Lawyer Impact Survey 2020

Key Findings

June 2021
If I didn’t have Media Defence’s support...

“Journalists/media would not be able to involve local legal assistance and sufficiently defend themselves during the litigation”.

- Lawyer supported by Media Defence in 2020
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Background and Methodology
In 2020, we carried out our first Lawyer Impact Survey to assess the impact of our support to lawyers through our emergency defence and strategic litigation programmes.

Through these programmes, lawyers are offered financial support to cover their legal fees as well as pro bono legal support. Our legal support is based on their needs and therefore comes in many different forms, for instance legal research, advice on strategy or support with drafting.

This survey will help us improve the level of support we offer to lawyers and, in turn, contribute to enhancing freedom of expression globally.
Methodology

We sent the survey to all lawyers who represented journalists in cases that closed in 2020. The 43 emergency and strategic cases that closed in 2020 were supported by 22 lawyers. We were unable to contact two of these lawyers. We received a total of 16 responses, which means that the response rate was 73%. All of the responses were anonymous and many were coded.

The survey questions are designed to understand:

• How lawyers rate the quality, efficiency and quantity of Media Defence’s legal support during their case(s);

• The impact of Media Defence’s support on case outcomes and improving the quality of the lawyers’ case strategies; and

• The wider impact of Media Defence’s support on the legal environment for journalists and freedom of expression in their countries.
"Those who oppress the freedom of the press would have trampled even more on the journalists who are free to tell and report the facts that are socially important to be made public."

- Lawyer supported by Media Defence in 2020
The Headline Statistics
2020

Headline Statistics

43
Media Defence supported cases closed in 2020

20
Lawyers contacted

16
Lawyers responded to the survey
2020
Headline
Statistics

100%
of respondents recognised that Media Defence added value to their case

94%
of respondents would recommend our legal support to other lawyers

90%
of respondents were satisfied or extremely satisfied with the quality of legal support
If I didn’t have Media Defence’s support…

“It would have meant an additional financial burden on the client and possibly lower resources devoted to running the case, which could have an impact on its results. The support of your organization made it possible to carry out the full range of preparatory work. It allowed to properly prepare arguments for the defence. We believe that this served as an additional argument, convincing the plaintiffs to withdraw their claim and settle the issue out of court.”
The Cases
Type of Legal Support

We asked survey respondents what type of legal support they received from MD during their case(s).

44% of respondents reported that they received case strategy support. A further 38% received support with advocacy coordination and 31% received support in the drafting of legal documents/filings.

In addition, 31% said that they had received only financial support.
Case Status

Survey respondents were asked about the status of the cases they litigated, of which 38% said that their cases were successful and 19% (3) lost the case. Two of the lawyers whose case was lost are in the process of appealing.

Of the 43% who selected 'Other', 19% (3) stated that their cases were still ongoing, which we understand to mean that the outcome of their cases is being appealed, and 6% (1) said their claim was withdrawn.
“The existence of organisations like yours plays a useful role in upholding the basic principles of freedom of expression”

- Lawyer supported by Media Defence in 2020
Respondents demonstrated the positive impact of Media Defence’s support that extended beyond the cases we supported.

- 88% of respondents felt more confident in their skills and ability in litigating freedom of expression cases
- 88% felt more likely to take on cases relating to the defence of journalism and media
- 81% said that they have developed an ongoing relationship with Media Defence
- 81% expressed that the quality of their case strategies and submissions has improved; and
- 75% shared that they more frequently include international and comparative law standards on freedom of expression in litigation.

(The percentages are made up of those who “strongly agreed” or “agreed” with the statements)
The Impact

I am more likely to take on cases relating to the defence of journalism and media

- Strongly agree: 6%
- Agree: 25%
- Unsure: 31%
- Disagree: 63%

The quality of my case strategies and submissions have improved

- Strongly agree: 6%
- Agree: 13%
- Unsure: 31%
- Disagree: 50%

I more frequently include international and comparative law standards on freedom of expression in litigation

- Strongly agree: 6%
- Agree: 19%
- Unsure: 44%
- Disagree: 31%
“Immensely improved the quality of the pleadings and made it possible to carry out strategic litigation where the client couldn’t pay.”

- Lawyer supported by Media Defence in 2020
The Support
Quality and Efficiency

Sixteen journalists responded to the question, “What added value did Media Defence’s support bring to the case?”

