

## **Title**

"It's the best job on the paper" – the courts beat during the journalism crisis.

## **Keywords**

Journalism, local journalism, magistrates' courts, court reporting, beat reporting, newspapers, local newspapers

## **Abstract**

Local journalism in the UK has been described as being in 'crisis'. Local newspapers have experienced years of declining circulations and staff cuts, leading to questions about how effectively those institutions can continue to perform normative functions of journalism. One of those is to report on the courts. Through analysis of 22 semi-structured interviews with local newspaper reporters who cover the courts beat, agency court reporters who supply the local press, as well as broadcast journalists involved in both local and national court coverage, this paper helps to establish how the daily newswork of court journalists has developed amid a turbulent period in journalism, especially local journalism. The research finds that court reporting has been less affected than other news beats but faces a series of challenges related to financial cuts and other pressures. While the local press has become even more essential to the provision of court reporting, a central part of the news media's fourth estate role, those challenges affect the ability of court reporters to perform this function. This paper recommends that policymakers consider using a form of public funding to guarantee the future of court reporting at the local level.

## **Introduction**

Reporting the courts is one of the classic functions of journalism, especially local print journalism. It is a job which allows the news media to fulfil key normative functions. Locally, this normative role typically involves informing citizens, representing the popular voice to elites, campaigning in the public interest, and taking on an interrogatory or watchdog role (Barnett 2009, McNair 2009). A sharp decline in revenues has led to significant job losses among journalists and a concern about the financial viability of local newspapers in the UK (Barnett 2010, Brock 2013, Moore 2015, Hill 2016, Howells 2016, Edge 2019), as well as in France (Rouger 2008), Ireland (Cawley 2017), Sweden (Wadbring & Bergstrom 2017, Karlsson & Rowe 2019), the US (Anderson 2013, Kennedy 2013) and many other countries (see Picard 2014, Nielsen 2016, Cohen, Hunter & O'Donnell 2019). This decline in size and scope of local newspapers has posed a threat to the general normative role of journalism within communities (NUJ 2015, Cawley 2017, Boehmer, Carpenter & Fico 2018). In the UK, the largest local press companies have long been criticised for compounding their problems through expensive acquisitions and neglecting local communities, with content increasingly produced at centralised locations (Engel 2009, Williams 2013, Media Standards Trust 2014, Moore 2015, Howells 2016, Hutton 2018), and concern has developed that local court reporting in particular has withered away (Davies 2009, Hanna 2015, Langdon 2017, Thornton 2017), putting in question the ability of the local press to continue to cover the courts. So far, there is

relatively little scholarly evidence of this beyond the work of Chamberlain et al (2019), something this study aims to address.

Observation of court proceedings by outsiders has been considered central to the idea of open justice (Bentham 1843), allowing scrutiny of court participants and helping to maintain the quality of justice administered by courts (Rodrick 2014). The long-term decline of public attendance at court (Mulcahy 2011), means the news media is central to providing information about, and forming people's understandings of, the justice system (Hough & Roberts 2004, Moran 2014, Marsh & Melville 2014, Taras 2018). So, when considering local coverage of the courts, we might consider the normative function of the press to report fairly, accurately and contemporaneously on cases of significance occurring within the circulation area of a local newspaper. If no journalist is present, there is a developing risk in certain situations that those with other agendas, such as extremist political figures or groups, might fill that gap, publishing exaggerated or false accounts of court proceedings (Elsrud, Lalander & Staaf 2016, Langdon 2017, Rusbridger 2018, Finnegan 2019). This article will examine the extent to which concern over the news media's ability to report on courts, especially local courts, is justified, in light of financial and other pressures caused by the financial crisis in journalism.

