

Sophie Mitchell

Call 2010

✉	clerks@stpaulschambers.com
☎	+44 (0)1132 455 866



Sophie Mitchell has an impressive Common Law and **Commercial** practice, specialising in **Defamation, Harassment, Privacy** and Confidentiality.

Sophie was shortlisted by The Legal 500 for the 'Regional Junior Barrister of the Year' in 2019.

Expertise

Defamation, Privacy, Harassment (& Other Overlapping Areas)

Sophie has gained a reputation for being the Northern go-to defamation junior. She undertakes the full range of Claimant and Defendant work. As Treasury Counsel, Sophie regularly acts for the Government and other public bodies (eg NHS, Police, CAF/CASS) in sensitive data, privacy and human rights matters, often requiring anonymity orders. She had sole conduct of a defamation trial by jury at Leeds High Court. Sophie is able to provide urgent advice about injunctive relief in all aspects of defamation, privacy and harassment claims.

Sophie provides bespoke training to her instructing solicitors upon request. Recent seminars include to the Leeds Law Society, October 2019: "Defamation, Privacy and Harassment – an Overview".

Notable Defamation, Privacy, Harassment (& Other Overlapping Areas) cases

X v Y (Anonymity Orders)

Obtained an emergency interim injunction for a successful businessman in a harassment, privacy and blackmail 'kiss and tell' case about the threatened release of a sex tape.

Pre-publication advice to the Home Office in relation to counter terrorism publications.

Representing the Judicial Conduct and Investigations Office in a data protection/GDPR trial, involving serious allegations against members of the judiciary in

relation to their handling of data concerning a party to litigation.

Thackrey v the Chief Constable of Greater Manchester Police

Acting for the Claimant in Thackrey v the Chief Constable of Greater Manchester Police in a personal injury, privacy and data claim testing the law on suspect anonymity, where the police's decision to publish (pre-charge) the name, photograph and information that the Claimant had sexually assaulted a minor caused the Claimant to receive threats to kill him by vigilante 'paedophile hunter' gangs. He suffered serious PTSD, attempted to take his own life and had to be sectioned under the Mental Health Act to protect himself. The alleged victim later retracted her allegations and accepted they were false.

Represented Her Majesty's Courts and Tribunals Service in a claim involving the alleged mishandling, by the Court, of a litigant's data in private family law proceedings.

Represented Cafcass in a defamation and privacy action concerning allegations made against a social worker in private family proceedings.

Application on behalf of the Ministry of Justice to strike out a defamation claim and human rights claim as an abuse of process, concerning the report of a probation officer.

Acting for the NHS, successfully striking out a claim in an alleged large scale data release claim concerning patient data and the effectiveness of 'opt outs'.

Defending and advising the Ministry of Justice and the Police in misfeasance in public office and unlawful detention claims.

W v CC of X Police

Urgently instructed to draft a defamation defence for the police, denying that a press release was defamatory; it was true, honest and published in the public interest. The case settled shortly after the defence had been served on the Claimant as he decided not to pursue his claim.

R v P

Advised R, an elected, high-profile individual, following comments made in Parliament which were twisted by a whistle blower seeking to blackmail R.

D & Others in a Representative Capacity v S

Acted for over 50 Claimants (corporate and personal) suffering harassment, advising on an urgent basis, drafting documents and successfully appearing in the High Court for an urgent injunction.

RD v IS

Urgently advising and drafting a pleading in a harassment, defamation and contempt of court case.

KL v BN

Advising RL in a malicious prosecution, defamation and harassment case, stemming from a former family law case.

S v L

Advising on issues involving defamation, harassment and res judicata (relating to a potential prohibition on re-litigating matters previously litigated: cause of action estoppel, issue estoppel and Henderson v Henderson).

M v S

Advised throughout the case and represented M at trial. M, a well-known international businessman, was accused of corruption. Sophie successfully pursued the case through to trial, resisting defences of truth, honest opinion and qualified privilege/public interest, securing M damages, a retraction / apology in his favoured terms and full costs on an indemnity basis.

