

## Written evidence from Lizzie Dearden

- How the media's coverage of courts has changed, and what the implications are for open justice;

In my experience, the greatest change has been shrinking staffing in local papers and court reporting agencies. When I got my first full-time job as a news reporter in 2012, on a local paper in London, it had already been hit by cuts but had four junior reporters, a chief reporter, a news editor and an editor. By the end of 2013, it no longer had its own team, two rounds of redundancies had been made and the consequence was that only one reporter was dedicated to the title - me. That immediately meant I had less time to cover cases in our local courts, because I had to fill the paper with news and it was considered too time-consuming. We started relying more on Metropolitan Police press releases and news agencies, and court coverage dropped significantly. I am sure that similar stories have been repeated across local papers with profit losses and budget cuts over the past decade, and coverage - particularly in regional courts outside London - will have decreased dramatically there are not enough reporters and those remaining are not able to be there. That has significant implications for open justice for the people living in affected areas, who will be in the dark about cases that would once have been covered in-depth.

National newspapers have also made cuts to dedicated court reporters in recent years. I cannot speak for editors' decision-making, but most places (The Independent is an exception since 2016) have seen shrinking budgets and staffing in the past decade. "Court reporter" is a title little seen, and responsibilities are often taken on by junior reporters, crime correspondents or specialists. A significant amount of coverage in the mainstream press is taken from a handle of agencies, including Press Association, who still staff the largest courts and high-profile cases, rather than in-house reporters.

I cannot formally quantify this, but the way media outlets commission stories has changed greatly as a result of the internet, analytics and audience data. It is possible that editors' prioritisation of court coverage has been affected by their perception of its value in terms of traffic, readership and revenue.

- What barriers there are to the media obtaining information from the courts;

There is a compound effect where in order to report on a case, you need to know it is happening and what the facts are, and then to attend. But public court lists do not provide substantial information on allegations and we normally need prior knowledge - such as from police press releases and charge announcements - to know what we are looking for. So although court lists are published more widely online, they are essentially useless from a news perspective in themselves. That can make it difficult to plan coverage and follow cases of note.

If, as a result, a hearing is missed it can be very difficult to obtain information retrospectively from courts. Telephone numbers frequently ring out or are diverted to court staff who simply tell you to email queries. Emails are often not answered for days, if at all. The information given is very limited, often just the next hearing date or basic result (plea, sentence) without any surrounding context or information. Court transcripts can be requested but at substantial cost and take weeks, sometimes months. The result is that to contemporaneously report court cases, as we must, can be very difficult.

In many courts, staff appear to be wary of the press and can be reluctant to give information. Every court's phone line has many options targeting different groups of callers, but none for journalists. There is often confusion about the meaning of reporting restrictions such as on youth defendants' identities, and I have often been incorrectly told that I cannot be given basic information on a hearing by the court. With some exceptions of lovely clerks and ushers who go above and beyond to facilitate access, the press are not considered a priority. At best we are an afterthought, and some courts not used to frequent attendance by reporters can appear hostile, sometimes trying to stop journalists entering (particularly during Covid) or taking our electronic devices we need to report. I frequently have to direct court staff to HMCTS guidance on media access, which does not appear to be widely followed or known about.

- What could be done to make information on court cases more transparent and accessible;

More detailed court lists for accredited members of the media, accessible either by email or by a protected online portal, would make a huge difference. If we could access indictments or a comparable level of information - detailing not just bare charges but a summary of the conduct alleged - we would be in a much better position to decide what cases to cover and get there.

Similarly, there needs to be a better system for communicating reporting restrictions. We all do our best to follow them but if a restriction is made verbally, and a preliminary hearing is missed, it can be easy to be unaware. I have met few court staff who consider it to be their job to proactively tell media about reporting restrictions, and there have been a small number of cases where even where I have asked the court itself has not communicated the restriction. That cannot be in the interests of justice.

Sentencing remarks are made available by the judiciary in some high-profile cases and are very useful, especially where a sentence may seem surprising to a lay person and need to be explained in detail, or following a case where it was difficult for media to attend. Sentencing remarks can be requested but not all judges make a written record of them, and I am frequently told that a transcript is the only way of obtaining them. More standardised recording of sentencing remarks, or at least a summary of reasons, would be very helpful so they could be requested where necessary.

- The implications of social media for court reporting and open justice; and

Social media has been very useful from a reporting perspective, and it is welcome that judges now widely accept our right to tweet and otherwise communicate from the courtroom. However it has created issues around contempt of court, because of the gulf between journalists' understanding of the law and that of the general public. The principles that we have to follow are not widely understood, and journalists are frequently accused of bias or cover-ups because of the way reporting is governed by the Contempt of Court Act. It would be helpful if there was wider communication/education for the public on contempt, so that breaches are less common on social media and the constraints we work under during live cases are better understood.

- The effect of court reform and remote hearings on open justice.

CVP has been an excellent development for open justice. Not only has it meant that we could report safely on court cases during the pandemic, but that we can attend cases that would not be logistically possible otherwise. Last week, for instance, I attended hearings at Bristol Crown Court and the Old Bailey within an hour of each other - an impossible feat in person. CVP has dramatically increased my ability to report directly on cases relevant to my area of expertise, without having to rely on agencies and send-hand information. I can understand wider arguments over the use of CVP and its impacts on parties in the case, but for journalists it is an invaluable tool. I think it has already been a boost to open justice and will continue to enable more court coverage in the future, especially against the background of continued budget cuts and staff reductions.

The sole significant downside for journalists in my view is the inability in some hearings to see video and image material presented to the court. In one trial, I was sent an electronic version of a schedule of evidence to aid reporting that was of great assistance, but other courts seem reluctant to do that. If the court screens could be shared on CVP, that would be an improvement.

There is also inconsistency between different courts on the way in which CVP access is granted. For some courts, I can simply ask for a CVP link and it turns up by email with no questions asked. Others demand a formal application to the judge, several days in advance of the hearing in question, giving specific reasons why attendance in person is not possible. This needs to be standardised and in my view, journalists should not have to go to lengths to justify their attendance by CVP - it should be an option for all accredited media regardless of personal circumstances, and continue beyond the end of the emergency measures implemented because of the coronavirus pandemic. To take it away from news reporters would be a retrograde step for open justice.

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