It's great to be here this evening to celebrate the impending arrival of the 24th edition of McNae's essential law for journalists. If nothing else it offers a wonderful opportunity to reminisce.

When I started life as an in-house editorial lawyer, which was when I left private practice in 1987, - "meeja" law wasn't really a recognised bona fide legal discipline.

I have in my personal book collection, a rather fabulous US book by two US lawyers called Moser and Lavine, dating from 1947, entitled "Radio and the Law", which has exotic sounding chapter headings such as "Fortune Telling, Lotteries, Obscene, Indecent and Profane Language".

But I don't think there were many collective academic reference books on British "media" law, let along anything that might be considered to be "essential" or, god-forbid, accessible or practical. From memory, at university, we covered defamation in a single lecture as part of torts (along with dangerous animals) but didn't really touch on anything else that might be considered to be of relevance to a jobbing media lawyer, and anyway it was all about detailed consideration of law cases, none of which ever seemed to contain the exact factual problem one was trying to get an answer to.

Back in those days … If one wanted legal advice or to research a topic, generally one had to grapple with a lot of rather large, dense, academic tomes on single subjects such as Contempt (Arlidge and Eady, or Borrie and Lowe), Libel and Slander (Gatley) or Copyright (Laddie, Prescott and Vitoria). The newish kid on the block when I started was Media Law by Geoffrey Roberston and Andrew Nicol, the first edition of which I think appeared in about 1984. This was joined by later pretenders to the throne such as the much more concise, but still useful, Media Law by Professor Peter Carey.

However, these were all books that were really aimed at the high-end practitioner and academic lawyer rather than the journalist. Certainly the idea of someone writing what was essentially a law book for someone other than lawyers would have been regarded, to use the language of Moser and Levine, as a profanity.

For the in-house media lawyer, I have to confess, McNae's was our hidden guilty secret, – while its title suggests that it is for journalists, there are many media lawyers who were, and still are, never without it.

McNae's Essential Law for Journalists is like a hardy perennial: its stood the test of time, and comes back year after year.

It started life in 1954 and still remains today, the definitive media law guide for journalists. Studying the history of the various editions of McNae's over the years and how they have developed and expanded, ebbed and flowed, reflects the many changes to the media business over the last 60 odd years and the impact of the digital world that we now live and work in.

In 1987, when I started at the BBC, while broadcasters were more familiar with a 24 hour news cycle, newspapers were effectively still producing one paper a day, albeit with the option of different editions which allowed for some updating, but essentially newspapers were a print product, finished by 9.00pm each night, that was aimed at a local / national audience, with a small amount of papers printed abroad but nothing too much to worry about from a legal perspective. On the pre-publication side, we could physically see the pages, we could read them and put our marks on them.

This really only serves to highlight how much the product and the environment has changed.

To somewhat paraphrase and slightly update parts of Alan Rushbridger's opening statement to the Leveson inquiry in November 2011[1], commercially in the last decades newspapers have been struggling to survive in the form in which they used to exist. The arrival of monolithic digital platforms, disrupting the old economic models, combined with the internet, social media, technology and globalisation have seen traditional modes of journalism forced to change radically and fast in an attempt to create a viable commercial model, whether by using paywalls, subscriptions or memberships. Advertising revenue has been sucked out of not just the printed press but also on-line at an alarming rate; the steady decline in print circulations shows no sign of stopping. While digital audiences are growing fast and the possibilities are great, no digital revenue model has completely offered certain hope of news organisations maintaining editorial endeavours at anything like their previous levels. That has had a practical impact, not least on investigative journalism which is often time consuming and costly.

[1] https://www.theguardian.com/media/2011/nov/16/alan-rusbridger-statement-leveson-inquiry

Editorially, the notion of journalism itself has been transformed. Until recently, a newspaper was something produced by a relatively small number of people in the know for a large number of people who weren't in the know. Now virtually everyone has the capacity to publish and to inform themselves. Twitter and Facebook are often the source of breaking news and the traditional media have to run fast to catch up. On the good side, there is less pretence that the media are the only ones capable of telling the whole truth and nothing but the truth about a story, a far cry from the journalist as the sole voice qualified to tell a story.

Because of this the amount of law and regulation that a lawyer – let alone a journalist - needs to be aware of has increased enormously. This is reflected indeed by the size and volume of McNae's over the years: once a slim volume, the first edition in 1954 had a mere 12 chapters and 172 pages and sold for the grand sum of 10 shillings and 6d.