D & Others v S

Acting for D & Others, a worldwide chain of companies and personal Claimants, suing for defamation, malicious falsehood, data protection/privacy breaches, following a social media campaign accusing them of fraud, falsely alleging that their products breached safety standards.

S v Y

Advising and successfully settling an action for S in defamation and under the Data Protection Act, a locksmith falsely named and shamed by a national newspaper as a burglar and one of the region's 'most wanted criminals', preventing his ability to trade.

P v R

Advising P, maliciously accused of being a paedophile.

Personal Injury, Clinical Negligence & Inquests

Sophie undertakes multi-track work and is particularly experienced in dealing with complex medical evidence, regularly undertaking conferences with experts from a range of disciplines and with notable experience of cross-examining Psychiatrists, Psychologists, Paediatricians and Forensic Odontologists. This stands her in excellent stead for work involving fatal or serious injury. She has a particular interest in serious psychological, psychiatric and neurological injuries.

Sophie was Counsel in *Kimathi v Foreign and Commonwealth Office* [2018] ('the Mau Mau litigation'), one of (if not the) biggest personal injury trials ever brought, involving work both here and in Kenya.

Sophie undertakes Claimant and Defendant work. Selected as one of few Treasury Counsel in Leeds, she frequently acts on behalf of the Government and other public bodies. Her work often involves allegations under the Human Rights Act 1998.

Sophie's CV lends itself to personal injury work of a sensitive nature involving privacy, data protection and Article 8 issues. Her former experience in family proceedings and in the Mau Mau case provides her with an excellent understanding of the complexities involved in claims involving current and historic abuse, having dealt with numerous allegations ranging from torture, rape, sexual assault and abuse, infant and adult abuse injuries (from fractured skulls to stab wounds), often with a human rights element.

Sophie regularly advises on civil procedure and undertakes the full range of personal injury litigation work: CCMC's, relief from sanction applications, strike out/summary judgment, fraud/FD allegations and complex costs/QOCS arguments.

Inquests, particularly involving Article 2 human rights issues. Sophie represents both public authorities, such as the Ministry of Justice following deaths in prison, and families of the deceased. Recently appeared at a complex and lengthy inquest, before a Jury, on behalf of the family of the deceased against a psychiatric hospital where a patient, supposed to be on suicide watch, took an overdose.

Notable Personal Injury, Clinical Negligence & Inquests cases

Thackrey v the Chief Constable of Greater Manchester Police

Acting for the Claimant in Thackrey v the Chief Constable of Greater Manchester Police in a personal injury, privacy and human rights claim testing the law on suspect anonymity following Cliff Richard v BBC. The police's decision to publish (pre-charge) the name, photograph and information that the Claimant had sexually assaulted a minor caused the Claimant to receive threats to kill him by vigilante 'paedophile hunter' gangs. He suffered serious PTSD, attempted to take his own life and had to be sectioned under the Mental Health Act to protect himself. The alleged victim later retracted her allegations and accepted they were false.

Kimathi v Foreign & Commonwealth Office (2018)

'The Mau Mau Litigation' – The case made national news here and in Kenya.

One of the largest civil claims, representing around 30,000 Kenyan Nationals claiming for trespasses to the person arising out of the actions of the British Colonial Administration during the 1952 State of Emergency in Kenya. Sophie has particular experience of dealing with s.32 and s.33 of the Limitation Act 1980, now frequently instructed to act in cases involving these issues.

Sophie handled many of the Part 35 Questions asked of the numerous Physicians and Psychiatrists involved in the case, challenged about injuries such as scars from beatings / torture, rape and psychiatric illness. Sophie's work successfully led to a Consultant Psychiatrist (who had not diagnosed any illness) to reconsider her opinion and diagnose PTSD. Sophie was junior in Court for around 4-weeks during cross-examination of the medical experts.

