



# Lawyer Impact Survey 2021

## *Key Findings*

June 2022



**If I didn't  
have Media  
Defence's  
support...**

*“Media and Journalists would not be able to engage qualified legal support to defend their freedom of expression.”*

- Lawyer supported by Media Defence in 2021

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# Background and Methodology



# Background

In 2021, we carried out our second 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 the specific needs of each lawyer, and therefore comes in many different forms, including 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 2021. Some of these cases will be appealed or go on to international mechanisms. The 89 emergency and strategic cases that closed in 2021 were supported by 46 lawyers. We received a total of 26 responses, which means that the response rate was 57%.

The survey questions are designed to understand:

- How lawyers rate the quality, efficiency and amount 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.

# If we didn't have Media Defence's support...

*“The client would not be able to hire a lawyer and  
would be in a very unlucky position [in] court.”*

*- Lawyer supported by Media Defence in 2021*



# The Headline Statistics



# 2021 Headline Statistics



**89**

**Media Defence  
supported cases  
closed in 2021**



**46**

**Lawyers contacted**



**26**

**Lawyers responded  
to the survey**

# 2021 Headline Statistics

**100%**

**of respondents recognised that  
Media Defence added value to  
their case**

**92%**

**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...

*"One would be deprived of the breadth of knowledge that Media Defence lawyers brought to the table."*

*- Lawyer supported by Media Defence in 2021*





# The Lawyers



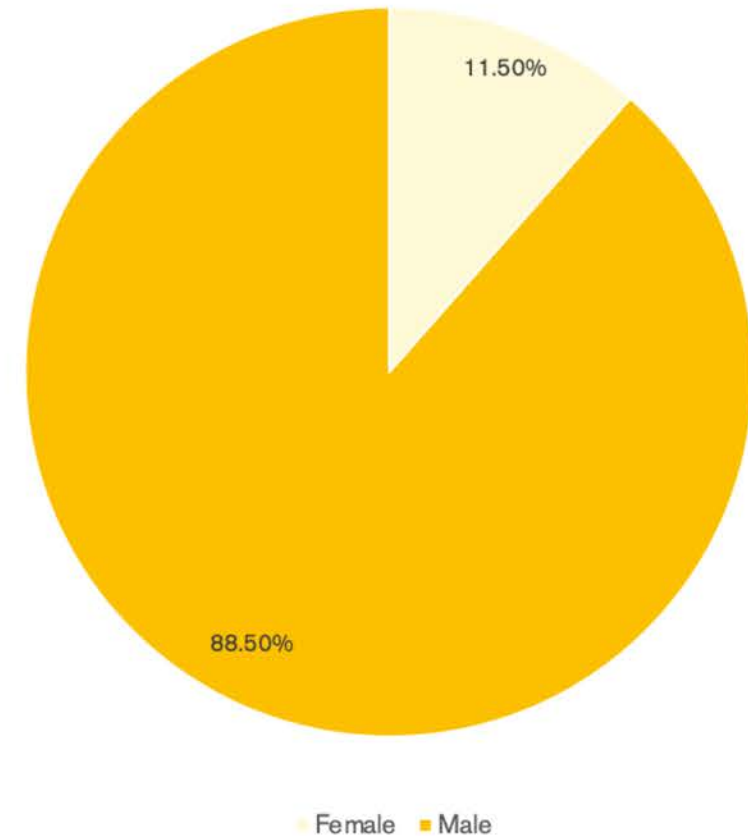
# Respondent profiles

We asked the gender of all survey respondents. 88% of survey respondents were male, while 12% were female. No respondents identified in a different way.

28% of respondents were practicing in Europe, 17% in Asia-Pacific, 16% in the Americas, 28% in sub-Saharan Africa and 11% in Central Asia and Russia.

