



Gillian Tylfirth with her boyfriend Geoffrey Knights at the High Court after their roadside incident in 1992

Don't reach for that writ

Libel cases often leave everyone unhappy, finds **Trevor Grove**

SORICHLY entertaining are high-profile libel cases that one is almost inclined to think television cameras should be let in for our instruction. They can be regarded as modern versions of medieval morality plays. Here, if justice could be relied upon, the public might observe overblown egos self-destruct (Hamilton v. Fayed, 1999), liars brought low (Aitken v. Guardian, 1997), media mendacity exposed (Elton John v. Mirror, 1993) and hubris humbled (the record-length McDonald's case, 1997: a win on points for the hamburger heavyweight, but a PR disaster).

In fact, no such outcome can ever be assured. Truth does not always triumph in the libel court. Nor, thanks to the enormous expense of litigation and the quirky rules by which costs and damages are allotted, do winners always win (Bill Roache v. Sun: the "Coronation Street" actor won £50,000 but faced costs of £115,000). Worse, over and over again laws devised to protect a man's good name have helped bad men to go unnamed.

One of the worst such offenders was Robert Maxwell. He was a 20th-century version of Trollope's crooked financier Melmotte, suggests David Hooper, a leading libel lawyer, who found himself repeatedly

Reputations Under Fire: Winners and Losers in the Libel Business

by David Hooper
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defending clients against the Mirror magnate. In *Reputations Under Fire*, Hooper describes Maxwell as a libel terrorist, who built up a reputation as a pitiless litigant and intimidated those he wished to silence, although not always successfully. Hooper mounted stiff resistance on behalf of targets such as Maxwell's biographer Tom Bower. "Yet as a libel lawyer," he writes, "I had a rare reason to regret the passing of the old villain and the source of so much business."

Hooper also refers to Maxwell as the "old rogue", and it is his Rumpolian regard for the vain, brave, foolhardy, or simply desperate characters who people the hall of defamation that makes his guide so enjoyable as well as instructive.

In its twisting corridors we re-encounter Derek Jameson, the amiable tabloid newspaper editor who, in 1980, unwisely brought a libel action against the BBC for a satirical sketch about

him in Radio 4's "Week Ending". It lampooned him as a man who "believes that erudite is a glue". Jameson paid for his thin skin by ending up both out of pocket and a laughing stock.

Hooper tells us of the actress Charlotte Cornwell, who, in 1985, sued the *Sunday People* for an unflattering reference to her bottom and won substantial damages — but who had to pay out even more in costs and is still associated with the offensive remarks to which she drew attention. It was a case in which, says Hooper, "with characteristic skill, the law of libel had conjured up a result which left everyone unhappy".

Gillian Tylfirth, better known as Kathy Beale of "EastEnders", was another who must have bitterly regretted going to court. She sued the *Sun* over innuendos about roadside hanky-panky (she said pancreatitis) with her boyfriend, Geoffrey Knights. Sad to say, far from clearing her name, the trial is remembered chiefly for a rather blunt definition of fellatio and the surprise exhibit of a video showing Ms Tylfirth behaving lewdly with a wine bottle.

Hooper is candid about the risks of reaching for a writ. He recalls that before raising the "sword of truth" against the

Guardian, Jonathan Aitken sought the advice of Peter Bottomley MP, who had won a £40,000 libel action in the teeth of a Carman cross-examination. Bottomley counselled:

If in your life you have done something significantly wrong, no matter how many things you have done right, don't sue. If in the article there is a significant thing which they have got right, again, don't sue.

Judging from the catalogue of comeuppances in Hooper's book, this was and is sound advice. Writs have a nasty tendency to boomerang. What tumbled Jeffrey Archer from high to low estate? "Finally in November 1999, the libel law exacted its revenge on Archer," writes Hooper with relish.

Hooper is a good man with whom to enter the libel jungle, an area of law tripwired by lianas and carpeted with banana skins. In some places, such as the setting of damages by juries (once likened by Lord Bingham to loosing sheep on an unfenced common with no shepherd), guidelines have been introduced and excesses curbed. But in others, such as the *terra incognita* of libel on the internet, the way ahead looks treacherous. Those who dream of a new era of enormous damages should make Hooper's cautionary tales their bedside reading.