A 'local newspaper' can mean anything from a weekly paper serving a small, rural community, to a daily title covering a major city (Nielsen 2015). However, journalism online flows across conventional boundaries much more easily than in the past, making an attempt to analyse the 'local' in local journalism potentially problematic (Napoli et al 2017, Usher 2019). Similarly, even discussing 'newspapers' can be questioned when titles are so widely read online (Hess 2013). Also, the words 'local' and 'regional' are sometimes used almost interchangeably in UK media. For clarity, this paper uses the phrase 'local newspaper' to describe a sub-national media publisher of print and online news content.

### **Local journalism, crime and the courts**

Local journalism is arguably under-examined when set against the amount of research conducted into more glamorous areas of national or international media (Bromley 2005, Canter 2012, Wahl-Jorgensen 2019). This has prompted concern, especially considering the turbulence the UK's local news sector has endured since the 2008 global financial crisis (Harte, Howells & Williams 2018). Titles have suffered increasing difficulties because of factors related to the financial decline of the local newspaper business, such as corporate debt, a profit-driven mentality and a sharp loss of classified and display ads to Facebook and Google, along with a fall in trust among readers following scandals including phone hacking and increasing competition from new online-only players in the market. This has, in turn, led to cuts in local titles, reporters and coverage, in the UK and elsewhere (Kennedy 2013, Brock 2013, Hill 2016, Nielsen 2016, Abernathy 2018, Bauder & Lieb 2019). The courts beat has traditionally been important in the UK's local press, responsible for a significant proportion of stories covered (Franklin & Murphy 1991, O'Neill & O'Connor 2008). Yet court reporting practices have come under pressure as part of general changes within newsrooms (Davies 2009, Ryfe 2009, Hanna 2015, Howells 2016). In the US, court specialists have been squeezed out through a decline in the use of beat reporters and that layoffs have disproportionately affected veteran

journalists, more likely to include experienced court reporters (Denniston 2007, Ryfe 2009, Policinski 2014, and in the UK context, Phipps-Bertram 2014). A lack of resources at UK local newspapers has left sparse coverage of magistrates' courts in particular (Hanna 2015, Howells 2016, Chamberlain et al 2019), although earlier work suggests magistrates' courts were not always well-attended by the press (McBarnet 1981, Herbert 2002). Local and national newspapers alike have often relied on specialist agencies to cover the courts, with 59% of local editors using at least some agency copy, and 5% relying on agencies alone (Robins 2016, Thornton 2017), meaning any decline in the size and scope of these news agencies puts the ability of newspapers to cover courts at further risk.

News production studies have been considered useful as a way of shining a light on the 'behind the scenes' practices of the news media. Several landmark pieces of research were carried out during the 1960s and 1970s (see Gans 1979, Tuchman, 1978, Fishman 1980, Epstein 1973; also Drechsel 1983 on court reporting, and in a UK context, Schlesinger 1987). Since that era, orthodoxies about what journalists actually do have endured, even though they may no longer apply given the more fragmented media landscape (Cottle 2007, Willig 2012, Stonbely 2015). Scholars have grappled with journalism in the digital age, leading the field of journalism studies to take a socio-technical turn (Carlson et al 2018). Trends identified include a rise in 'atypical newswork' (Cottle 2003, Deuze & Marjoribanks 2009, Deuze & Fortunati 2011), the presence of aggregation alongside traditional reporting as a key form of newswork (Boczkowski 2011, Anderson 2013), and the increased flexibility allowed by developments in both software and hardware (Singer 2011, Dean 2019), with contemporary court reporting practices now driven by online and social tools (Lambert 2011, Knight 2017, Johnston 2018). Certainly, while newsrooms may have shrunk during the financial crisis in journalism, they have retained a key role in news production in the UK's local newspapers, a role that has potentially even been enhanced as more newswork has been hubbed within centralised buildings (Moore 2015, Townend 2015, Howells 2016). Traditional norms and working practices within newsrooms have often proved hard to shift (Gade & Earnest 2003, Ryfe 2009, Ross 2017).