- 38% (6) of respondents referenced financial support
- 31% (5) of respondents referred to the high-level quality of legal support, including support in the drafting of legal documents and providing legal expertise
- 13% (2) of respondents said Media Defence provided advocacy support
- 6% (1) said Media Defence’s support provided the certainty of not being alone
- 6% (1) said they acquired a broader and very competent point of view in the field of comparative law and European Court of Human Rights judgments.
Quality and Efficiency

Respondents were asked to rate the quality of Media Defence’s legal support on a scale of 1-5 (whereby 1 is the worst and 5 is the best).

The most positive responses were to the timeliness of legal support and the quality of legal support, which on average was ranked as 4.4.
Legal Challenges

Survey participants were asked, “What do you think would have happened if Media Defence was unable to support the case?” The responses were coded.

The majority (50%) indicated that their biggest challenge was the financial burden on either the journalist or the lawyer. 25% said they would have not been able to continue with the case. Other themes included imprisonment (6%) and the risk of losing the case (6%).

All but one participant (6%) suggested that Media Defence’s role was a positive one. The individual elaborated that they would have won without any assistance.
Learnings

We asked respondents “What could Media Defence have done to improve the legal support provided to you?” 44% expressed satisfaction with their experience, which aligned with the results relating to the quality and efficiency of legal support. Recommendations we received included:

• Providing security

• More meetings to discuss the case in detail to improve the quality of the pleadings

• Additional support in researching critical issues related to the case

• Improve the communication of one’s existence among journalists; and

• Approval timeline should be fast-tracked and further financial support should be offered to accommodate legal and research fees.
If we didn’t have Media Defence’s support…

“I would have had great difficulty in proceeding.”

- Lawyer supported by Media Defence in 2020
What does freedom of expression mean to you?

“Freedom to do your job.”

“Freedom to speak for people via media.”

“To tell the reality without power interference.”

“A basic human right that should be defended and safeguarded by any society and country.”
The Wider Context
Changes to Legal Practice

Respondents were asked, “What changes have you made to the way you litigate freedom of expression cases as a result of Media Defence’s support?”

- Changes made: 38%
- No changes: 19%
- Other: 13%
Respondents were asked, “What changes have you made to the way you litigate freedom of expression cases as a result of Media Defence’s support?”

- The largest proportion of respondents, 19% (3), stated that their clarity in pleadings and court arguments and communication of freedom of expression related issues had become better since Media Defence’s support;
- 13% of respondents (2) stated that they made no changes to their legal practices
- 56% (9) of the respondents stated that they had made changes to how they litigate freedom of expression cases; and
- 13% (2) believed that they had become more careful in their work, for example, obtaining necessary documents to demonstrate the fact and looking at legal mechanisms that would help their client being convicted.
Changes to the Legal Environment

Respondents were asked, “To what extent have the cases you handled with Media Defence had an impact on the legal environment for journalists or freedom of expression in your country?”

94% of respondents answered this question, with 69% (11) saying that they believe that the cases they litigated have had a positive impact on the legal environment for journalists and/or freedom of expression in their country. One respondent stated that their improved communication skills and increased knowledge of freedom of expression issues have “allowed journalists to understand current approaches to freedom of expression better”.

Conclusions
Impact Themes and Learnings
Legal Support

The first Lawyer Impact Survey allows us to conclude that Media Defence’s pro bono legal support added value in all of the cases and has positively impacted their work moving forward. 94% of respondents said they would recommend Media Defence’s support to another lawyer litigating a case concerning freedom of expression. For many of the respondents, the support received ensured they could continue their case and had a broader impact on the legal environment for journalists. It is clear from the responses that the context in which journalists and lawyers operate is worsening. As such, lawyers require increased financial and technical legal support.
Impact Themes and Learnings

Economic Relief

Media Defence’s financial support was mentioned frequently, which allows us to conclude that Media Defence plays a significant role in reducing the financial burden faced by journalists facing legal action for their reporting. In turn, this financial assistance will enable lawyers to carry out more cases related to freedom of expression.
Key Recommendations

• We will continue to share the survey to lawyers on a rolling basis, one month after the case has closed, improving the survey response rate. We should ensure our contact database kept up-to-date so that we have all of the lawyers' contact details.
• The support provided to lawyers has made a substantial difference. We should work to strengthen and grow this network further and try to support more female lawyers.
• Dependent on where the cases have closed this year, we should consider translating the survey into additional languages, such as Azeri and Turkish.
• Additional in-depth qualitative interviews will provide an opportunity to expand the research from this survey. This will grant us a clearer understanding of the support offered to lawyers.
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