THE
SOCIETY
OF
MEDIA
LAWYERS

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Peter Geoghegan
Editor
Democracy for Sale

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By email to peter@democracyforsale.uk

Dear Mr Geoghegan

Right to Reply - New Statesman / Democracy for Sale story on SLAPPs

Thank you for your email dated 31 March 2026. We agree that the issues relating to SLAPPs and Parliament's legislative response to them are a matter of public interest. This makes it all the more important that discussion of these issues are the subject of balanced, accurate and rational debate and scrutiny. In particular, we consider that your characterisation of the Society of Media Lawyers (the "**Society**") and our engagement in these issues is significantly misconceived and, prior to answering your specific questions, we thought it might assist you if we set out some of the background.

The Society

The Society was established in 2023. It comprises solicitors and barristers who have experience in media law matters. Our members act for both claimants and defendants in media law matters. It has never been the intention of the Society specifically to champion claimants or claimant lawyers in media disputes, rather it has been the intention to use the collective knowledge, experience and expertise of its members to help inform the debate in relation to SLAPPs.

We refer you in this regard to the mission statement on our website:

> "*We are a society of media lawyers who wish to add fairness and balance, as well as our perspective, to the discussions surrounding media law in order to try to ensure that they are properly informed by the facts.*"

One early step the Society took was to publish a list of Guidelines for media lawyers in undertaking media disputes which we thought would assist all parties. Those Guidelines are available from the Society's website. The Guidelines align with the Warning Notice published by the Solicitors Regulation Authority (the "**SRA**"), on which the Society was consulted along with other stakeholders.

We are unaware that the Society has any meaningful influence within either the Government or Parliament. Indeed, arrayed against the Society has been a powerful coalition across politics and the media of supporters of further restrictions on the legal rights of the victims of misreporting and media intrusion. Your email refers to no less than four current or former Parliamentarians to whom you appear to have spoken who all appear to favour further restrictions. In October 2024,

the Prime Minister himself authored an article in The Guardian suggesting further reform in relation to supposed SLAPPs.

Moreover, when the Ministry of Justice (the "MoJ") set up a working group to consider the issue of SLAPPs, while representatives of media organisations and other campaigners for further restrictions were included, no one either from the Society or who could otherwise be said to reflect the expertise of media lawyers generally was included. In addition, in January of this year a letter was sent to amongst others the Prime Minister and the Minister of Justice urging further reform which was signed by many national newspaper editors and other senior figures. Accordingly, the power and the influence in relation to the SLAPP debate is very much on the side of the media.

What the Society does have is real life expertise, experience and actual evidence which it has sought to share with the MoJ and MPs. It appears to be that which may have caused some pause for thought.

The prevalence of SLAPPs

The Society does not deny that some media claims are inappropriately brought, although as explained below, the extent of this problem is debatable. Plainly, any claim inappropriately brought should be discouraged. There are already a number of procedures to ensure that such claims are not permitted to progress.

However, in the view of the Society, the (quite proper) concern regarding inappropriately brought media claims needs to be tempered by two matters.

First, it needs to be borne in mind that on occasions individuals are wrongly and unlawfully traduced by journalists and media organisations. Sometimes journalists quite simply get things wrong. Moreover, when that happens it can be extremely distressing and damaging for the individuals concerned. And sometimes the journalist and the media organisation can be intransigent when a complaint is raised.

We set out in an annex to this letter some details regarding two such cases. The first was brought by Zoë Harcombe, a medical researcher, and Dr Malcolm Kendrick, a GP, in respect of extremely serious and unpleasant allegations published in the *Mail on Sunday*. The second was brought by well-known naturalist, Chris Packham, over allegations made online. In both cases there can be little doubt that the allegations were extremely distressing and harmful to the claimants, there is no sense of the defendants responding responsibly to the complaints and it is clear that the serious allegations had to be addressed by the claimants. Those advocating further restrictions make much of the distress and inconvenience caused to journalists by unwarranted complaints but there appears to be little or no regard for the position of people faced with the publication of horrendous false allegations. In our view there needs to be a balance between these two legitimate concerns.