This research aims to contribute to the field of journalism studies by applying a scholarly focus to a traditional yet somewhat under-researched aspect of journalism, court reporting, especially local court reporting. It does so at a time when much contemporary journalism research has a socio-technical flavour and will attempt to engage with that discourse in the field without becoming too narrowly focused on novel aspects of journalistic practice. This review of the literature has considered that there is some concern not only at the relative lack of research into local and court reporting in the UK, but also that this partial silence exists at the same time as dramatic structural changes have been wrought by the crisis within journalism.

## **Methodology**

Two research questions were formulated for this study.

**RQ1. What are the working practices of court reporters in the UK and how have they been affected by financial and industrial pressures on journalism?**

## **RQ2. How might any changes to the working practices of court reporters alter the civic function of journalism, particularly in relation to local communities?**

The central research method selected was that of semi-structured interviews. The technique is perhaps slightly less commonplace in journalism studies than textual or content analysis, yet it has been argued that using interviews to study the personal life histories of media workers offers the prospect of a better understanding of the particular challenges facing journalism (Wahl-Jorgensen 2018). Interviews with 22 journalists took place during 2017.

A variety of methods was used to identify those working as court reporters, including newspaper staff lists and searches of Twitter biographies. Interviews were conducted with 15 journalists working for local newspapers, primarily court reporters, or 'court and crime' reporters, or reporters with other job titles such as 'senior reporter' but who acknowledged that the courts beat was a significant part of their working life. All but one worked for one of the 'big four' UK local newspaper groups, Reach, JPI Media, Archant and Newsquest, while the other was employed by Scottish publisher DC Thomson. At the time, JPI Media was still in its former guise as Johnston Press. Three interviews took place with reporters who cover courts for separate news agencies, which supply court stories to local and national publications and broadcasters. A further four interviews were conducted with journalists working for the BBC, ITV and Sky, involved in overseeing or developing courts coverage, both locally and nationally, within those organisations. They are quoted in this study by those titles as a number, eg 'court reporter 1-15', 'agency reporter 1-3' and 'broadcast journalist 1-4'.

All but two of the interviews were conducted by phone, and using this technique allowed easier access to a wide range of journalists from across England, Scotland and Wales, meaning I was able to speak to many if not most court reporters working in the UK's local press.

As a former journalist turned full-time academic, I am what has been termed a 'hackademic'. This is a role that brings particular challenges. On one hand it involves being concerned with informing journalism practice and education, while on the other it obliges an individual to be part of the academy (Niblock 2007, Carlson et al 2018). Hackademics have perceived hostility from both the academy and the journalism industry (Harcup 2011, Calcutt & Hammond 2011, Blumler & Cushion 2014). Yet my own extensive familiarity with the actual work of journalism, including professional experience in television court reporting and online hyperlocal news (Jones 2012), allows me a familiarity with its peculiarities and terminology in a way that would be difficult for a conventional researcher to replicate.

Most qualitative research studies rely in some form on grounded theory and on the constant comparative method for analysis. I transcribed the interviews myself. Conducting the interview, then transcribing it, and re-reading the transcript, draws the researcher more closely into the experiences of the interviewees and allows thematic codes, grounded in data, to emerge as that data is considered (Wengraf 2001, Galletta 2013). All interviewees have been given anonymity. Some were critical of their employers and the court system during their responses in a way they

would perhaps not have been prepared to do were they not being treated as anonymous. For consistency I chose to keep all 22 interviewees anonymous.

## **Findings and Discussion**

In response to RQ1 about the working practices of UK court reporters and how they have been affected by financial and industrial pressures on journalism, four themes were identified.

### *Decline of court coverage*

Interview responses revealed a drop in the number of journalists covering the courts. Interviewees said that the local daily newspaper court reporter is now usually the only journalist from any news organisation to physically attend a court. "Sometimes I will go a month, maybe six weeks without seeing a reporter from any other organisation, even in a courthouse let alone a courtroom with me." (Court reporter 11). Some magistrates' courts seldom see a journalist other than the local paper's court reporter, underlining previous findings (Chamberlain et al 2019). "It's been months since I last saw anybody else at magistrates' court, it's probably a couple of times a year that there's anyone else there. So I've got the whole place to myself." (Court reporter 10)

Broadcast journalists in particular were considered unlikely to cover the ins and outs of even a major trial.

