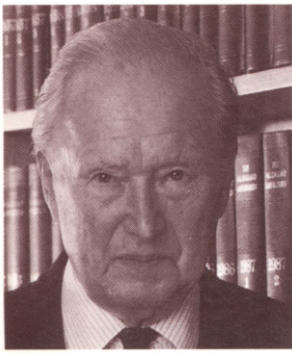


Peter Carter-Ruck



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The doyen of libel lawyers is still handling major cases in the area of law with which his name is associated and as leading consultant of his firm keeps in touch with a wider field of practice.

Peter Carter-Ruck divides his working life between two consultancies at the London firm which bears his name, Peter Carter Ruck and Partners in Shoe Lane, and Pellys at Bishop's Stortford near where he lives. He comes into London for two days per week and communicates with clients and colleagues from home via email and telephone.

He is involved with Pellys because he believes in providing a comprehensive service and the firm gives him access to certain fields such as probate, conveyancing and planning which Peter Carter Ruck and Partners do not cover. That said, he is still handling major libel cases from all over the world and has unrivalled experience of this area of practice.

LIBEL DAMAGES

Peter Carter-Ruck represented clients during the 1960s and 1970s when libel damages increased hugely as the result of a number of well-publicised cases in which show business people (such as Elton John) received very large awards. Juries used these amounts as a basis for further awards, thereby pushing damages even higher. This in turn persuaded more potential claimants to come forward to fuel the process.

One of the firm's cases in the early 1980s involved a libel action over an article published in a Greek newspaper where only 40 copies were circulated in this country. When the case went to court, Peter Carter-Ruck thought that the client would probably receive 'a few thousand pounds' in damages if he won. In the event, the jury decided on £450,000 – the highest sum to have been awarded at that time (and exceeded in another case a few weeks later).

'I have always been in favour of greater court controls in these circumstances. In 1965, for example, I sat on a committee with Lord Shawcross which recommended that the Court of Appeal should have the right to vary awards of damages made by a jury in the same way as an award made by a judge sitting alone.'

This was not acted upon for 25 years until its inclusion in the Courts and Legal Services Act 1990. During that period libel damages ran away. Those enormous awards caused a great deal of trouble.'

CURRICULUM VITAE

Peter Carter-Ruck was born on 26 February 1914 and was admitted as a solicitor in 1937. He served in the Royal Artillery from 1939–44, becoming a captain instructor in gunnery. From 1945–81 he was senior partner in Oswald Hickson, Collier & Co, and subsequently left to found Peter Carter-Ruck and Partners, of which he was senior partner until he retired last year to become a consultant. He has been involved with many organisations, and those with which he is still associated include JUSTICE, the St Bartholomew Charitable Foundation, and the City of London Solicitors' Company. His publications include *Libel and Slander*, 1953, 5th ed 1997; *Copyright, modern law and practice*, 1965 (with Edmund Skone James); and *Memoirs of a libel lawyer*, 1990.

Since then the legal process has succeeded in establishing tighter supervision over jury awards in libel cases. The attitude to damages has changed, and the Court of Appeal now looks closely at any sum over £50,000. This climate makes litigants more willing to accept sums offered in out-of-court settlements rather than chasing unrealistic amounts.

CONTINGENCY FEES

The decision by Peter Carter-Ruck and Partners to introduce a contingency fee system for libel cases has attracted a great deal of attention in the press and from potential clients. In the first two months about 30 applications were received.


Peter Carter-Ruck is concerned that contingency fees will prompt a large number of enquiries for cases to be considered which do not justify litigation at all.

'A great deal of sifting will have to be done. I would not advise anyone to proceed unless their chances of success were at least 85 per cent. There are bound to be uncertain factors in any case, such as a bad witness, a perverse juror or a biased judge.'

That is the basis on which I work, although I know there is a tendency for litigation to be considered when the chances are only 60–70 per cent.'

LEGAL AID

He believes strongly that legal aid should be made available in libel cases, which is not a view that has been well received by the media generally. Peter Carter-Ruck feels that the refusal to provide legal aid in the field of defamation is an ongoing injustice.

'I think that everyone has a right to justice. The attitude that "if you're rich you can sue whether you have got a sound case or not, but if you're poor you have no right to sue at all" seems totally wrong to me.' 

Julian Harris

Senior Information Officer, IALS