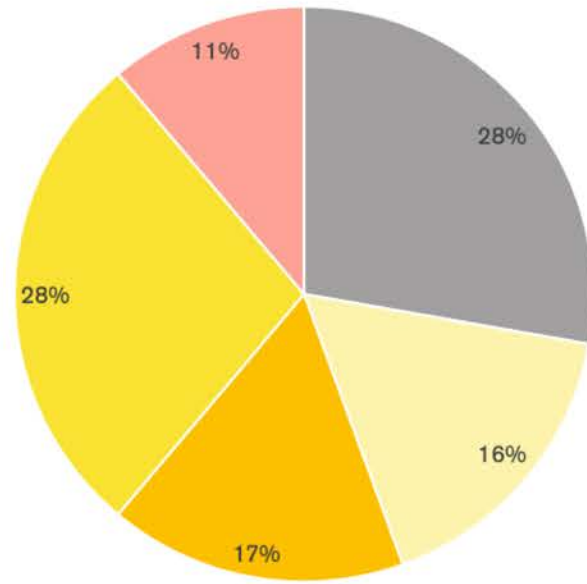
In total, the lawyers who responded to the survey have over 415 years legal experience.

What is your gender?



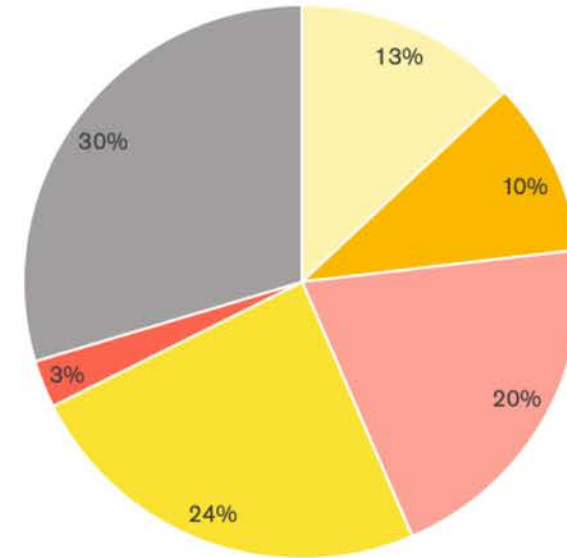
# Respondent Demographics

## Respondent Regions



- Sub-Saharan Africa
- Americas
- Asia-Pacific
- Europe
- Central Asia and Russia

## Closed Cases 2021



- Americas
- Asia-Pacific
- Central Asia and Russia
- Europe
- MENA
- Sub-Saharan Africa