Miller v Stephenson of Easingwold Ltd

Acting for a Claimant who was 14 when he was run over by a coach. He was air lifted to hospital having suffered a cardiac arrest and a severe brain injury. Successfully negotiated a liability settlement. The case proceeds to trial on quantum, pleaded at over one million pounds and involving complex medical evidence from neurologists, neuropsychiatrists, neuropsychologists and general surgeons.

A v Ministry of Justice

Sophie is representing the Defendant following allegations that its probation officer routinely sexually abused a juvenile during her detention in 2005. Advising in relation to s.33 Limitation Act 1980 given the historic nature of the allegations.

Jones v Ahmed

Acting for a Claimant who suffered a near fatal head injury following a collision with a car, causing a severe brain injury with long lasting psychiatric injury. The Claimant is extremely vulnerable, suffering from agoraphobia and has not left the house since the accident many years ago. The case involves complex medical evidence from neurologists, neuropsychiatrists and psychologists.

L v X Council

Advising parents in a fatal accident claim following the tragic death of their 7-year old child on a school trip abroad, involving issues about jurisdiction, human rights and vicarious liability of the school. The accident was widely reported on the news.

SK v X NHS Foundation Trust

Settling a fatal medical negligence claim in excess of £250,000, where doctors had failed to diagnose cancer.

NC v NL Limited

Acting for a claimant who suffered serious facial injuries following an attack in a nightclub by a doorman, involving a dispute over vicarious liability of the nightclub.

Kimathi v Foreign & Commonwealth Office (2016) EWHC 3005 (QB)

Sophie argued, on behalf of around 500 clients (as part of a discreet issue in the larger case), the first reported case to consider the date of issue of a claim in Group Litigation when a Claimant had deceased prior to entry onto the register, having important limitation consequences.

Commercial, Contract & Professional Negligence

Sophie regularly advises in cases involving allegedly libellous and negligent employment references, many of which have overlapping commercial or contractual issues and complex causation/quantum arguments involving a 'loss of chance'.

Notable Commercial, Contract & Professional Negligence cases

Carters & Otr v Irving & Otr [2017] 2DS 24 (HC IoM, Staff of Government Appeal Division) (Reported Case)

Appeared in the Isle of Man Appeal Court before two chancery Lord Justices, successfully resisting an appeal and claiming indemnity costs in a professional negligence claim.

Irving & Otr v Carter t/a Carters & Otrs [2017] ORD 19 (HC IoM) (Reported Case)

Successfully appeared in a 5-day professional negligence trial in the High Court, taking over the case from a silk at short notice. The case involved an advocate's breach of contractual / tortious duty and contributory negligence.

Irving & Otr v Carter t/a Carters & Otrs [2018] ORD 19 (HC IoM) (Reported Case)

Sophie successfully sought £75,000 costs on account following a liability trial, pending the trial on quantum.

T v Prosperis Ltd

Drafting pleadings and representing the Defendant / Counterclaimant in a claim for defamation and negligent misstatement (concerning an allegedly libellous and negligent employment reference) and a counterclaim for breach of contract (breach of a restrictive covenant in respect of financial services).

D v London South East Academies Trust

Advising the Claimant teacher in a claim for defamation, malicious falsehood, negligent misstatement and breach of contract following her departure from a school and their provision of a reference to a prospective employer. Consideration of her loss of chance of an income from the prospective employer.

Easypay Services Ltd v Hiscox Underwriting Ltd

Advising the Claimant company in respect of the interpretation of an insurance policy, in particular, when the 'retroactive date' was likely to take effect from.

R v P

Advising and settling an action involving a dispute about accord and satisfaction / estoppel in an action about a building dispute.

S v T

A trial involving breach of contract / breach of implied terms under the Sale of Goods Act.

D v P

Represented a building supplies company at a trial about the general principles of the authority of agents.

Education

- Bar Vocational Course (Very Competent) (2010)
- Law LLB (First Class), University of Leeds (2009)

Appointments

- Appointed to Attorney General's Regional B-Panel of Junior Counsel to the Crown (2020)
- Appointed to Attorney General's Regional C-Panel of Junior Counsel to the Crown (2018)