"I often find that if it's say the opening day of a murder case... they'll be there for the openings and that's when you get all the juicy bits, but then you won't see them again for the rest of the three week trial, until the sentencing comes up." (Court reporter 2)

Reporters based in certain larger cities said they would see other journalists slightly more often, but of those who put a figure on it, none had company on the press bench more than half the time. Some journalists interviewed noted this was a significant change that had taken place over recent years as financial challenges affected journalism. "(When I started) you would find maybe half a dozen journalists there on a daily basis. Now... there's only me there every day and one other freelancer, who used to be my close colleague." (Court reporter 14).

When there is interest from other organisations in covering a case, often it is the result of stories originally published by the local newspaper journalist. "Unless there's something that has interested the national press and PA (the Press Association news agency), and that's usually off the back of something I've written previously, they've picked up on it and then they've come in to court, it's very, very rare to see somebody else." (Court reporter 1). Other media are therefore essentially using the local newspaper court reporters as a free research arm. This helps to underline the centrality of the local press to the practice of court reporting. Yet despite the traditional and ongoing importance of the courts beat in the local press, economic reasons mean that for some newspapers it is no longer the case that a court reporter is based there each day.

“We have fewer reporters, so with a sort of smaller resource you can't perhaps go to court as much as we used to. So literally we used to be there every single day no matter who was on the list, what cases were on the list, now we don't go as much. We will always go for significant cases, and we'll still go probably for at least two days a week.” (Court reporter 5).

Others said they were based at court three or four days a week, although this would increase to every day in the event of an ongoing trial when they would be expected to provide extensive coverage online and in print.

Even as most local editors continue to use at least some agency copy (Robins 2016, Thornton 2017), pressures on newspaper editorial budgets have meant there is much less money for court stories from news agencies and freelancers, reducing the quantity of court coverage in the local press. One agency journalist working at a courts complex in London noted his pieces now seldom appeared in local newspapers.

“I feel very sorry for the guys who are working out there and they know this is a story that they'd love to have, they turn round to the newsdesk and say 'can I get this copy in?' and they're told 'well we haven't got any budget for it' so well, you know, it's a shame.” (Agency reporter 2).

There were examples in the interview responses of veteran former newspaper court reporters doing occasional freelancing. However, this appears to be something that semi-retired journalists do on an irregular basis, and there were no reports of trainees or students fulfilling this role.

“Quite often you see them just hedge their bets, they've gone along for a day, see what's interesting, and then for whatever area that person is from, or the crime happened in, they'll get in touch with the paper and say 'look 50 quid and you can have this story.’” (Court reporter 5).

Without the experience and contacts of a former staff journalist, it seems unlikely even this marginal existence is attractive, although there are occasional examples of towns and cities where a freelancer still offers daily court coverage, co-ordinated with the local paper to avoid duplication of effort.

### *Snatch photography*

As part of the general pressure on staffing levels at local newspapers, the number of in-house photographers has declined, and this has had an impact on the working practices of court reporters. The importance of including photographs of defendants to increase the shareability of online and social media versions of stories (Harcup & O'Neill 2017), means that reporters are now often obliged to take these photos themselves. These are known as 'snatch' pictures, a phrase used within court journalism to describe photographs taken of defendants in a public street before entering or after leaving a court, usually without the consent of the subject who would not typically wish to have their identity widely publicised.

A ban on photography within the precincts of court buildings, with limited exceptions, has existed in England and Wales since 1925 (Dockray 1988, Mason 2012). Today, this means the practice of snatch photography has largely fallen to reporters themselves, who typically have to walk past defendants as they are leaving the court, before using their phones to snap photos. Reporters accept there are occasions when they have been left feeling exposed and in physical danger and may choose to take these pictures covertly to avoid a confrontation. One reporter said she informally relied on the court's own security staff to be aware of what she was doing so they could intervene if necessary.