**The Cases**

IN · SECURITAT  
GENS · AC · DUCENS  
PRUDENTIA

CONSTANTER · ET  
LITER · SEMPER ·  
FORSIT

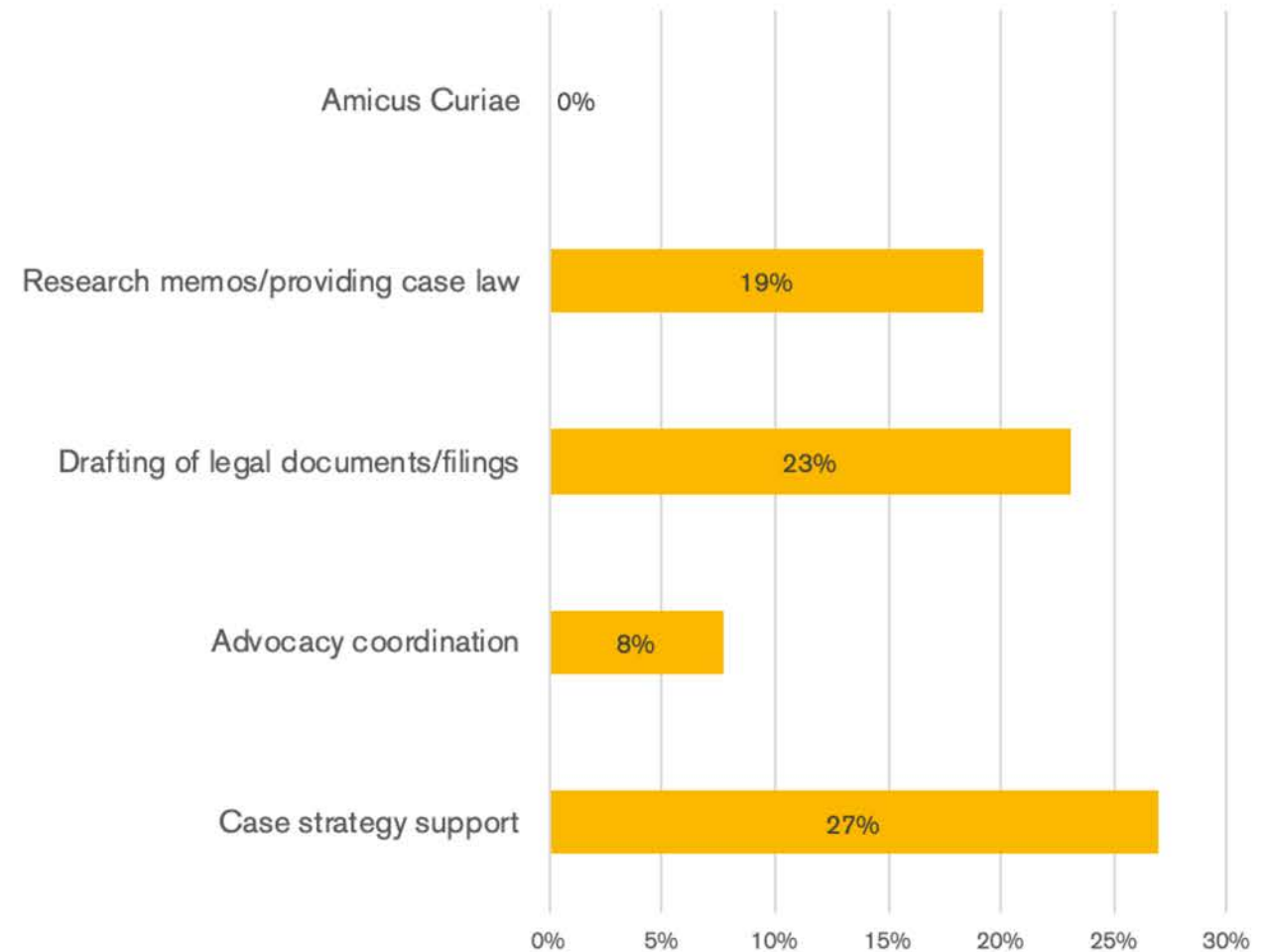
TEMPE  
SAN  
TIA

# Type of Legal Support

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

27% of respondents reported that they received case strategy support. A further 8% received support with advocacy coordination and 23% received support in the drafting of legal documents/filings.

In addition, 65% said that they had received only financial support.

