

Comment from Marlia Saunders, partner with law firm Thomson Geer:

We've seen in a number of recent cases involving #metoo issues that defamation proceedings provide a platform for a plaintiff to be subjected to increased public scrutiny, which has resulted in cases being withdrawn prior to trial (Christian Porter) or midway through a trial (Craig McLachlan). Even where the plaintiff is successful in court and is awarded damages, the court of public opinion doesn't always agree. In my view, this case is another example of where Lehrmann should quit when he's ahead.

It would be terrible from a PR perspective for Lehrmann to sue Higgins, whose mental health challenges have been widely publicised.

The case has highlighted the need for law reform in a number of areas, including the option for judge-alone trials in cases which have been the subject of substantial pre-trial publicity.