Second, the Society is also aware of the complexity and cost of legal cases and in particular media cases. It seems to the Society that the response by some defendants in some media cases is less to any questionable underlying merit in the claim or any specific misconduct by the claimant, but to the labyrinthine nature and potential cost of such proceedings. In that we would have some sympathy. Indeed, one problem with many proposals regarding SLAPPs from our perspective is that they are likely simply to add to the complexity and cost.

The response of the Society to the debate concerning SLAPPs

As regards the debate around SLAPPs which has ensued in recent years, the collective concern of the Society has been two-fold.

First of all, it has been widely stated by campaigners, the media and legislators that there is an overwhelming problem of claimants bringing wholly unmeritorious defamation claims against media organisations and individuals and in those claims using wholly unacceptable tactics to intimidate defendants. While the Society was of course aware of some media cases which were

ill-founded (this is true in all areas of law), it was not aware of the problem being anywhere near the scale being contended. This it seemed to us an important matter of context for the Government and Parliament to understand.

We struggled to identify these alleged SLAPP cases. We asked the MoJ, but they declined to identify a single one. We were aware that a number of cases contended to be SLAPPs could not really bear that description. For example, the case of *Banks v Cadwalladr* is often cited as being an example of a SLAPP, but the High Court, while finding for the Defendant, expressly stated it was not a SLAPP and the Court of Appeal ultimately found for the Claimant, so plainly not a SLAPP.

In the end, we thought it would be helpful if we commissioned some proper academic research into the prevalence of SLAPPs. This seemed to us something which should have been obtained at the outset by those calling for the restrictions, or at least by the MoJ, but unfortunately was not. We turned to Paul Wragg, Professor of Media Law at the School of Law at the University of Leeds. The Society contributed to the cost of his report. We imagine that you have seen a copy, in any event it is available and has been in the public domain here since February 2025.

We consider the report to be detailed and informed. If you consider that there is any defect with it, please let us know. In particular, if you disagree with any of his conclusions as to whether specific cases can or cannot be properly characterised as SLAPPs, please identify these to us with your reasons. We also believe that the report is significantly more authoritative than the other documents we have seen citing supposed SLAPP cases.

Our misgivings regarding the alleged prevalence of SLAPP cases have been fortified by two other matters.

First, in 2024 the SRA conducted what it called a "thematic review" of 20 solicitor firms undertaking media work, looking at two cases from each firm. In that review it found no inappropriate conduct in respect of the firms it visited. It did find, among the 40 cases reviewed, one file where the firm on the other side may have been guilty of "*excessive and disproportionate correspondence, and potentially pursuing a meritless claim*". We would not want to downplay the importance of this one case, but it does seem to us that one possible – but not proven – SLAPP case among 40 randomly selected cases did not chime with the level of the problem generally being contended.

Second, as you may be aware, the SRA proceeded with regulatory prosecutions against three solicitors in relation to alleged SLAPP cases. Recently, all three cases have failed with the solicitors in question being entirely exonerated, the SRA being strongly criticised and in two cases, the SRA being ordered to pay the solicitors' costs (which is unusual in cases of this type, even where the SRA is unsuccessful).

We should be clear once again that we do not contend that there are never inappropriately brought media cases. But we do believe that the evidential basis on which the MoJ and Parliament has proceeded as regards the extent of the problem is to say the least questionable.

The second concern of the Society is that we believe that there are significant technical problems with the existing anti-SLAPP measures contained in sections 194 and 195 of the Economic Crime and Corporate Transparency Act 2023 (the "**2023 Act**") which would apply even more so to proposals to extend these provisions to all media claims. These were set out in a blog post (here) and also covered in the letter from the Society to the then Lord Chancellor/Justice Secretary Alex Chalk in April 2024 to which you refer in your email. We think the points which have been made speak for themselves. We are unaware of any meaningful response to these concerns either from the Government or campaigners.