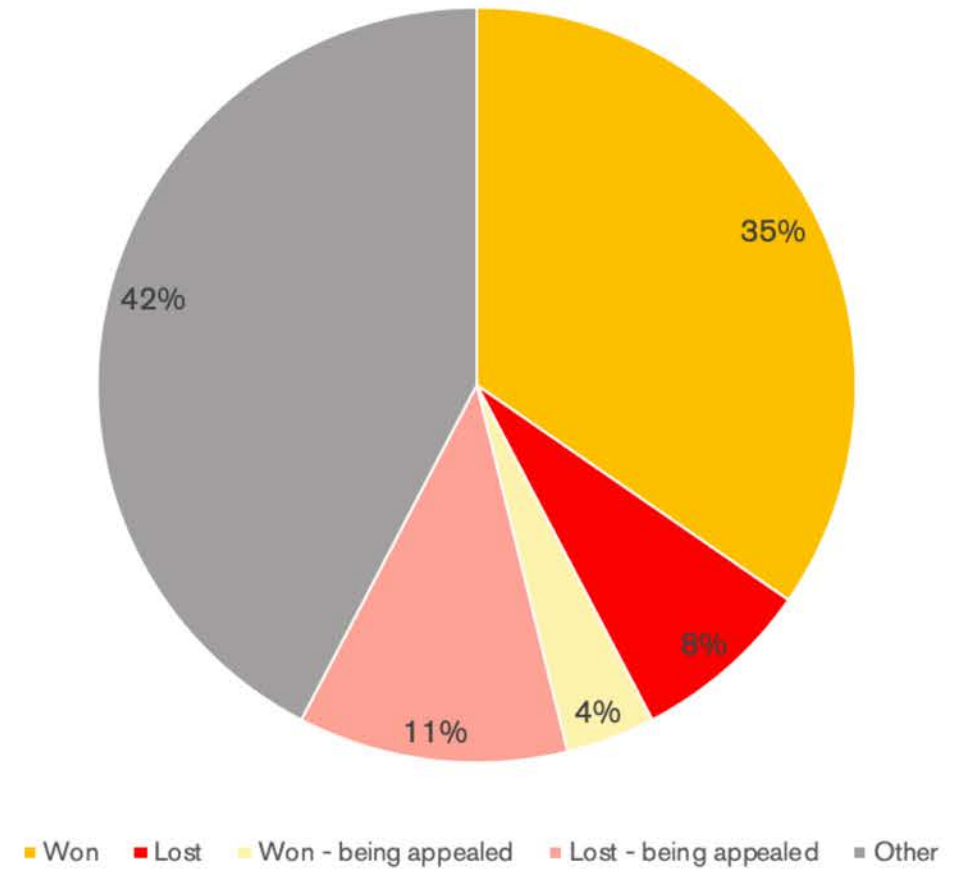




# Case Status

Survey respondents were asked about the status of the cases they litigated, of which 35% said that their cases were successful and 8% (2) lost the case. Three of the lawyers whose case was lost are in the process of appealing. Overall in 2021, Media Defence had an average success rate of 57%.

Of the 42% who selected 'Other', 15% (3) stated that their cases were still ongoing, meaning that they were supporting several cases against one journalist. 8% (2) said that their case was a partial win.



*“I exploited a great practice on issues related to freedom of expression and I was able to represent my clients without financial constraints ”*

*- Lawyer supported by Media Defence in 2021*



# The Impact in 2021

Respondents demonstrated that the positive impact of Media Defence's work extended beyond the cases we supported.

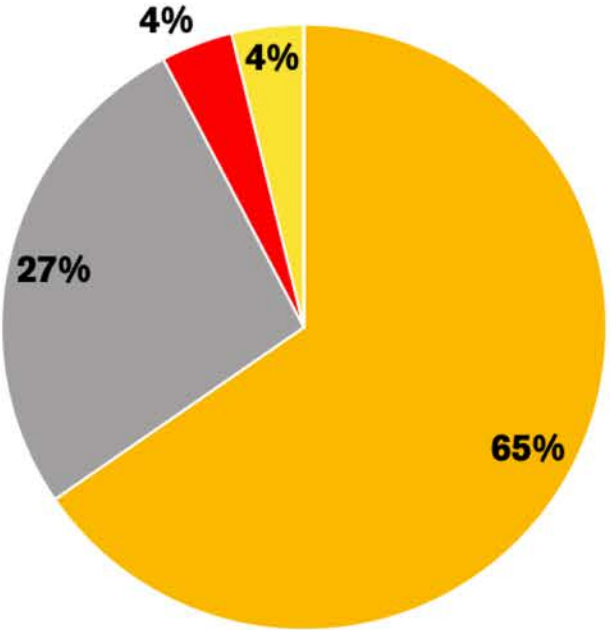
- 92% felt more likely to take on cases relating to the defence of journalism and media
- 88% said that they have developed an ongoing relationship with Media Defence
- 85% of respondents felt more confident in their skills and ability in litigating freedom of expression cases
- 85% expressed that the quality of their case strategies and submissions has improved, and
- 85% 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)



