

## Press standards - Call for evidence.

### Accuracy

When reporting on issues involving Press Freedom there is especially a need for factual accuracy and not to use it as an opportunity to complain that it illustrates the risk to Press Freedom or they've suffered an injustice.

This lack of accuracy is illustrated by the press reaction to the summary judgment in *HRH The Duchess of Sussex v Associated Newspaper Limited* [2021] EWHC 273 (Ch).

A very good summary account is in *Newspaper Loses High Profile Case, Ergo, Dangerous Precedent?* – Dominic Crossley [February 19, 2021](#) .

Extracts from the article illustrate my point:

*“Publishers and their legal teams will fear that yesterday’s victory for the Duchess of Sussex is a leap towards a judge made privacy law”* ran The Times article ...

Meghan did not *just* win this case. Her legal team applied for Summary Judgment meaning that she had to demonstrate that the Mail on Sunday had no “real prospect” of succeeding in its defence or that the case would otherwise justify a trial.

But the Judge was emphatic in his conclusions. On privacy: “the disclosures [of the letter] were manifestly excessive and hence unlawful”. On copyright: *“The defendant’s factual and legal case... seem to me to occupy the shadowland between improbability and unreality”*.

Crossley’s concluding comment illustrates the strong need for a code that includes real accuracy:

[A] very significant developments in media law have been in favour of publishers. The Defamation Act 2013 has made it more difficult for claimants to succeed in libel claims. Conditional fee agreements have been curtailed, after much media lobbying, so that many claimants cannot now seek redress against a newspaper because they cannot afford the legal costs. And, perhaps most strikingly, the Leveson recommendations have been shelved leaving complainants with only the newspapers’ own creation IPSO as their unlikely protector.

I’ve also seen [The Mirror](#) online:

### **Royals 'shocked' after Meghan Markle's court win as 'palace four' stopped from testifying.**

By Dave Burke 09:27, 14 FEB 2021 Updated 21:29, 14 FEB 2021

‘On Thursday the Duchess of Sussex won a judgement which meant her case against the Mail on Sunday over the publication of a letter to her dad Thomas would not go to trial. ...

The couple's former private secretary Samantha Cohen, their ex-communications secretary Sara Latham and Christian Jones, who was their deputy communications secretary, were also poised to shed light on the case. ...

After Thursday's ruling, an insider told the Sunday Times : “It’s like the judge decided the evidence was irrelevant.” ...

An Associated Newspapers source said: “We are astonished that the judge doesn’t want to hear evidence from the palace four when they say they are willing to give evidence and can shed light on the creation of the letter and whether she anticipated it would become public.”

The full article gives the impression that the Associated Newspapers were hard done by and didn’t get justice.