You may be aware of the recent case of *Kamal v Tax Policy Associates Ltd & Anor* [2026] EWHC 551 where SLAPP provisions in the 2023 Act were put to the test. This was a libel claim brought by a tax barrister against online blogger and former tax lawyer, Dan Neidle. The Claimant was plainly not an expert in defamation law and it is very unlikely that the claim would have been

brought (at least in the terms it was) if he had been advised by any members of the Society. The claim was struck out on ordinary principles by Mrs Justice Collins Rice. There was then an application under the new anti-SLAPP provisions. That succeeded too but was of course unnecessary since the claim had already been struck out. What is noticeable from the judgment is the difficulty the judge had interpreting and applying these provisions.

The judgment very much supports the view of the Society that there are good reasons for believing that existing law already provides very substantial means for bringing to an end badly founded defamation claims and the new provisions are poorly formulated and likely to increase the uncertainty and cost of libel proceedings.

Turning to your specific questions:

1. Repeated correspondence shows the Society arguing that anti-SLAPPs legislation is unnecessary and could even embolden the media's worst excesses. In letters and emails from the Society, concerns about the use of SLAPPs to silence investigative journalists — and even victims of sexual abuse — are dismissed as "a misleading narrative presented by the media."

There is no question here, if there is something specific you would like the Society to address in this regard please let us know. The position of the Society regarding the prevalence of SLAPPs is set out above.

2. Former Conservative MP Charlotte Leslie has said: "It's clear from these documents that the Society of Media Lawyers conducted an aggressive lobbying campaign to kill off any prospect of sensible legislation that could threaten the UK's lucrative racket in libel lawfare." She added: "The documents also show the Society grotesquely mischaracterised a number of high-profile cases, including mine, to persuade ministers that there is no problem. The correspondence exposes a sector of the British legal profession that is in complete denial about the threat it has posed to freedom of speech and the reputation of the UK's legal system." How would you respond to Ms Leslie's characterisation?

We do not know to which documents Ms Leslie is referring but the Society has not conducted any form of "*aggressive lobbying campaign*". Instead, it has written a very limited number of letters to the MoJ and one to MPs trying to share its expert views on the efficacy of the proposed SLAPP provisions. It would be useful for the Society to understand in what way it has "*grotesquely mischaracterised a number of high-profile cases*". Moreover, the Society is not in any form of "*denial*" about anything. As set out above, its position is informed, expert and measured. Again, it would be useful to understand anything specific that the Society has said with which Ms Leslie disagrees.

3. The Society of Media Lawyers emerged in the summer of 2023, around the time that the then-Conservative government was passing new legislation to tackle financial crime that included anti-SLAPPs provisions. Is this accurate?

As set out above, the Society was established in 2023.

4. Sources we have spoken to say that the Society's name is similar to that of the Media Lawyers Association, which represents in-house lawyers from much of the UK media, and that this represents "a deliberate attempt to appear as the voice of the industry, when they are anything but." One source added: "They could be done under the Copyright Act." How would you respond to this?

The Society is a collection of lawyers who have very substantial experience and expertise in media law. What else would you have us call ourselves? We offer substantial insight from a wide range of practitioners who act for both claimants and defendants in media law matters. We have heard no suggestion that anyone has confused the Society with the Media Lawyers Association (the "**MLA**"). (We also note in this regard that the complaint you make of the Society's name might just

as well be applied to the MLA, indeed it could be made with greater force since as far as we are aware the MLA has few if any practitioners who act for claimants to any material degree.)

5. Civil servants appear to have been wary of antagonising politically well-connected lawyers. In internal emails, officials described the Society as "packed with heavyweights, including peers" — among them lifelong Labour supporter Iain Wilson, a partner at Brett Wilson.

We cannot comment on the attitude of any civil servants (to the extent to which what you say is derived from any documents, you have not shared them with us). We can understand no basis at all why any civil servants would be "*wary of antagonising*" the Society or any members within it. Please explain the reasoning here and in particular the anticipated adverse consequence which it is feared may arise.