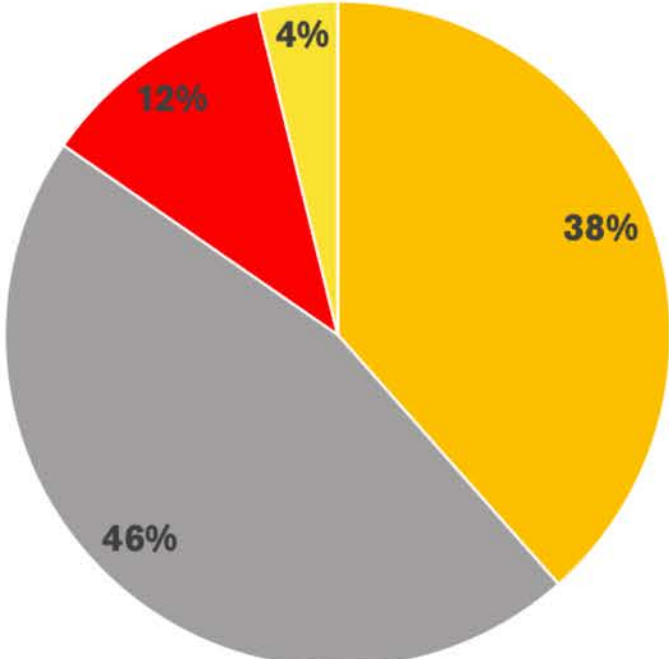
# The Impact in 2021

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



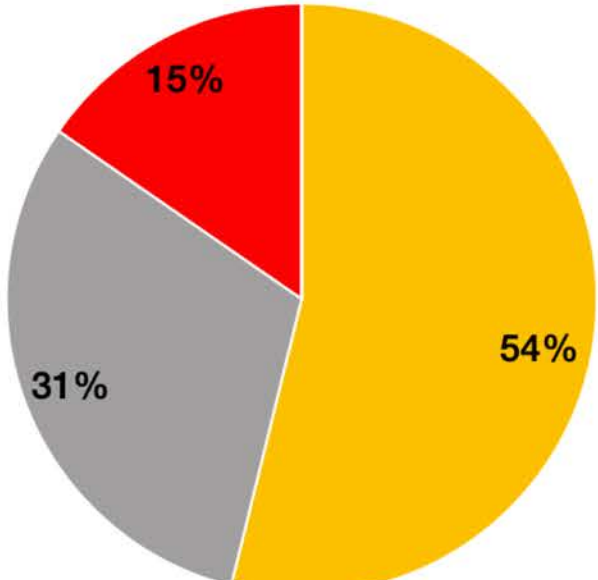
- Strongly Agree
- Agree
- Unsure
- Disagree
- Strongly Disagree

**The quality of my case strategies and submissions has improved**



- Strongly Agree
- Agree
- Unsure
- Disagree
- Strongly Disagree

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



- Strongly Agree
- Agree
- Unsure
- Disagree
- Strongly Disagree





*“The moral support was invaluable.”*

*- Lawyer supported by Media Defence in 2021*

A black and white photograph of a brick wall. At the top, there is a window with three panes, each containing a different object. The wall is covered in graffiti. The word 'FREE SPEECH' is written in large, bold, block letters across the middle of the wall. Below it, the words 'CONDITIONS APPLY' are written in smaller, bold, block letters. A small asterisk is visible above the word 'CONDITIONS'.

# **The Support**

# Quality and Efficiency

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

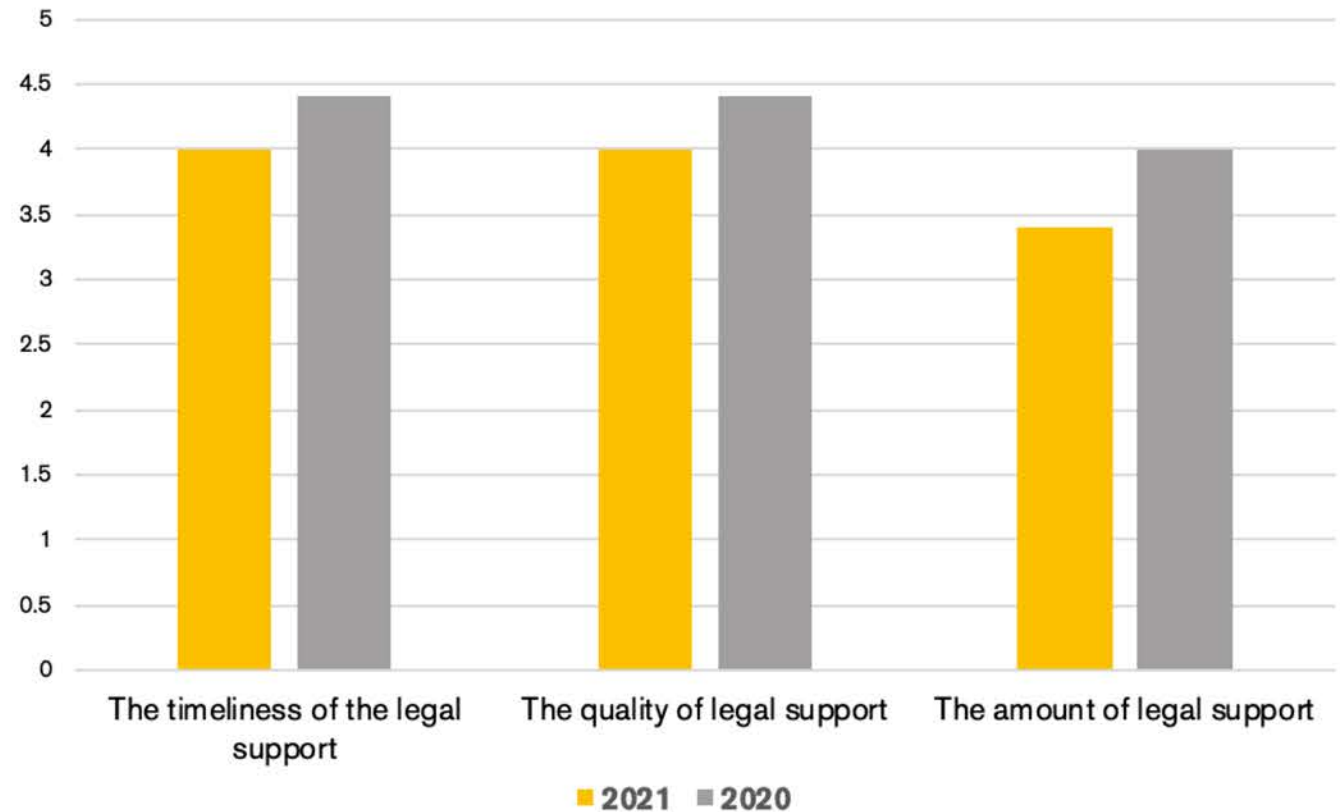
- 61% (14) of respondents referenced financial support
- 8% (2) of respondents referred to the high-level quality of legal support, including support in the drafting of legal documents and providing legal expertise
- 22% (5) of respondents said Media Defence provided advocacy support
- 4% (1) said Media Defence provided moral support to both lawyer and journalist
- 17% (4) said they acquired a broader knowledge of international human rights standards which improved their submissions.



