

# Court journalism

**Will Gant**

LTRK training at IALS, 15 June 2012

# Reporting the courts

- Criminal trials, inquests, and other kinds of legal proceedings remain a core component of media coverage despite the general decline of the industry. Editors like these stories because they're cheap to produce, many readers find them interesting, and reports are protected by absolute privilege.
- The bulk of the stories are produced by news agencies who syndicate their content to all newsdesks. A few papers (e.g. the Evening Standard) still have dedicated court correspondents, though this is becoming rare. Others have 'crime' reporters.
- Across London, there are about 20 to 25 reporters, mostly agency, who spend most or all of their time covering court proceedings.
- Daily Mail, Daily Telegraph, Evening Standard, and local newspapers publish lots of extra stories from independent agencies. Other media tend to stick to content produced by the Press Association, as they've already paid for an annual subscription..

# Press or public?

- In all but a tiny handful of areas (i.e. attending youth courts), there is no distinction in law between the rights of journalists and those of other members of the public.
- But in practice HM Courts & Tribunals Service does provide extra information to reporters, like defendants' home addresses and dates of birth. We are also allowed to read the indictment, sit in the well of the court rather than the public gallery, and in most cases get lists detailing the upcoming cases.
- Lots of 'citizen journalists' (bloggers, etc) are pushing to change this. But HMCTS top brass are deeply sceptical, and worry these people would breach reporting restrictions because they aren't properly trained in media law. Do not expect reforms any time soon.

# Getting special access

- If you are ever have articles published as a freelancer - even if it's only online - you could try applying for a press card. Seventeen organisations allow applications from persons "wholly or significantly concerned professionally as a media worker who needs to identify himself or herself in public" - <http://www.ukpresscardauthority.co.uk/>
- Alternatively, find out who the presiding judge/coroner/etc is at the court you're interested in and write to them explaining your reasons for wanting greater access. Most judges now use e-mail, so you could also try contacting them this way.
- Also see specific contacts for researchers here: <http://www.justice.gov.uk/publications/research-and-analysis/courts/research-contact-points>

# Covering courts as Joe Public

- You can almost always sit in the public gallery and make notes - contact court manager if overzealous security try to stop this. Even the biggest courts only have a couple of dozen seats, so arrive early if it's high-profile.
- They may be a bit taken aback at first, but there's no reason why you can't talk to the lawyers, police, or court clerk during adjournments.
- Situation is more awkward at Old Bailey because of the physical division between public and other court users. But you can still ring clerks up through the switchboard, or ask security to pass up a note.
- If you want to check dates of future hearings, contact the list office. Some courts also have a 'results' office, which can tell you the outcome of specific hearings..

# Accessing documents

- As of last October, there are new rules on public access to documents referred to in court.
- Rule 5.8 of the Criminal Procedure Rules 2011 expressly allows any "member of the public" to apply for various bits of information, including charges, party names, court decisions, etc. Most interesting one is any "document, or part of a document, containing information about the case".
- Beefed up considerably in April by Court of Appeal in Guardian News and Media Ltd v City of Westminster Magistrates Court [2012] EWCA Civ 420. Disclosure is now the default position.
- Strongly recommended to bring a printed copy of that case, with paragraph 85 highlighted, if you want to use it on the spot. Many lawyers and judges are not yet up to speed with this, and the case isn't in Archbold yet.
- Ask for specific docs (e.g. jury bundle) rather than asking for everything

# Extra resources

- For free access to the next day's listings (names only) for every crown court and high court in E&W: <http://www.courtserve.net/>
- Transcripts of proceedings, in most cases produced from official audio recordings, can be ordered by anyone - but the cost is extortionate. Contact individual courts for details.
- Documents held for purposes of legal proceedings are exempt from FOI requests, but other information held by HMCTS isn't (e.g. statistics)
- Under s.9 of the Contempt of Court Act 1981, you can use a dictaphone to make your own recordings in person, but only if you have the judge's permission - and it is an offence to publish the audio by any means.
- Check out the raw information supplied to reporters by the Met police: <http://www.met.police.uk/pressbureau/>

# Terrorism

- Almost without exception, terrorism cases are channelled through Westminster Magistrates' Court (also deals with all extraditions)
- After that, they are then dealt with by either Woolwich Crown Court or the Old Bailey (both high-security courts)
- Very common to sit *in camera* during pre-trial hearings where defendants accused of breaching control orders. Public can also be excluded to protect national security during trials, inquests, and employment tribunals.
- Also not unusual for prosecution to rely on Public Interest Immunity (PII) to withhold sensitive information from the defence, and prevent it being aired publicly. Used at recent inquest of Mi6 secondee Gareth Williams.
- CPS tries to keep a running list of prosecutions here:  
[http://www.cps.gov.uk/publications/prosecution/ctd\\_2012.html](http://www.cps.gov.uk/publications/prosecution/ctd_2012.html)



# Warnings

You must know a few basics before publishing anything you've seen or heard in a court. That includes on the internet or in academic works that are to be distributed to others. This list is NOT exhaustive:

- Publishing information on any hearing in which the jury is not present is a legal minefield. Safest and easiest to stick to what the press are putting out.
- It's still illegal to draw or take photographs anywhere in a court building, or record audio without a judge's permission.
- Reporting restrictions don't just apply to reporters - they apply to tweeters, bloggers, academics, and anyone else who 'publishes'. Breaching them is a criminal offence, so consult the clerk, list office, or prosecutor.
- Unless it contravenes a specific restriction, publishing post-trial is usually fine (automatic rules on prejudice may still apply)