

Press Release



Embargoed until the reading of the Statement in Open Court at 10 am on 28/6/16

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Webb vs. Lewis Silkin LLP (Claim No. HC-2014-001575)

The attached Statement in Open Court sets out the basis of Ms Webb's claim. This case has highlighted some important legal issues and given rise to two significant Judgments. The first was by Mrs Justice Proudman in February 2015, which developed the line of authorities in arbitral confidentiality, the interaction between arbitral confidentiality and the general law of confidence, including the tort of misuse of private information, and the relationship between the submissions in arbitration and the waiver of Article 6 rights. Lewis Silkin LLP had been unsuccessful in their application before Mrs Justice Proudman that Ms Webb should not be able to bring her claim in the High Court without the permission of the arbitrator. They were also subjected to an order for specific disclosure of the personal and private emails that they had searched. Following that Order, they settled the claim for a sum in excess of the claimed damages, an undertaking and payment of Ms Webb's costs, which were budgeted by the court at over £500,000 and are substantial.

Ms Webb was also successful in her application before Mr Justice Nugee to have a Statement in Open Court read out which vindicated her decision to bring these proceedings. Nugee J decided that the principles the Court should adopt in privacy cases with regard to statements in open court were effectively the same as in defamation cases.

What has been of particular concern to Ms Webb is that Lewis Silkin LLP in the course of these proceedings, including in their Defence, stated to Ms Webb that highly confidential emails between her and her husband and legally privileged documents had been excluded from their searches of her email account. As a result of the specific disclosure ordered in these proceedings, those statements have been found to be erroneous. In fact included in the

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searches were confidential communications with Ms Webb's husband and legally privileged documents.

Quote from Sarah Webb

I am very pleased that I am now able to publicly set out my position. Lewis Silkin LLP fought this case at every stage, including trying to prohibit me bringing the claim at all in the Courts, before they finally settled. However, the most troubling aspect of this case has been the discovery that Lewis Silkin, who continue to act for my previous firm in the underlying arbitration, repeatedly made erroneous statements about the searches they had performed on my email account.

In the light of this I am now going to make a complaint to the SRA about the conduct of Lewis Silkin.

For further information, please contact Nigel Tait (nigel.tait@carter-ruck.com) or Rebecca Toman (rebecca.toman@carter-ruck.com).