

## Sample Civil Case Note

**Wilson v Bauer Media (2017)** [Supreme Court of Victoria]

**Facts** - A series of articles was published in Australian celebrity gossip magazines. These caught the attention of media in the United States. The plaintiff, an actress, claimed that the articles were defamatory and that they wrongly stated that she had lied about her name, age and upbringing. She claimed that the articles led to her losing leading and lucrative film roles and that she had become ill as a result of the associated stress.

**Issues** - The issues to be decided were whether or not the articles were defamatory, did they refer to the plaintiff and were the defamatory statements communicated to third persons. A defamatory statement is one which is untrue and lowers the reputation of an individual in the eyes of the community.

**Decision** - The jury of six found for the plaintiff.

**Significance** – This case can be used as an example in Unit 1 Area of Study 3 and Unit 2 Area of Study 2.

**Fairness** – The trial was conducted before an impartial judge and jury. Evidence was given on oath or affirmation. The outcome was binding on the parties. The court functions in accordance with the principles of natural justice. The court requires parties to abide by the rules of evidence and procedure. Parties have the right to appeal judgment on questions of fact or law. The trial was conducted in a timely manner.

**Equality** – Both parties represented by expert counsel. Each party entitled to call witnesses and present evidence.

**Access** – Court exists to resolve such disputes if other methods unsuccessful. Both parties capable of funding action. Both parties have the right to appeal (see above).

## Template for Case Notes

**CASE CITATION:**

**FACTS:**

**ISSUES:**

**DECISION:**

**ASSESSMENT CRITERIA:**

1. **Fairness**
2. **Equality**
3. **Access**