# Quality and Efficiency

Respondents were asked to rate 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 related to the timeliness of legal support and the quality of legal support, which on average were ranked as 4.

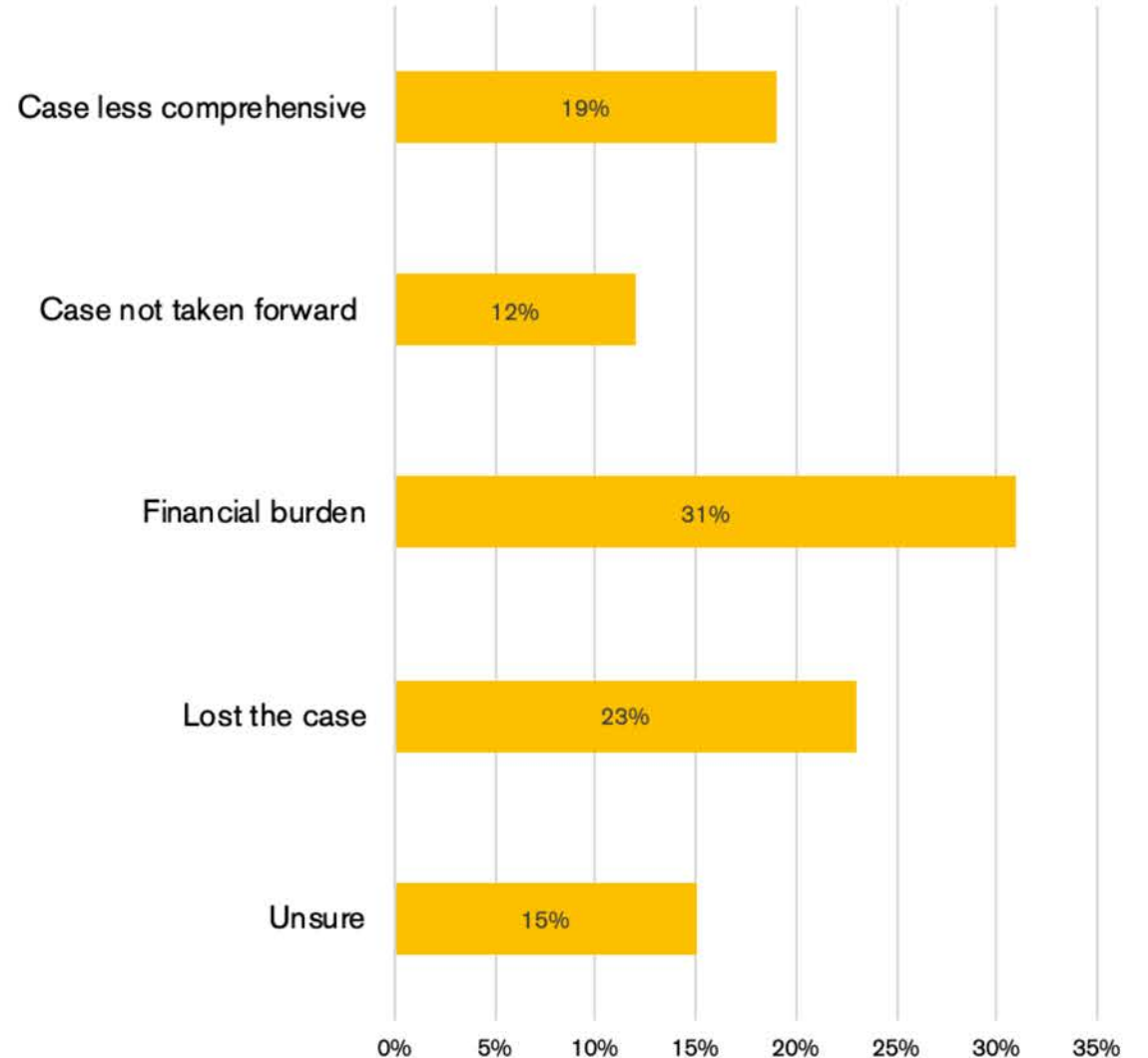


# Legal Challenges

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

The majority (31%) indicated that their biggest challenge was the financial burden on either the journalist or the lawyer.

23% said they would have lost the case. 12% believed the case would not have been taken forward, and 19% said that their submissions would have been less comprehensive.



# Learnings

We asked respondents “What could Media Defence have done to improve the legal support provided to you?” 48% expressed satisfaction with their experience, 4% higher than in 2020 (44%). Recommendations we received included:

- Increase the amount of funding per case
- Simplify the application and financial support
- Translate the application form into different languages
