



XXIV Old Buildings Commercial Litigation Conference

Thursday 23rd April 2026



Chair's opening remarks

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Overview

1. Judicial proceedings immunity: origins and introduction.
2. Nature of JPI: rejection of “justificationism”.
3. Modern incursions into the immunity. Claims by clients against their own lawyers and expert witnesses.
4. What counts as a judicial proceeding for these purposes?
5. Who is covered by the immunity?
6. Is the commencement of proceedings covered by the immunity?

Judicial proceedings immunity

Origins and introduction

Brief overview

- The nature of judicial proceedings immunity: what does it say on the tin?
- The 'core immunity'
- Origins in relation to defamation:
 - *Cutler v Dixon* (1585) 4 Co Rep 14
 - *Munster v Lamb* (1883) 11 QBD 588
- Expansion:
 - *Marrinan v Vibart* [1963] 1 QB 528 (conspiracy to give false evidence)
 - *Watson v M'Ewan* [1905] AC 480 (breach of confidence)
 - *Crawford v Jenkins* [2014] EWCA Civ 1035 (harassment claim)
- But what are its boundaries? Where do the limits lie?



Nature of JPI

How should contested issues of JPI be determined?

Modern incursions on JPI

Claims against lawyers and experts by clients

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What is covered?

What counts as a 'judicial proceeding'?

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Who is covered?

Lawyers, judges, arbitrators, witnesses...



What conduct is covered?

What constitutes a 'statement'?

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