Now in its 24th manifestation, McNae's has 544 pages and some 40 odd chapters, covering topics as diverse as terrorism, online hate speech, along of course with the hardy perennials of defamation, copyright and court reporting, side by side with a whole section on practices that might attract the attention of the criminal law, from computer misuse and bribery to phone hacking and the Investigatory Powers Act.

How things have changed from when I first started back in the 80s, when the main areas of law were defamation, court reporting and contempt with a little bit of copyright, confidence and official secrets.

Privacy and data protection really hadn't even entered the lexicon.

Nor indeed were we much perturbed by the potential for journalists to fall foul of the criminal law.

My memory is that we spent most of our time worrying about defamation and the strict liability rule in contempt. On defamation, when sued, we seemed to spend an endless amount of time and energy arguing about so-called "Lucas box" particulars – which generally seemed to mean from the defendant's perspective, constantly having your defence struck out.

And of course, we still had jury trials and no-one can forget those famous highly colourful libel trials, Neil Hamilton, Jeffrey Archer, Jonathan Aitken, Bruce Grobbellaar, all played out in the public arena of the court.

With the closing episode of the BBC's A Very English Scandal on Sunday, where George Carmen of course successfully defended Jeremy Thorpe, I was reminded of Carmen's successes in defending not just the Guardian against Jonathan Aitken, but *The News of the World* against Sonia Sutcliffe, the *The Sun* against Gillian Taylforth, and Channel 4 when they were sued for libel by South African journalist, Jani Allan.

How things have changed. Today defamation seems to be almost a subsidiary claim, with truth as a sidebar, as we are faced more and more with the twin threats of privacy and date protection. Once upon a time we wanted journalists to keep every piece of paper, in case it was needed to defend a complaint, now our inclination is to tell them to stop keeping everything.

While journalists still need to be savvy about defamation and court reporting, they need a much more complicated legal tool kit to be able to survive in the modern digital arena.

This is quite simply a reflection of how much the media law landscape that we, you all, operate in, has changed and grown so increasingly complex; it is full of bear traps for the unwary journalist. Another reason why McNae's is probably even more important today than at any point in its history.

On the other hand, somethings never change and we still find ourselves engaging and battling with the courts on an almost daily basis on anonymity and open justice issues.

That first edition of McNae's, from 1954, edited by the eponymous author of the title, Leonard McNae, was designed to "provide in a clear, concise and readable form all that journalists needed to know of the law as it affects their craft". Leonard McNae continued to be involved in editing the Book until 1967, and I am very pleased that some of Leonard's family are able to be here today.

Over the years McNae's has been edited by a number of fine journalists and editors. Taking over from Leonard McRae, between 1967 and 1975, it was edited by Bob Taylor, the editor of the Croydon Advertiser. I discovered a particular personal link, when I realised that someone I had been at university with as an under-graduate, was the daughter of Tom Welsh, who, of course, with Walter Greenwood, formed a partnership from 1979, which lasted over 13 editions of the book for over 30 years.

When I made my move in-house, to the BBC in 1987, McNae's was in between editions – the 9th edition had been published in 1985 and the tenth was not published until the following year, 1988. That edition by the way included for the first time a chapter on the Data Protection Act 1984, although it probably wasn't until about the late 1990s that any of us really realised that we should have been reading that chapter, as it really did apply to journalism.

By the time of the 11th edition, published in 1990, the book had become so comprehensive that Peter Carter-Ruck was advising every media lawyer to have a copy to hand so as to be able to give prompt legal advice to any national or regional newspaper or broadcast editor. By the time of the 14th edition, in 1997, Peter Carter-Ruck was referring to it as "a bible for journalists".

In 2005, David Banks, then head of training at Trinity Mirror, joined the editorial teams and worked on the next three editions.

Mark Hanna joined forces with David Banks for the 20th edition, published in 2009.

In 2011, Mike Dodd the legal editor of the Press Association who is both a working journalist and a qualified lawyer, started co-editing McNae's with Mark Hanna: through careful and judicious editing they actually managed to reduce the 21stnd edition of the book from over 600 pages to a more manageable 450 plus.

I'd like to express my personal thanks to Mark and Mike for all the hard work that I know goes into each new edition. Seriously chaps, I don't know where we would be without you.

McNae's is a book I am always happy to have by my elbow on my desk. Those large academic tomes can remain gathering dust in the library.

This is the one book that needs to stays out in the open and has never, despite its array of different editors over the years, forgotten that first message, to "provide in a

clear, concise and readable form all that journalists needed to know of the law as it affects their craft".

That it still manages to achieve that today is a credit to its current editors and publishers.

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