“It can be quite tricky, if you get an offender that has clocked you and they can be quite aggressive. I've had a few run ins previously where they've come up, and kind of been in my face, and said 'why are you taking a picture of me, you can't do that' so you've got to be very careful.” (Court reporter 1).

This practice raises ethical and legal questions, yet reporters involved in this activity did not reflect on those during the interviews, beyond acknowledging that it was a sometimes uncomfortable if necessary part of their job. This follows Frost (2015), who noted that British journalists tend to think of court coverage in legal rather than ethical terms, and Ward (2016), who saw a personalisation of ethics in the digital era, with individual journalists developing their own unofficial guidelines and practices. For Archard (1998), a surreptitious element to the taking of a photograph, even on a public street, could be considered an intrusion or breach of privacy, if the subject was unaware the picture was being taken. UK press regulator IPSO considers it generally acceptable for such photography to take place, so long as there is no harassment (IPSO 2018), although it does not directly address the question of covert snatch photography in its guidance. Although not necessarily breaching any industry regulation, the practice could be considered unethical as well as potentially dangerous, yet wider cuts in local journalism and the ensuing pressure on the newswork of court reporters means it has become a routine part of their jobs.

### *Relationships with the CPS and police*

Key sources of information for court reporters in this study include the Crown Prosecution Service, the agency which prosecutes criminal cases in England and Wales, and local police forces, of which there are 46 throughout the UK. Beat reporters invest energy in cultivating source relationships, and Fishman (1980) considered journalists were predisposed to treat accounts of events from official sources to be factual because they are involved in upholding a normative order of what he described as 'authorised knowers', a status which can be achieved by others in the criminal justice system, such as senior police officers (Greer & McLaughlin 2010) and individual lawyers (Munnik 2018).

The interview responses revealed the relationship between court reporters and the CPS is mixed. The CPS media protocol gives the media a general right of access to materials such as CCTV images, video footage of crime scenes and so on, once they have been presented in open court. Representatives of broadcast media were positive, noting the protocol's importance in providing material for their heavily picture-led TV bulletins. In some cases, the pictures have been so compelling as to have led to a broadcast news team covering a story, which they would otherwise

have ignored completely, underlining the importance of available images for the visibility and prominence of crime and court coverage in particular (Greer 2009). "I would say in terms of court reporting as a whole, the biggest transformation in court reporting in my lifetime in news, which is the best part of 25 years, is the Crown Prosecution Service media protocol." (Broadcast journalist 2)

However, many of the local newspaper journalists said they often struggled to get copies of photos and CCTV in a timely enough way for them to use in their stories. At a time when getting pictures or video to run online is more important to help the shareability of those articles (Harcup & O'Neill 2017), this could affect the viability of local court reporting. Perhaps tallying with the experiences of broadcast media, newspaper reporters noted that their local CPS officials were more likely to move speedily to make resources available if there was also interest from a local TV news programme.

"I do sort of get the feeling the CPS think 'oh we could get something here on TV' and it's not nice to think that they put TV above sort of a print-slash-digital media as we are, but I do sometimes think that can be the case." (Court reporter 2)

Contacts between journalists and the police tend to be formal. Reporters chasing information about particular cases are invariably referred to a force's PR team. "It's difficult unless you know them very well. You have to go through the press office and that kind of stuff. Access to information's tricky." (Court reporter 15). Past studies (Chibnall 1977, Mawby 2010) have traced the complex relationships between reporters and police communications departments, arguing that the power remains largely in the hands of the police press officers, who act as gatekeepers to information journalists want. This control of information has been considered to act in favour of the police, with published stories about crimes typically considered to take a pro-police standpoint (Hall et al 1978, Marsh 1991), while also offering an opportunity for media companies such as local newspapers, to warn about the consequences of deviance and praise established norms of behaviour (Chibnall 1977, Wykes 2001).