- Provide more training and capacity building events for lawyers
- Provide more support and check in to individual cases



**If we didn't  
have Media  
Defence's  
support...**

*"I think there was no chance for my client to get justice, he would be just a anonymous victim like so many victims before him of the government's abuse of Human Rights and freedom of press."*

*- Lawyer supported by Media Defence in 2021*



What does freedom  
of expression mean  
to you?

*“It means reality, democracy, solidarity and strength against dictatorships and police states, it means light against darkness, the possibility for correcting mistakes and the possibility of questioning, research and all other open windows for fresh air.”*





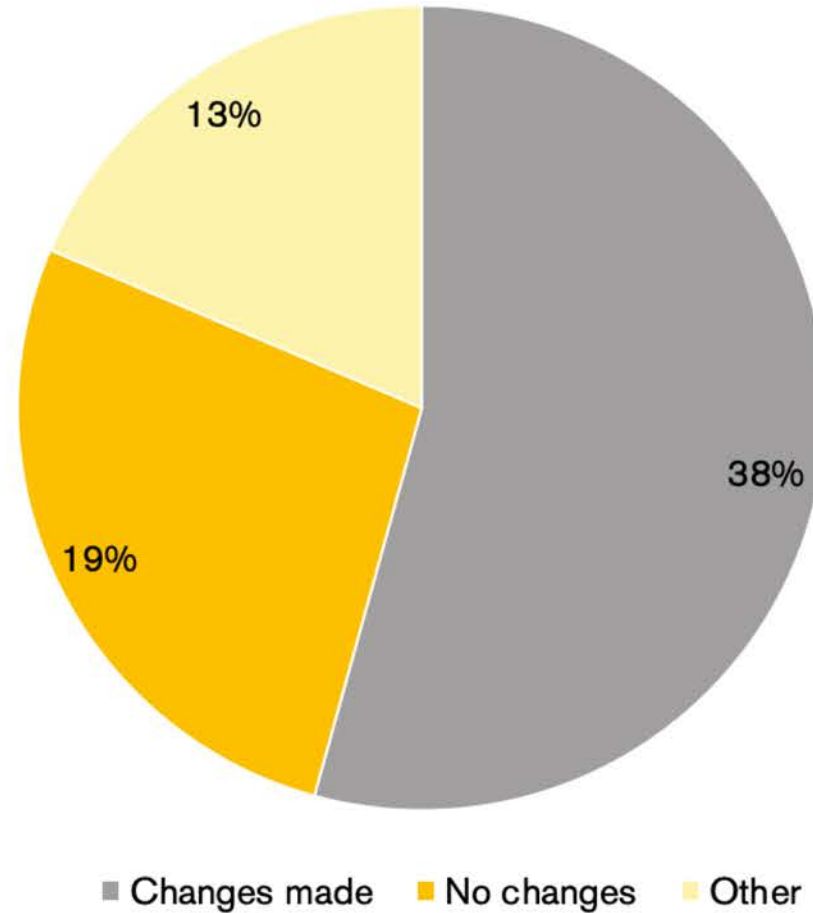
# The Wider Context



# 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?”

Those who responded 'other' talked more broadly about creating confidence in journalists rather than changes in their own practice.



