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Cameras in court – Open Justice or “LEX” Factor?

Philip Henson, Partner in the City of London law firm **Bargate Murray**, considers the Lord Chancellor's plans to open up the courts to the television cameras.

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No sooner had the detritus of the riots been swept from our chartered streets than the media whipped itself into veritable frenzy about the quantity of custodial sentences handed down to offenders¹. Then along came a rather teasing announcement from the Lord Chancellor and Secretary of State for Justice, Kenneth Clarke QC, that he plans (at no specific date) to open up the courts to the television cameras - to “*demystify the process*”.

The media spotlight shifted focus overnight to an almost pre-pubescent drooling at the prospect of cameras in court. In legal quarters the announcement was greeted with a luke warm reception – probably because we have heard such announcements before. You may remember back in 2004 there was an announcement of a government review into the case for having cameras in court. The issue seemed to have been parked in the dusty conclaves of the parliament library– apart from an initial trial of Supreme Court TV - until the Master of the Rolls, Lord Neuberger, gave the [annual lecture at the Judicial Studies Board](#) in March this year.

In that lecture Lord Neuberger highlighted the decrease in members of the public coming to visit the courts, and gave the example of Brazil's Federal Supreme Tribunal which has its own TV channel complete with a whole host of educational programmes about the justice system. The message was clear – we need to reinforce the old maxim that justice should not just be done it should also be seen to be done, by embracing modern technology. I would call upon the legal profession to get behind this push for open justice.

There will of course need to be a detailed consultation allowing stakeholders the opportunity to voice their concerns about the proposals, and the parameters for safeguards - such as adequate protection for witnesses, national security proceedings, and perhaps a veto for judges to approve what can be shown on the television.

The Lord Chancellor and Secretary of State for Justice has commented that he plans to “*proceed cautiously*”, and that the obvious place to expand will be the Court of Appeal. As we can see from the recent case across the Atlantic involving Michael Jackson's doctor (Dr Conrad Murray), and indeed by looking at the size of the news columns devoted to court reporting in local newspapers, it is the big ticket cases that get a lot of media coverage. It remains to be seen how much interest would be garnered for live streams of proceedings in the county or magistrates court, or the employment tribunal - even though, lets face it, the vast majority of the public are more likely to come into contact with such courts in their lives than be a party to proceedings in the Supreme

¹ Any lawyers who have commented on the custodial sentences handed down to the rioters, or who did not know that the maximum penalty for theft from a shop is 7 years, might be interested in having a look at [page 17](#) of the Sentencing Council's guidance covering “*theft from a building other than a dwelling*”.

Court. That does not mean that the public should be restricted in their ability, if they choose to do so, to find out more about those proceedings. I consider it inevitable that other proceedings, including decisions by county and local councils, will be televised in due course.

Planning ahead we need to develop an easily accessible platform where citizens can find more information about the law, and all of the arms and tentacles of the justice system. They can of course already read transcripts of some cases on [BAILLI](#) and transcripts of debates in parliament via [Hansard](#), but we can do more.

[Supreme Court TV](#), piloted via a live stream on [Sky News](#), which contains direct links to the Supreme Court's summaries of each case. No doubt that portal can be used as a model for the Ministry of Justice to bring together other government information web pages. Such a portal could also be promoted by other arms of government, such as BIS, to show the openness of our legal system to overseas businesses that may plan to expand their business to these isles.

I am not interested in televised court proceedings turning into some sort of "LEX factor" lemon curd pie TV show. Inevitably any change to our profession will be treated with scepticism and rumours of image consultants and media trainers already seeking to sell their wares are already propagating that reticence. I am interested in showing the public the passion and respect that all lawyers, court workers and the judiciary, have for the rule of law, and the administration of justice. Perhaps, in addition to opening the courts to the television cameras, now is the time to try to exorcise the common myths about lawyers and judges by showing more TV programmes explaining how the court system works; and also showing lawyers and judges doing work in the community, to demystify who we are and what we do. Let's not forget that Rule 1.01 of the Solicitors Regulation Authority's (SRA) Code of Practice provides: "*You must uphold the rule of law and the proper administration of justice*". Now is the time to show the public that we do exactly that and a lot more besides.

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October 2011

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This article was first published in the lawyer Magazine in October 2011.

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