

# Profile: Larina Mullins, Senior Litigation Counsel at News Corp Australia

CAMLA Young Lawyers representative, Katherine Sessions, caught up with Larina Mullins, Senior Litigation Counsel at News Corp Australia to discuss working in-house at a major Australian news organisation.



## **KATHERINE SESSIONS: Where do you work, and what is your role in the organisation?**

**LARINA MULLINS:** I am Senior Litigation Counsel at News Corp Australia. I act for a wide range of publications from The Australian, The Daily Telegraph, The Courier-Mail and our newspapers across the country, for our digital team at news.com.au, and our magazines including Vogue Australia.

I advise journalists and editors on their stories before publication, and handle complaints and litigation afterwards. This mostly involves defamation but often raises other areas of law such as copyright, contempt of court, statutory restrictions on publication, freedom of information, contract law and criminal procedure.

After more than a decade as a fee-earner in private practice, I was worried that moving in-house meant I would no longer be valued. Would I be just another expense to the business? A roadblock for the reporters to get around? Thankfully, I don't get that sense here at all. I work collaboratively with the passionate and driven journalists, editors, photographers, marketers, printers and executives who make up this massive organisation. And when it comes to our newspapers, for the first time in my career I make something tangible. I can hand an edition to my son and say "Mummy helped make this today". I am very proud of that. (He will usually draw on it or cut it up but that's okay, he's only five!)

## **SESSIONS: Where have you worked previously, and what led you to your current role?**

**MULLINS:** To start at the beginning, I did combined Law and Arts degrees at the University of Queensland. I majored in media studies, as I have always had an interest in the media industry.

After graduation I was an associate in the Federal Court, which established my love for litigation. I realise that some people don't like it – I have a couple of lawyer friends who break out in hives at the thought of speaking in a courtroom – but I adore

everything about it. The pressure that intensely focuses your mind. The surprises that can be terrifying but also make you think quickly, improvise and do some of your best work. I especially enjoy the theatricality of the courtroom: the dramatic entrances of the Judges from backstage, the wigs and gowns, and the nuanced performances of counsel.

I moved to London and progressively landed jobs at the litigation department of the BBC, the music litigation team at Hamblins, and then the boutique West End firm Schillings. Schillings specialises in defamation and privacy, and I was fortunate to be there when super injunctions were at the height of their infamy. I acted for music legends, Hollywood movie stars, British footballers, Russian oligarchs and European royalty. I would love to name drop but my excellent work in obtaining those watertight injunctions makes it unlawful for me to do so.

When I came back to Australia, Sydney beckoned and I heard about this role at News Corp through a friend. It was a perfect fit ... once the business was willing to overlook my shameful past of being a plaintiff lawyer who won cases against their UK newspapers. I am now the very definition of a 'poacher turned gamekeeper'.

## **SESSIONS: What do you consider to be some of the most interesting and challenging aspects of your role?**

**MULLINS:** Advocacy is the most interesting part of my role at News Corp. I appear in defamation litigation on imputations arguments, interlocutory applications and directions hearings. I also do a lot of court appearances to oppose suppression orders: more than 100 in the past two years. This is particularly rewarding as I am advocating for open justice and the public's right to know, and often see the story on the front page the next day.

However, it can be challenging too as I usually get a frosty reception from opposing counsel and even the judiciary. Recently when I announced my appearance for The Daily Telegraph, a District Court Judge

launched into a 20 minute tirade about their failings in covering his previous trials. But by the end of it, his Honour thanked me for the cathartic experience, saying he felt much better after getting all that off his chest. For a split second I was going to say I would bill him for the therapy but thankfully I thought better of it, and got on with my application (which I won).

**SESSIONS: Social media technology is changing the way that we absorb and respond to media. 'Fake News' is a term that didn't exist a year ago - though now resonates with the way many prominent figures and the general public may perceive the news provided through social media. What role do you believe defamation law will play in responding to 'fake news'?**

**MULLINS:** I don't believe defamation law is going to provide the silver bullet for this problem. Even relatively simple claims can take at least two years to get to trial. I am reminded of the adage "a lie gets halfway around the world before the truth has a chance to get its pants on".

It would be comforting to think that defamation law could result in the bankruptcy of fake news peddlers. We have seen Hulk Hogan's privacy award of \$140 million result in the bankruptcy of Gawker. However, fake news does not come from a few identifiable media companies operating in the same country as their victims. It is pouring in from small operators around the world that cannot be identified, cannot be served or would not come to court in any event.

There is no way to entirely prevent fake news, just as there is no way to stop people telling lies online. I just hope that the social media platforms come through on their promises to take action when their own technology is being abused in this way. I also have faith in the general public: that we will get better at recognising fake news, we will fight the urge to take the click-bait, and we will continue to support professional journalism.

**SESSIONS: What do you consider to be the most interesting defamation case law that Australia has faced?**

**MULLINS:** I found Joe Hockey's case against Fairfax fascinating. There were fireworks with the editors' emails. Suspense as privilege was waived over the in-house lawyer's pre-publication advice on the story. And the rollercoaster of a judgment where the articles were not defamatory but the poster and tweets were, then the plot twist of the costs award. If you proposed it as an episode of the TV show 'Rake', it would be thrown out as too unbelievable.

**SESSIONS: What are some tips for young lawyers looking to work in defamation law?**

**MULLINS:** Come along to CAMLA events! Most of the solicitors and barristers working in defamation law will be there. I despise the word 'networking' but that's precisely what it is and it can be helpful.

I also recommend watching a defamation hearing. It can be very hard to find the time to do this but I promise it will be worth your while. In Sydney, anyone can watch the defamation lists on Thursdays in the District Court and on Fridays in the Supreme Court. You can see how defamation law actually operates, and put faces to the Judges' and barristers' names that you read in all the judgments.



**Katherine Sessions**  
Regulatory Affairs,  
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