Other industrial factors have affected the relationship between court reporters and the police. Interviewees pointed to the Leveson Inquiry into the conduct of the press, and the fallout of Operation Elveden, as central factors in a growing distance in their relationships. Leveson, which focused in part on interactions between press and police, recommended more formal recording of contacts between officers and journalists. This has had the effect of making the police more risk-averse in their contacts with the media, obliging journalists to look elsewhere, such as on social media, for stories, which may be less accurate (Colbran 2017). Operation Elveden which, like Leveson, was initially prompted by revelations relating to the 2011 phone hacking scandal at the *News of the World*, investigated payments by national tabloid journalists to the police and other public officials. It ended in 34 convictions, including nine police officers, but only one journalist (Ponsford 2016).

*Court-media relations*

The relationships between journalists and the courts themselves are also of central importance to the work of court reporters. Courts in different jurisdictions have used press officers to manage their relationships with journalists since the 1930s (Davis & Strickler 2000, Johnston 2018), and increasing criticism of judges and their decisions by journalists has led to yet more proactive media management in some jurisdictions such as Canada (Harada 2018) and certain Australian states (Spencer 2018). But in general terms, courts in the UK's jurisdictions, whether criminal or civil, have arguably made little effort to be more accommodating to the everyday needs of journalists, at least in a formal fashion (Surette 2011). Reporters can find it difficult to get court documents and lists (Brooke 2010, Perrin 2012) and to overcome a traditional distance between the media and judiciary (Davis & Strickler 2000, Moran 2014), indicating courts have not necessarily reacted to the potential decline in the quantity of court coverage by making it easier for journalists to do their work.

The courts beat has been considered one of the toughest a journalist can be assigned, because they must navigate complex legal and ethical issues with relatively little guidance (Hochberger 2006). Therefore, court reporters often rely on informal relationships with participants such as court staff and lawyers for guidance and story leads (Whitaker 1981, Drechsel 1983) The possibility of being tipped off to a case by someone at the court was regarded by the reporters in the interviews as a key reason for physically attending a court building. "That's one of the important parts of my job, is to get down to court, because you speak to people." (Court reporter 8)

This seemed to become a more common occurrence for reporters who had spent longer covering the courts in their area, allowing them to build up those personal connections. "I had no idea it was coming up, but the District Judge there who I know very well (tipped me off), and he's always very good for sentencing remarks." (Court reporter 11). When a court reporter is not at work and a colleague substitutes for them, they are less likely to find the same level of help from court officials. "I have very good relationships with the court staff. I've built that up over a period of time, obviously there are people who come down to court not that often, and they find it very different." (Court reporter 6)

A London-based agency journalist found that tip-offs were less common in courtrooms there.

"I think one of the problems is the turnover of reporters is so great that they don't know who they can trust, they see one face one day, and another face the next. So it's very difficult for them." (Agency reporter 2)

Even though court staff in certain locations will provide details such as addresses and ages of defendants as a matter of course, in other places the reporter must always ask for this information, obliging them to spend time on this task which takes them away from concentrating on cases. Electronic lists of forthcoming cases are typically made available to reporters in advance, albeit often on the afternoon or evening immediately preceding the date in question. Reporters said they were grateful for the provision of court lists but would like those from the Crown court in particular to be more detailed. "It only has the name of the person on it, so you don't actually get what they're in for, or where they're from or anything." (Court reporter 9).

This existing system means that reporters must spend time cross-referencing the names of defendants with previous lists they have received from the magistrates' court, to try to keep track of cases they have previously covered as they move through the justice system. With lists typically only available on the previous afternoon or evening, there is limited time for any journalist to do this checking.

Some reporters admitted the availability of such lists can in fact put them off attending court, if they don't see anything interesting on there that catches their eye. "So we might look at the list and see five cases of minute bits of shoplifting and think well you know, that reporters would be better served doing something else rather than going to court." (Court reporter 5). Improving access to such information for reporters could therefore act as a disincentive to court coverage.

