

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

MEDIA & COMMUNICATIONS LIST

B E T W E E N:

DINAH GWEN LISON ROSE KC

Claimant

and

**(1) JONATHAN AMES
(2) TIMES MEDIA LIMITED**

Defendants

STATEMENT IN OPEN COURT

Claimant's Counsel, William Bennett KC

My Lord/Lady, I appear in this matter on behalf of the Claimant, Dinah Rose KC.

My (learned) friend, [NAME], appears on behalf of the Defendants, who are Jonathan Ames, the Legal Editor of *The Times* newspaper, and Times Media Limited, its publisher.

Ms Rose was called to the Bar in 1989 and has since practised as a barrister. She was appointed Queen's Counsel in 2006. In 2016 she was appointed as a Deputy High Court Judge for a four year term. With effect from September 2020 she was elected President of Magdalen College, Oxford.

On 21st November 2022 The Times published an article under the headline 'Law chiefs rule against college head in gay row'. The article concerned the involvement of Ms Rose in a case before the Privy Council concerning same-sex marriage legislation in the Cayman Islands in which Ms Rose had represented the Islands' government. Ms Rose's involvement had attracted criticism from those who considered the case was promoting a ban on same-sex

marriage. The article reported claims by a gay rights campaign group based in the Cayman Islands that Ms Rose had wrongly claimed that she had been professionally obliged to accept the instructions when in fact she had not. The article further reported that while the Bar Standards Board, to whom a complaint about Ms Rose had been made by the campaign group, had decided to take no action against Ms Rose, it had decided adversely to her that she had been wrong to make that statement and had been reckless in doing so.

The article was incorrect. The BSB did not find that Ms Rose had wrongly claimed that she had been professionally obliged to accept the instruction when she had not; and nor did it find she had acted recklessly in making that claim.

The day after publication of the article a public statement was issued by the Bar Standards Board. That statement said the following:

- The BSB had taken no regulatory action against Ms Rose and had made no ruling against her.
- Ms Rose, when deciding to accept the instructions, had been correct to act in accordance with her professional obligation at rule rC28 of the Bar Code of Conduct not to withhold her services on the grounds that the nature of the case or the conduct or opinions of the client are objectionable or unacceptable.
- So far as concerned Ms Rose's statement that she had been obliged to accept the instructions because of the 'cab rank' rule, the BSB had seen no evidence to support a contention that Ms Rose knowingly misled or attempted to mislead anyone or that she was reckless in doing so, and the BSB's view of the statement was that it was careful in its content and tone.

Ms Rose was shocked and distressed by the article. She considers the professional obligation of barristers to accept instructions in controversial or unpopular cases to be an important matter of constitutional principle. The rule of law and the proper administration of justice require that access to legal advice and advocacy should not be denied to those whose opinions are objectionable to barristers or to members of the public.

The Defendants accept that the article was incorrect and are here today by their solicitor to apologise to Ms Rose. They have also agreed to pay her substantial damages and her legal costs.

Defendants' counsel/solicitor

On behalf of Mr Ames and The Times, I agree with what Ms Rose's counsel has said.

Mr Ames and The Times offer their sincere apologies to Ms Rose. They acknowledge that the article made allegations against her which were untrue. They are very sorry to have caused her distress.

Claimant's Counsel, William Bennett KC

Mr Lord/Lady, with the making of this statement, Ms Rose is content to let the matter rest.

It only remains for me to seek permission to withdraw the record.

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