

Media & Defamation

Freedom of expression by the media is a cornerstone of our democracy. In order to protect this crucial right enjoyed by all Canadians, our lawyers work fearlessly with our media clients to protect their ability to do their important work by:

- defending defamation claims;
- carrying out pre-publication/ pre-broadcast legal vetting;
- opposing publication bans and sealing orders;
- assisting with freedom of information requests; and
- drafting media related agreements for industry participants large and small.

Our lawyers act for Canada's national newspaper, Canada's largest private broadcaster, major news and entertainment media organizations, prominent book publishers, media insurers and new media start-ups.

As a complement to our media practice, we are experienced in pursuing and defending defamation actions among private individuals and are frequently retained to act as appellate counsel on media and defamation matters.

Lawyers and professionals in this area



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Areas of Expertise

- Access to information requests
- Defamation suits
- Freedom of expression claims
- Invasion of privacy
- Libel
- Publication bans
- Search warrants
- Slander

Representative Experience

Among the firm's many significant cases in this area are the following:

- We continue to act on resisting publication ban applications, including: *R. v. J.S.R.* (successfully resisting a publication ban in case relating to the murder of Jane Creba); *R. v. Carswell* (successfully resisting a publication ban in a case relating to child pornography charges); and *Hollinger v. Black* (successfully resisting a sealing order on a case relating to documents filed in a civil proceeding)
- We continue to act for clients on access to information requests, including: Application before Ontario Privacy Commissioner

for records held by nuclear power generators; Application before Alberta Privacy Commissioner for records relating to lawsuit against Stockwell Day; and Applications before federal Privacy Commissioner relating to records of federally regulated corporations

- We represented one of the parties in the Supreme Court of Canada in the leading Canadian case on the law of defamation. Among other things, the case interpreted the common law of defamation in the context of the Canadian Charter of Rights and Freedoms, considered the defence of qualified privilege and established principles for awarding damages in such cases, including aggravated and punitive damages. *Hill v. Church of Scientology*, [1995] 2 S.C.R. 1130.
- We represented one of the defendants at trial and all levels of appeal in a case that was ultimately decided, as a companion case to Hill, in the *Supreme Court of Canada. Botiuk v. Toronto Free Press Publications Ltd.*, [1995] 3 S.C.R. 3.
- We have acted in a number of cases that involved defamatory statements being circulated on the internet. In one such case, we represented the plaintiffs in an action that was commenced against an individual who was using postings on the internet to libel the management team of a corporation and, in so doing, influence the company's share price. By means of the proceedings, we were able to put a stop to the objectionable statements.

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