foster of Bath: That is very helpful. Thank you.

The Chair: Thank you, all three of you, for your testimony today, which has been incredibly helpful. Certainly from what you have said, one big area for us to raise questions about is the SRA and the work of the regulator. They clearly have big questions to answer. Maybe we can pick up on some of that with the next panel, who are some lawyers. For now, thank you.