

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST**

ALISON MORGAN QC

Claimant

-and-

1. TIMES NEWSPAPERS LIMITED

2. TELEGRAPH MEDIA GROUP LIMITED

Defendants

STATEMENT IN OPEN COURT

William Bennett QC for the Claimant

1. My Lord/Lady, I appear for the Claimant.
2. The Claimant is a barrister. She was called to the Bar in 2000. In 2012 she was appointed Junior Treasury Counsel by the Attorney General. In 2019 she was appointed Queen's Counsel and Senior Treasury Counsel. She specialises in the prosecution of serious criminal offences and has been involved in a number of high profile criminal trials. These include prosecutions relating to the murder of Stephen Lawrence, the 21/7 bomb plot, and the Parson's Green tube bombing. Most recently she was the lead prosecutor in the prosecution of the parents of the man known as 'Jihadi Jack'.

3. The Defendants are the publishers of the well-known broadsheet newspapers *The Times* and *The Daily Telegraph*.

The Times publication

4. On 15 August 2018, The Times ran an article on the front page of its newspaper and its website entitled “**Senior prosecutor under fire after Stokes is cleared of affray**”. The article referred to the prosecution and acquittal of England cricketer Ben Stokes. It stated that Ms Morgan was facing scrutiny over the decisions she had made in the case and, in particular, who should be charged for what offences.
5. On 21 December 2018, Ms Morgan issued proceedings against The Times for libel.
6. Following a preliminary trial on 13 and 15 May and 14 June 2019, Mr Justice Soole held that the words in The Times article would be understood to mean that Ms Morgan “...is reasonably suspected of having been professionally negligent in regard to her decisions as to who should be prosecuted and for what offences in the trial of Ben Stokes and that those decisions had meant that Mr Stokes had not been charged with the correct offences, that Alex Hales had not been charged at all despite film of him kicking one of the victims in the head and that the prosecution had thereby not been properly mounted.”
7. Mr Justice Soole additionally held that the above meaning was defamatory at common law and would have a tendency to cause serious harm to Ms Morgan’s reputation.

The Daily Telegraph publication

8. On 15 August 2018, The Daily Telegraph published an article on its front page and website entitled “**Stokes cleared and back in Test Squad**”. A second article

appeared on page 5 of the newspaper and on its website. The theme of the Daily Telegraph articles was similar to the Times articles. It similarly criticised Ms Morgan for alleged mistakes in the handling of the prosecution, which it attributed to her, specifically charging decisions such as “...*the decision to charge Stokes, but not teammate Alex Hales, despite footage showing him stamping on Ryan Ali, a fire bridge worker...*”

9. The criticisms of Ms Morgan in both publications were entirely unjustified and based on false statements about Ms Morgan’s involvement in the prosecution of Ben Stokes. The true position is that Ms Morgan was only briefly involved in the case and had no involvement in selecting the charges or determining which defendants would be tried. She was instructed after the matter was committed to the Crown Court - and thus some time after the defendants had been charged - but had to relinquish the case less than a month later as a result of a diary clash. This was five months before the trial commenced.
10. The publication of the false and defamatory allegations in two national broadsheet newspapers caused Ms Morgan significant harm to her otherwise unblemished reputation. As a self-employed member of the Bar, Ms Morgan’s good judgement and competence are two of her most important attributes. The fact they were challenged in such a manner compelled her to bring these claims in order to set the record straight.
11. Furthermore, the publications have caused Ms Morgan considerable distress, by striking at the very heart of professional character.
12. The Times has now settled Ms Morgan’s claim, agreeing to pay her damages and her legal costs.

13. The Daily Telegraph has similarly settled Ms Morgan's claim, also agreeing to pay her damages and her legal costs. The settlement with the Daily Telegraph was reached without the need to issue proceedings.

14. My Lord/Lady, in the circumstances, Ms Morgan is prepared to let the matter rest. It only remains for me to seek permission to withdraw the record.

BRETT WILSON LLP
Solicitors for the Claimant

24 October 2019