Another issue which sometimes constrains reporters is a change in either the timing or location of a hearing.

"You go to a hearing and they say 'you will be sentenced on this date' and you put that date in your diary, that day arrives and then you notice it's not on the list and you go in and find out it's on another day." (Court reporter 13)

There was acknowledgement from interviewees that receiving an update every time any case was moved would be impractical, but a more dynamic listings system which allowed for easier searching could mitigate those problems.

In response to RQ2, about the impact of these challenges on the ability of court reporting to perform its normative civic and social functions, a further four themes were identified.

### *News values and guilty pleas*

Local court coverage typically involves criminal rather than civil matters, and crime has been considered a topic covered by news organisations, whether national or local, because it is something editors and journalists believe their audience is interested in (Tunstall 1971, Chibnall 1977, Pape & Featherstone 2005). This particularly includes violent and sexual offences which are significantly over-represented in newspapers (Ditton & Duffy 1983, Moore 2014). Those who rely on their local paper for crime information are more pessimistic about crime matters (Smith 1984), while an over-emphasis in the press on deviance (Ericson, Baranek & Chan 1987), rare and sensational cases (Wardle 2007, 2008), trials which involve extraordinary or salacious details (Rodrick 2014) have also been noted. Crime reports typically take a pro-police standpoint (see Marsh 1991), and crime stories offer an opportunity for media companies such as local newspapers, to warn about the consequences of deviance and praise established norms of behaviour (Chibnall 1977, Wykes 2001).

Galtung and Ruge's classic study of news values (1965) and Chibnall's work on news values in the context of crime (1977) remain influential, but have been refreshed for the modern media landscape, including the widely cited paper by Harcup & O'Neill (2001). Subsequently, scholars have put greater emphasis on the

importance of the availability of visual material for use in crime stories (Greer 2009), crimes which involve children (Jewkes 2015), and the value of shareability on social and online platforms (Harcup & O'Neill 2017). Harcup & O'Neill (2017) also listed 'exclusivity' first in their latest typology of news values, attaching a heightened importance to 'scoops' while acknowledging that this concept says more about the journalistic process than any inherent newsworthiness in a particular story. For Harcup (2020), crime news is "arguably among the more obvious examples of how the stories that tend to be packaged and delivered by the news industry are not always the news items that citizens most need." (p91)

Interview responses indicated that court reporters are often under pressure to cover proceedings in several courtrooms within a court complex at the same time, and will often instead choose to focus on those involving guilty pleas, to allow for a greater volume of completed stories in a given day. "Traditionally, in the past I've not really covered trials that often because I know they're very time consuming and it's not as good for quick turnaround of copy." (Court reporter 1).

A shorter hearing with a guilty plea, and freedom to report all details of the case heard in open court, is more likely to offer what a reporter would consider a publishable story. That is, one that allows the reporter to complete it as a whole package quickly, even if it is marginal in its newsworthiness (Brighton & Foy 2007) or features less detail overall (Soothill 2009). Trying to reflect even a dramatic cross-examination from a trial in a short article is a much tougher task and would typically require the reporter to spend a half-day or even longer sitting through those proceedings almost on the off chance that something notable happened. Reporters also stressed that the bare essentials of a court case might give little clue as to its potential news value, which would often involve comments or some other kind of unexpected incident which took place during the proceedings.

"Sometimes you have court cases where the charge is quite minor but it's the judge's quotes and the barrister and prosecution's quotes, the things that they say in court, and even the defendant himself might shout and scream or, I remember in one instance a defendant pulled his trousers down in the dock, so it's kind of other things that are not necessarily what you'd think were news stories." (Court reporter 3)

The 'pot luck' factor of inadvertently finding an interesting story almost by chance, perhaps while waiting for another case, was identified by several reporters as the method by which they came by memorable stories. These factors imply that efficiency in their work, as well as the commercial considerations of covering exclusive or entertaining stories, are important considerations for court journalists, potentially at the expense of covering other cases which may more closely uphold the normative values of court reporting.

