

# Libel basher

David Hooper has fought against and beaten two governments and Robert Maxwell and prides himself on being the saviour of the weak from the powerful. **Abigail Townsend** meets the man who calls himself Sooper Hooper

**D**avid Hooper is a man of contradictions. Despite being one of the country's leading libel lawyers, who has taken on Robert Maxwell and two successive governments and won, he opens the door in brown baggy corduroys and a large checked shirt.

After two days appealing to the House of Lords, Hooper is spending the day working from home.

His conversation is also riddled with paradoxes – he is affable, intelligent, polite and well spoken, but when he fixes his eyes on you during questioning, lesser men would crumble.

Although originally from Wales, where he still has a house he stays at most weekends, Hooper spent his childhood travelling around the world due to his father Robin's work as an ambassador.

Hooper has particularly fond memories of his time as a child in pre-revolutionary Iraq. And, as befits a man who has spent most of his working life centred around books, he explains how he went to primary school with someone who was like a character from a Frederick Forsyth novel.

But, he says with a wry smile, they parted company when he went to school in England and his old schoolfriend became an assassin.

Hooper originally qualified as a barrister, doing his pupillage at commercial set 7 King's Bench Walk before moving to 2 Garden Court. He received libel work only occasionally, but it was enough to make him change the course of his career, and after re-training as a solicitor, he joined Peter Carter-Ruck and Partners, where he stayed until 1986.

He left to go to Biddle as a partner, later taking on his current role of head of media and publishing.

The reason for moving on? He wanted to change tack for the second time in his career. "I did not see eye-to-eye and have shifted my practice from more plaintiff to defence work. I find it more interesting working out what the media can publish rather than concentrating on doing one-off jobs for people."

Peter Carter-Ruck's senior partner Andrew Stephenson was an associate with the firm during Hooper's time.

He says: "He is very, very diligent

and hard working. He can be, I feel, quite obsessive. This applies not just when dealing with cases but also with office matters."

Stephenson says that because Hooper was so hard-working he has actually had more contact with him since he left the firm.

"He liked to do his own thing. This is part of his background, having trained as a barrister," he explains. "He would work very much with the assistants rather than delegating work."

**'It was McDonald's policy, and other companies have done exactly the same, of throwing a writ with a very fancy law firm attached to it to suppress anything they did not like'**

Hooper joined Biddle for a variety of reasons – clients, personal acquaintances at the firm and because it has a reputation for book publishing. He describes its approach as "how to publish, not just libel".

He admits that despite his own roots in the upper echelons of society, fighting those with power, and particularly those who attempt to misuse it, is what gives him a thrill. "Acting against people like Maxwell, who are trying to suppress things, I actually find that quite rewarding."

This love of fighting the establishment is very much part of the reason Hooper continues to practice in his field. He explains: "The sort of case that very much interests me is the McDonald's case. It was their policy, and other companies have done exactly the same, of throwing a writ with a very fancy law firm attached to it to suppress anything they did not like."

But he is always quick to see the humour in people's actions. He tells

the story of when McDonald's caught wind of a school play being held at East Kilbride that was critical of the company.

With great amusement he conjures up the image of the besuited McDonald's lawyer "sitting in the front row with his yellow pad" watching children act in a small Scottish town.

Despite almost 30 years of practising libel, he is still excited about the changes facing legislature, predominantly through a handful of ground-breaking cases and the impact of the Human Rights Act on free speech. "All these rules that are hundreds of years old may well come to be challenged," he says.

He also believes that European libel law will have an impact on the future of English law. As he points out, the two systems "are completely chalk and cheese" which, as the union grows, will be hard to reconcile.

One issue that concerns him is conditional fees. "It is already a licence to print money for plaintiff lawyers who will only take on dead cert cases. That I see as a problem for the media," he says.

But he concedes that media-friendly lawyers may be willing to take cases to court on a conditional fee basis in order to challenge particular laws.

Yet there are always risks, as the now infamous Gillian Taylforth case proved. As he says: "You never know what is going to show up."

Law was not something Hooper had always wanted to do. He studied it at Balliol College, Oxford but is swift to point out that this was not through any zealous determination to become a lawyer.

Instead, he explains, he drifted into law. He is a great believer in not specialising too early and if he had his time over, would study languages. "People should be encouraged not to do law," he says in all seriousness.

So is this appreciation of languages typical of a man who makes his living through scrutinising words?

Not a chance. As he puts it, his preference for languages (of which with only two he does not know "nearly enough") comes from a desire of getting to know other peo-

ple's culture. That, and the fact that "you take a year off in the middle".

But work has allowed him plenty of opportunities to observe other cultures. He recalls the time he was working on a case in the Far East. The Japanese gangsters he encountered while there were indistinguishable from any City financier apart from one minor but telling point – most have their little finger missing from the joint up.

And travelling to Australia to represent Peter Wright in the *Spycatcher*

**'A friend of mine in MI5 has never spoken to me again after that. It quite amazed my father that I was doing it and he could complain about it to his friends'**

case was the highlight of his career and a case he refers to as "immensely enjoyable".

When Biddle first got involved, Hooper says that it did not realise exactly what it was taking on.

But he adds: "It soon became apparent that it was really taking off. The first lot of Australian lawyers were making such a meal of the thing and the costs were escalating almost out of control."

"I went to Australia and I met up with Peter Wright. There was this memorable moment of going down to this tin shack that he lived in and listening to the story pouring out."

"You really are up against the power of the state who are probably reading your faxes and tapping your phones. But on the other hand they cannot use it so as long as you do not do anything you are ashamed of. Still, we sent the odd spoof fax."

One writer at the time described Hooper as "the unlikely scourge of the establishment", an epithet he is obviously proud of.

However, the job did take its toll. His peer group, he explains, "often thought I was absolutely terrible. A friend of mine in MI5 has never spoken to me again after that."

"It quite amazed my father that I was doing it and he could complain about it to his friends. He was slightly on the fringes of the intelligence world. But I think he approved of the independence of spirit".

While the adventurer in him thoroughly enjoyed the whole affair, his belief that the government was in the wrong underpinned much of his involvement with this and subsequent cases.

"It was just such an avoidable disaster for the government. They were hanging on to an out dated idea of what they could stop. I had it with Andy McNab [author of *Bravo Two Zero*]. They could have vetted [*Spycatcher*] and it was the same with McNab. The arrogance of the government was that it failed to notice that the caravan had moved on and people were interested".

He admits his beliefs do influence his work. "It obviously helps if you are sympathetic with the case and if you are not you make sure you very clearly explain what the downside is."

As an established writer, both for lawyers and the general public – he has a new book out aimed at both that chronicles some of the biggest libel cases in recent times – and his reputation assured, you would be forgiven for expecting him to slow down.

But not for him retirement in Wales to enjoy his books.

"One of the good things about work nowadays is that it is much easier. One is available more or less at all times and with modern communications one can be anywhere," he says.

And for such a contradictory man, this eagerness to embrace all that is new despite an old-fashioned appearance is no surprise. Particularly not when you see that his home email address starts off "Sooper-Hooper@..."

And any chance of another change of direction for his career? Unlikely. As he says, with one eye firmly on the Taylforth case: "You don't get many blow jobs in pension law."

