

APP SHEET Documents to be included with an application (defamation cases)



Sufficient documents should be included with an application for the Unit to be able to make a decision as to whether to assist a case or not.

- If the papers are very bulky (over 100 pages) it would be helpful if you make a selection of what seems the most important; but also provide a written summary of what other documents exist, so that if we need more we can ask you for it.
- Always put documents in date order.

What is required will depend upon whether court proceedings have been started.

Where proceedings have not yet started the Unit must be provided with the following:

- A written account of **what** has been said, written, broadcast or otherwise published.
 - If the complaint is about speech then there will need to be a written statement from someone who heard the words being spoken.
 - If the complaint is about writing then please provide a copy or printout of the newspaper article, letter, report, website posting (not just a link to the web address/URL) or other written content.
 - If the complaint is about a TV or radio broadcast then please provide a written transcript.
- Full details of exactly **to whom** the publication has been made and how you know that any particular person heard or read it.
- Full details of what **harm** has been done or is likely to reputation, including any **specific financial losses** caused by the publication.
- Full details of any **additional** known facts or circumstances that may have made the allegations seem worse, or caused additional upset or distress.
- A written explanation as to the **truth** (or not) of the allegations.
- A written explanation about the **circumstances** in which the allegations were made: private meeting, private letter, official report, police report, newspaper article etc.
- If the allegations were made in the media (newspaper, TV, radio, Internet news site), full details of any approach made prior to publication for **comment**.
- A copy of any written **complaint** that has been made, or a written note of any complaint made orally.
- A copy of any written **response** that has been received, or a written note of any response.
- Copies of any letters or opinions from solicitors, barristers or other advisers giving **advice** about the case.
- Copies of any **offers** to apologise, retract or settle the case that have been made, and any response.

Where proceedings have started the Unit **must be provided in addition to the above with copies of the following:**

- **Claim Form** and **Particulars of Claim** (submitted to court by the Claimant).
- **Defence** (submitted to court by the Defendant).

- **Reply** (submitted to court by the Claimant).
- Any **Orders** made by the court, including **Notice of Allocation, Order for Directions**, incorporating any dates for compliance with timetable, deadlines etc.
- **Skeleton Arguments** (if any), with any **Case Summaries**, or **Chronologies** that have been filed at court.
- All **Applications** or other **Forms** filed at court.
- **Statements** or **Affidavits** (but without any of the exhibits, to start off with).

For appeals to a **Judge** or the **Court of Appeal** the Unit **must be provided with** the following:

- The reasoned decision i.e. the written **Judgment** or a transcript if the judgment was given orally, of the lower court appealed against (e.g. a High Court Master or Judge).
- Any **Orders** made by the lower court, including the order recording the result of the judgment.
- Any completed **Appellant's Notice, Grounds of Appeal, Respondent's Notice** that has been filed at court.
- Any **document** (including witness statement or exhibit) that is referred to in the judgment, or which was not referred to but you think is important.
- If it is not too bulky, any **hearing bundle** that was before the court.

Note: strict time limits apply for appeals. Until an applicant has been informed of the name of the Panel barrister who has agreed to assist, the applicant must ensure that the time limits are complied with and if necessary an extension of time obtained from the court.

Always send photocopies not original documents. Any documents supplied will be destroyed after closure of a file unless it is indicated that the applicant wishes to recover papers from the Unit. Any such indication must be made **at the time of making the application or submitting any further documents**. Papers can be recovered by the applicant or an adviser to the applicant in person, by supplying a DX number, or by sending a cheque for postage. Papers must in any case be recovered within 6 weeks of the closure of a case by the Unit unless special arrangements are made with the Unit before this time.

Please avoid sending faxes except where urgent. The Unit cannot normally accept faxes of more than 20 pages in length.

There are further information sheets available from the Unit specifying the documentation which needs to be provided for the following types of case:

- Criminal cases
- Employment cases
- Family cases (child)
- Family cases (financial)
- General
- Immigration cases
- Planning cases

Contact details:

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