We are flattered by the notion that the Society is "*packed with heavyweights*" but while we would consider that the legal abilities of the individual members of the Society cannot be in doubt, as stated above we are unaware of any meaningful political influence that the Society has, the political power and influence is all on the other side.

As for Mr Wilson, whilst he has normally voted for Labour in general elections[1], he has no connection with the Labour Party or individuals within it. Again, we do not understand why the simple act of Mr Wilson voting Labour would mean that the Society had any special political influence.

6. We will describe the Society's lobbying efforts as a discrete but highly effective campaign, spearheaded by high-profile libel lawyers. An MP who has seen the documents has described it as a "lobbying frenzy." How would you respond to this characterisation?

Again, we are unaware of what documents are being referred to here. We believe that over the course of three years we have written a handful of highly measured and technical letters to the MoJ and MPs, the latter in response to a letter from the Anti-SLAPP Coalition. We have had two online meetings with officials from the MoJ. We have also published one blog post referred to above. This may be usefully compared with the volume of communications and coverage from the media and their civil society advocates on the other side of the debate.

Our intention has always been to inform policy makers and other stakeholders of our well-founded concerns based on our expertise and experience regarding the evidential basis for the proposed reforms and the technical deficiencies with them. We do not think that approach can be sensibly described as a "*lobbying frenzy*". Moreover, we have always been transparent, with correspondence typically copied to the Law Society and/or the SRA. Letters have been sent to politicians on the understanding they would inevitably be shared with journalists and campaigners.

7. After Labour came to power, the Ministry of Justice began to classify the Society of Media Lawyers as a "civil society organisation" alongside anti-SLAPPs campaigners. Lord Faulks described it as "very surprising" that civil servants were treating the Society in this way. "These are not disinterested stakeholders," he said. "Let's not forget this is pretty lucrative stuff for them."

With respect to Lord Faulks, it appears that he is not fully aware of the intention or the role of the Society. As explained above, the Society is not seeking to champion claimant lawyers. Its members represent both claimants and defendants in media claims. What it is trying to do is bring to bear the expertise and experience of its members to inform policy makers. For that reason, we would have thought that the description of *"civil society organisation"* is indeed appropriate (particularly if the same label has been used for anti-SLAPP campaigners).

However, perhaps of more importance than the formal status of the Society is the information and the matters the Society has raised. As stated above, we have had no meaningful response to any of the information or the analysis we have offered.

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[1] This is of course a private matter and should not be reported.

8. The Society's letters to officials referenced the case of a woman, Nina Cresswell, who was sued for libel after she wrote a blog post and a series of social media posts accusing a tattoo artist, Billy Hays, of sexually assaulting her. Hays threatened legal action and the case proceeded to court, where a judge ruled in Cresswell's favour, finding that her account was "substantially true" and that her statements were "on a matter of public interest."

The Society described claims that libel law is used to silence victims of sexual crimes as "a misleading oversimplification," arguing that Cresswell's victory demonstrated that the current legal system is fit for purpose. Cresswell told us that despite winning the case, the protracted process had a "devastating impact" on her life and work. "I couldn't focus on work, I couldn't manage clients, because all my time was consumed with fighting off these legal threats," she said. "I know this isn't an oversimplification, because it literally happened to me. It's legal silencing."

How would you respond to this?

We did indeed refer to the case of Ms Cresswell in a letter to Alex Chalk in April 2024. That case was notable for the flexible approach which the Court took in applying the public interest defence under section 4 of the Defamation Act 2013 to assist the Defendant. We think that it is important to note in the context of the SLAPPs debate that courts will work to find solutions under existing provisions. That is, in our view, to be encouraged. We did not intend in any way to seek to dismiss or diminish the ordeal of Ms Cresswell.

We do think the case of Ms Cresswell does illustrate some of the difficulties. In particular, what is the law to do when one individual makes serious allegations (in this case of sexual abuse) against another? In some cases, those allegations are true and in other cases they may turn out to be untrue - in which case they may cause very substantial harm and distress to the target (an example of the latter situation arose in the case of *Aaronson v Stones* [2023] EWHC 2399 in which the Claimant, who was falsely accused of multiple rapes on social media, was awarded substantial damages). Plainly, both situations are likely to give rise to the most extreme and intolerable distress on the part of the innocent party.

