

JUDGMENT OF MANN J in the MIRROR NEWSPAPERS HACKING LITIGATION
21 May 2015

The eagerly awaited judgment in the Mirror Newspapers Hacking Litigation has just been handed down in Court 15 of the Rolls Building. Given that public awards of damages in privacy claims are few and far between, any judgment on privacy damages would be valuable. As this judgment contains a detailed analysis of the award of damages for a huge number of invasions of privacy across 8 claims, the guidance it contains is invaluable. That is not to mention, of course, the long and detailed analysis of the facts, evidence and inferences that can be drawn, which will be useful in any type of case where the wrongdoing has been concealed and disclosure is less than might be desired. It is a judgment that is well worth reading in full, rather than relying on any summaries. Be prepared to set aside some time for reading, however, as it is one of the more lengthy judgments, running to some 360 pages.

Turning to the judgment, the guidance the Judge gives is based on the evidence he heard at the four week trial in March 2015, as well as the various admissions made by MGN Ltd in the course of the first wave of claims brought by victims of phone hacking against them.

Although the extent of the wrongdoing “has been concealed by acts of the Defendant”, the Judge has made some important findings on the extent of the unlawful activities at all three MGN newspapers and he has found that “the practice of phone hacking was indeed widespread, institutionalised and long standing”.

The Judge has also provided detailed guidance to future claimants on damages and has found that in assessing privacy damages, the Court is not just confined to considering distress but also the damage or affront to dignity or standing. The Judge awarded substantial damages to the claimants, from £72,500 for Lauren Alcorn to £260,250 for Sadie Frost. The high awards in these cases, greater than previous cases, reflect the serious and repeated intrusions into the claimants’ privacy and the impact that it had on their lives.

Understandably, a lot of the claimants involved in this trial were reluctant to come to Court to relive difficult periods in their lives and to speak of their “horror, distaste and distress at the discovery that Mirror group journalists had been listening, on a regular and frequent basis, to all sorts of aspects of their private lives.” It is therefore a great relief to them that the Judge has recognised the grave impact the unlawful activity of MGN had on their lives and “that the emotions they felt were genuine, not exaggerated and entirely justified.”

For some of the claimants in particular, this victory has been a long time coming. For many years, MGN denied any phone hacking at its titles and even sought to strike out some of the earlier claims. The claimants also had a difficult time finding out what had happened as all disclosure applications were hard fought. In addition to this, MGN only apologised to the claimants a few weeks before trial, and even the Judge has accepted that these “apologies were made at least partly as a tactical matter with an eye to the forthcoming trial”. It has therefore been a long and drawn out battle to get to this point and the claimants are pleased to be able to finally close this difficult chapter in their lives.

There are numerous other claims pressing forward in the second wave of the litigation and a Case Management Conference for new cases is being arranged as soon as possible. Given the twists and turns the first wave of the litigation took, it will be interesting to see what the shape of the next wave will be once the dust has settled from this judgment.

Please note, we have been directed to make certain orders, documents and other information public. You will find them at <http://atkinsthomsonphonehacking.com/public-documents>

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