# 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?”

- The largest proportion of respondents, 43% (10), stated that the use of international standards and case law improved their arguments
- 13% of respondents (3) stated that they made no changes to their legal practices
- 13% (3) stated that their confidence in litigating freedom of expression cases had improved
- 4% (1) respondent now sees defending bloggers and journalists as a priority in their work

# Changes to the Legal Environment

22 respondents replied to the question of "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?"

- The largest proportion of respondents, 41% (9), stated that journalists were more confident and aware of their rights
- 18% of respondents (4) stated that they had improved case law on freedom of expression in their jurisdiction
- 14% (3) stated that they had removed repressive legislation in their case
- 14% (3) stated that there were no changes



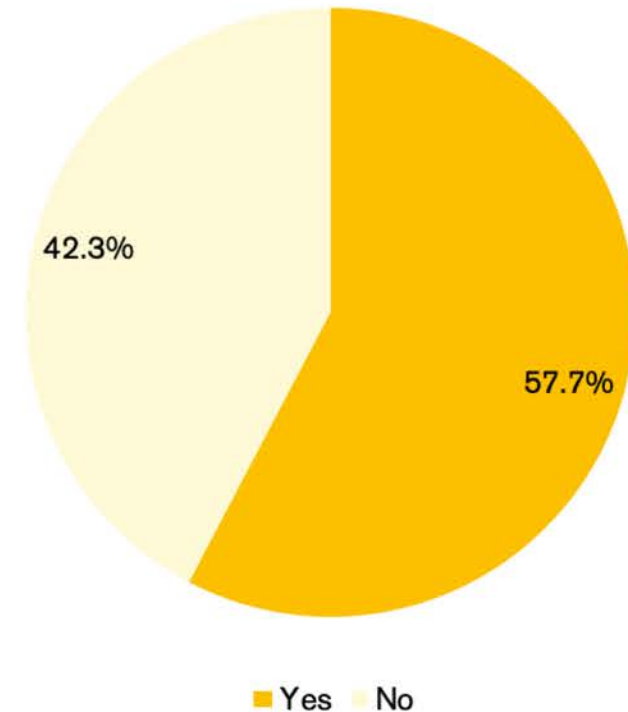
# Effects of Covid-19

69% (11) of the 16 respondents said that Covid-19 had led to fewer cases being heard by courts. This is consistent with feedback in other areas of our work.

13% (2) of respondents said that the procedures had changed since the start of the pandemic. Examples given were electronic submissions and online trials.

6% (1) respondent said that Covid-19 had made their litigation easier due to online trials and not needing to travel.

Has the Covid-19 pandemic had any impact on your litigation?





# Conclusions



# Impact Themes and Learnings

## Legal Support

The second Lawyer Impact Survey allows us to conclude that Media Defence's legal support added value in all of the cases and has positively impacted the work of the lawyers we supported. This is in line with the results in the first survey carried out in 2020. 84% of lawyers believe that their case strategies and submissions have improved following the support of Media Defence. Importantly, knowledge of international human rights standards was mentioned throughout the survey. This global perspective demonstrates the importance of Media Defence's substantive support.





# Impact Themes and Learnings

## Building Confidence

Media Defence provided moral support to both lawyers and journalists. Throughout the survey, lawyers commented that the support of Media Defence helped journalists to continue difficult cases, and often to continue reporting despite continued threats. This result was complemented by the financial support which was repeatedly shared as a key way to allow journalists to continue their work. Similarly, lawyers felt supported in often challenging cases.

# 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 will translate the survey into Arabic to ensure the MENA region is represented in results
- We will extend our outreach to ensure we are able to reach more female lawyers.
- The support provided to lawyers has made a substantial difference. We will aim to provide more peer learning and training events for lawyers in a variety of regions and encourage cross region learning in the coming years
- 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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