One option might be to render various classes of allegation unactionable. In which case entirely false allegations could be made without any redress. If such cases remain actionable, the Court will have to determine whether the allegations are true or other defamation defences apply. This inevitably embroils the parties in the complexities of media litigation. We quite understand why Ms Cresswell and others coming to such litigation find it extremely burdensome. As stated above, one problem with the SLAPP reforms is that they are likely to add to – rather than diminish - the complexity and so the burden on litigants.

But as regards the case of Ms Cresswell, what is unclear is whether the current SLAPP provisions in the 2023 Act, even if extended to all types of allegations, would have assisted Ms Cresswell at all. In particular, we are unaware of any conduct on the part of the Claimant in that case which would have qualified the case as a SLAPP under those provisions. Indeed, one of the concerns we have expressed about the SLAPP reforms is that very often they are likely to miss the target.

9. A Conservative MP has said that the Society's members "have helped create a multimillion-pound industry around suppressing free speech. In the process, they have become fabulously wealthy and have helped turn London into the global capital of SLAPPs." The MP added: "For the Ministry of Justice to look to those same lawyers for advice on whether SLAPPs are a problem would be laughable if the issue were not so serious."

As stated above, members of the Society act for both claimants and defendants and the Society is not seeking to champion claimant or claimant lawyers in media complaints. The points made by the Society stand or fall on their own merits. Those who do not agree should simply address the points made and identify why they disagree. To dismiss what has been said solely on the basis of an entirely false characterisation of the nature of the Society does not appear to us to be a helpful or constructive way to proceed.

In any event, we would note that even the Coalition Against SLAPPs in Europe (CASE) – using their rather uncertain methodology - could identify only 19 so-called SLAPP cases in the UK during the 11 years between 2010 and 2021, placing the UK 25th out of the 31 European countries considered. So the description of London as "*the global capital of SLAPPs*" would appear to be on any view unfounded. As you may or may not be aware, the number of defamation claims issued in England and Wales has significantly decreased in recent decades, with numbers now totalling only about 150 a year.

10. In April 2024, the Society wrote to the then-Lord Chancellor Alex Chalk, warning that the bill was "entirely one-sided" and that "the Government should heed the lessons of the Leveson Inquiry and be very slow to hand further litigation advantage to the unregulated press." We will note that the Leveson Inquiry was triggered by unlawful phone hacking, not by libellous claims made in newspapers.

Again, no question is raised here. The Terms of Reference of the Leveson Inquiry were in fact to "*inquire into the culture, practices, and ethics of the press*" generally, they were not in any way limited to phone hacking. Indeed, one of the recommendations made in the Leveson Report was that costs protections be retained for claimants in defamation and privacy claims. Additional protections (namely section 40 of the Crime and Courts Act 2013) were placed on the statute book, but were repealed before coming into force following intense lobbying by media organisations.

Moreover, the SLAPP reforms at sections 194 and 195 of the 2023 Act are not limited to defamation claims and (subject to the caveat that these provisions currently apply only to allegations relating to economic crime) could relate to claims of phone hacking and other invasions of privacy.

In particular, under the proposed SLAPPs Bill, the so-called "*anti-SLAPP"* provisions would be extended to any *"claim [which] relates to an expression ... made ... which discloses ... information relating to a matter of public interest*" and the "*public interest*" here is defined extremely broadly to include for example "*statements made by the claimant or any other person that are, or are alleged to be, false*" – even statements it would appear which relate to that person's private life. That would encompass an enormous range of potential claims.

11. We will report that the Society sent Ministry of Justice officials a research paper which it said "undermines the evidential basis put forward by the previous government" for anti-SLAPPs legislation. The paper, written by Dr Paul Wragg, "benefitted from generous funding by the Society of Media Lawyers" and argues that numerous high-profile cases did not constitute SLAPPs.

