



GAVIN MILLAR QC

MAIN AREAS OF PRACTICE:

Crime and Regulatory Law
Employment and Discrimination
Law
Media and Information Law
Public Law

Called to the Bar 1981

Appointed to Silk 2000

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Gavin Millar QC is internationally recognised as a specialist in human rights, media, press/broadcasting regulation, election and labour law.

He is a European Union, Council of Europe and OSCE expert on media and election law. He regularly undertakes missions to European countries for each of these international organisations, as well as for the Brussels Commission. He has worked extensively with governments, judges and journalists in the Balkans, Turkey, Moldova and the South Caucasus in particular. This has included advising on media, defamation, regulatory, privacy and criminal laws bearing on freedom of speech, especially with a view to meeting conditions for EU membership.

Gavin has appeared in cases in the Supreme Court, House of Lords, Privy Council, European Court of Human Rights (“ECtHR”) and the Court of Justice of the European Union. In addition he has drafted interventions in the ECtHR for international NGOs, journalists, media organisations and in collaboration with lawyers from other jurisdictions.

Gavin specialises in defamation, privacy, confidentiality contempt of court and court imposed reporting restrictions. Gavin represented the media in *Re S* [2005], the landmark House of Lords case on the balance between the Convention rights to privacy under Art 8 and freedom of expression under Art 10. He also represented the UK media in *R (On the application of Binyam Mohammed) v Secretary of State for Foreign and Commonwealth Affairs* [2010] in which the Foreign Secretary sought the omission of passages in a UK court judgment. The US government had indicated that, in the event of their publication, it would re-evaluate its intelligence sharing relationship with the United Kingdom

In 2010 and 2011 Gavin represented a radio journalist whose live interview with a politician had been the subject of an offensiveness ruling by the UK’s broadcasting regulator, Ofcom. The ruling was upheld by the Court of Appeal and Gavin now represents the journalist in an application to the Strasbourg under Art 10 of the Convention, *Gaunt v UK*, in which judgment is awaited.

In April 2012 Gavin won the important case of *R (on the application of Guardian News and Media Ltd) v City of Westminster Magistrates Court* (CA), establishing the right of journalists to see the documentation filed by the requesting state in extradition proceedings. The US government unsuccessfully opposed the Guardian’s application.

He is a specialist in transnational media law cases, especially relating to publications on the worldwide web, journalists in conflict zones and media reporting of international criminal courts. He appeared in the leading UK

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DIRECTORIES' RECOMMENDATIONS

"One of the very top media silks with an excellent grasp of law"

"He has made media law his own"

Legal 500 2016

"He is the best media silk currently practising."

"He is the leading Article 10/journalist's adviser and advocate. Particularly skilled in promoting Reynolds defences in complex cases."

"He's a complete expert in the area of electoral law and he has been in most of the important cases so knows the area like the back of his hand."

Chambers & Partners 2017

"A first-choice counsel for big issues"

"Combines his employment practice with a strong following in the media and entertainment space."

Legal 500 2015

"He is very effective at the Defamation Bar, with a punchy style and the advantage of an encyclopaedic knowledge of criminal law and police procedures."

"He's one of the finest freedom of speech advocates at the Bar today. He knows how to politely argue with judges and is fantastic with clients."

Chambers & Partners 2016

authority in internet libel, *Jameel v Dow Jones Inc* (CA) [2005].]. In *PJS v NGN* (SC) [2016] he argued that an English privacy injunction should be discharged because of the information had become widely available on the internet in the US and other parts of the world. He regularly acts for overseas publishers such as the Wall Street Journal, the New York Times, the New Yorker, Vanity Fair and the Far Eastern Economic Review.

He was named as one of the 100 most influential people in the UK media in the Guardian Media One Hundred 2012, after representing the Telegraph Media Group at the Leveson Inquiry into the Culture, Practice and Ethics of the Press. He was also recognised as the Chambers & Partners Privacy/Defamation Silk for 2012. In 2013 he gave pre-publication advice to the Guardian in connection with its reporting of Edward Snowden's disclosures about US and UK government harvesting of digital data, assisting the newspaper to win a Pulitzer Prize for public interest journalism.

He is currently acting for the Bureau of Investigative Journalism in its Strasbourg challenge to the harvesting of journalist's external communications under the UK's Regulation of Investigatory Powers Act 2000. The case has been given priority by the ECtHR. He is also representing the newspaper and three of its journalists in *NGN v UK*, and ECtHR challenge to the police obtaining journalists phone data to identify their sources. Gavin has a US High School diploma and studied law at Oxford. He sits as a part-time criminal judge

PUBLICATIONS

- Media Law and Human Rights (Oxford University Press) 2009
- Contributor to Media law and Ethics in the 21st Century (International Bar Association) 2014
- Contributor to Coppel's Information Rights (4th Edn 2014)
- Newsgathering Law, Regulation and the Public Interest (Oxford University Press) 2016

CONFERENCES

Gavin is Regular speaker at international legal and journalism conferences, including:

- Developments in Article 10 case law (Strasbourg, 2008)
- Liberty, Defamation and Election Campaigns (Mexico City, 2008)
- IBA (Madrid, 2009)
- Canadian Media Lawyers Association Conference (Montreal 2009)
- Promoting legal protection of the media in China (Inner Mongolia, 2013)
- Media Law Resource Centre Conference (London 2011, 2013, 2015)
- The Logan Symposium (London 2014).
- Roundtable on Defamation (Baku, 2016)