How much funding did the Society provide towards Dr Wragg's paper, and who specifically paid for it?

The contribution made to Professor Wragg in respect of his report is confidential, but it was subbed to the Society by its members (the Society itself has no funds). We believe that his report is detailed and informative. If you find any fault with it, please identify this to us.

13. In September 2025, the Society met with government officials. We will report that in February, the Times reported that justice minister Sarah Sackman had drafted anti-SLAPPs measures, but that the proposed legislation had been shelved — with a government source attributing this to fear of backlash from lawyers.

First, we note that there is no question 12. Please let us know whether that is intentional or whether a question has been inadvertently omitted.

Members of the Society met with representatives from the MoJ in September following an approach by civil servants. Prior to the meeting we were told that *"Ministers are keen to explore what more can be done to comprehensively tackle the [SLAPP] issue, looking at both legislative and non-legislative options"*. Our views were sought on "*an approach to reform which will most*

effectively discourage both legal professionals and claimants from engaging in SLAPP practices, whilst also maintaining access to justice for those with legitimate claims".

The Society's stance was explained, as summarised below:-

1. The topic should be referred to the Law Commission (as suggested by the now Lord Chancellor/Justice Secretary David Lammy in 2024) before any further legislation is passed.

2. To the extent Ministers disagree, further legislation is unnecessary.

3. To the extent Ministers disagree, further legislation is premature until we have had a chance to see how the recently implemented ECCTA provisions work – as per the government's position (set out in a statement by former Justice Minister Heidi Alexander MP to the House of Commons in 2024).

4. To the extent there may be any SLAPP problem, the Court is already adequately equipped to deal with meritless/abusive claims. To the extent mischief occurs pre-action/pre-pub, the regulator is already adequately equipped to police and deter abusive threats

The civil servants present seemed receptive to/interested in our views. They were keen to hear about our experiences of dealing with the media when dealing with pre-publication matters. They assured us that any reform proposed (if there was to be any) would be proportionate and mindful of access to justice

The above is consistent with the Society's position set out in letters to MPs and publicly.

We do not understand what is meant by any "*fear of backlash from lawyers*". We do not believe that lawyers would be in any position to effect any form of "*backlash*" even if they were somehow minded to do so (which as far as we are aware they are not). Certainly, the prospect of any potential "*backlash*" has never formed part of the correspondence or conversations with the MoJ. It seems to us that far more plausible than any fear of any "*backlash*" is that the MoJ officials have quite properly taken on board the concerns which have been raised in respect of the SLAPP reforms.

We hope that is useful to you. Noting the public interest in relation to matters concerning SLAPPs and the debate around them, we propose contemporaneous with your article to publish our exchange of correspondence between us (and any future such correspondence) on our website. To this end, we would be grateful if you (a) could confirm that you have no objection to this and (b) notify us when you are proposing to publish (we have no desire to pre-empt you).

Kind regards

The Society of Media Lawyers

Annex

Harcombe & Anor v Associated Newspapers Ltd & Anor [2024] EWHC 1523

The Claimants, one a medical researcher, the other a GP, were accused in a series of articles in the *Mail on Sunday*, of serious allegations of falsely denying the efficacy of statin drugs. The articles included the description of the Claimants as "*pernicious liars*".

At trial, the substance of the allegations was found to be untrue, the articles to be "seriously misleading" and the approach of the journalist to be at fault.

The articles were published in 2019 but the vindication at trial was not achieved until 2024. Accordingly, the Claimants, who were entirely *bona fide*, had to endure five years of having their reputations very substantially undermined with the response of the newspaper to their complaints woefully inadequate.

Chris Packham v Wightman & Bean [2023] EWHC 1256 (KB)

The well-known television naturalist, Chris Packham, sued over serious online allegations including dishonestly raising funds for a range of animal projects. Given his status, the allegations went to the heart of his professional reputation. The individuals who published the allegations did not retract them and Mr Packham had to proceed to trial. He succeeded in this claim and was awarded £90,000 in damages.