Tuchman (1978) wrote at length about the importance in daily journalism of considerations of time, noting that the news media imposes structures on time and space to allow for better planning. Stories breaking in the afternoon might receive less attention as reporters have generally been assigned their daily duties in the morning. This claim is an interesting one to consider in the context of local newspaper court reporters. Courts usually sit at the same time each day, allowing a

journalist assigned to that beat a certain predictability of how to structure their workload, for example taking notes while the court is sitting, and writing up their stories during breaks or at the end of the day's proceedings. This in turn might allow an editor the comforting knowledge that a court reporter is likely to deliver stories for publication at particular times, in turn helping encourage a newspaper to continue investing in a full-time court reporter, even in the era of tightened editorial budgets. Yet it would surely also apply pressure to that reporter, to make sure that they came back from court each day with a certain number of stories to write, whether or not each one might fit traditional views of newsworthiness.

### *The importance for open justice of attending court*

The general question of open justice was a key justification used by court reporters in defence of their work. That is, with members of the public seldom attending court, the only way to actually inform them of what is taking place there is through media reporting. As one agency journalist said: "What's the point in having someone sent away for 20 years, if no-one knows it's happened? There's actually no point whatsoever." (Agency reporter 2). However, this claim does not take into account the general purpose of punishing an offender, as well as the argument that such punishment can help to protect society generally.

Journalists highlighted the way in which court cases can provide a tip-off as to issues affecting society generally, as a way of furthering the civic function of court journalism. The first time a newspaper may be aware of a particular trend in their local area, such as a new strain of drug or a novel series of scams, could be through seeing crimes being brought before the courts. "You get pieces of a jigsaw that tends to form a wider picture through prosecutions passing through the system." (Court reporter 7). This can lead to further stories on those issues, often written by other reporters. Court journalists felt such information was less likely to be volunteered by actors such as council or police press offices, more concerned with promoting positive impressions of the communities they serve, underlining the importance of their physical presence at court.

The reporters were also concerned those involved in pushing out potentially sanitised information might make factual or legal errors, which could then be unwittingly republished by a reporter. "You can't just write anything, sometimes the police get it wrong, sometimes you've got to be aware of Contempt of Court orders." (Court reporter 6). Journalists may well make mistakes in their own court reporting too, but they much preferred that prospect rather than relying on second-hand information.

Interviewees also felt that their presence improved the behaviour of court participants, as argued by Rodrick (2014). That is, by simply being sat in court on the press bench, a reporter can keep the behaviour of others in the court on track.

"In courts, where they don't have a regular press presence, they tend to forget that there's a principle of open justice and they do things in a way which journalists then turn up and find is irregular. Or practices start to creep in which are not conducive to open justice." (Court reporter 6).

Examples of those practices cited in interview responses included courts sometimes not allowing journalists into courtrooms at all, something reporters said was more prevalent at smaller magistrates' courts not regularly covered by the press, away from the larger court complexes in major cities and towns. This suggests that the less often journalists attend a court, the less open the practices of that court become, further underlining the importance of court attendance as a way of upholding the normative values of local journalism.

### *The use of live text-based communication*

The development of smartphones, and software including liveblogging platforms and Twitter, has made the process of sending live updates of a case from within court much easier, creating new forms in which court reporters can publish their work, although this has in turn created challenges for the judicial system (Lambert 2011). In a key ruling, the then-Lord Chief Justice Lord Judge memorably told reporters to "Twitter as much as you wish" (Davies 2011).

This guidance can be considered to have been effective, as reporters interviewed for this study reported few issues with tweeting from court. Yet courts where journalists were seen less often were considered by interviewees to be more likely to query a reporter, reflecting the generally less accommodating atmosphere journalists noted at such courts. "I think out in the sticks, out in the regions, there is still the nervousness about tweeting from court." (Court reporter 15).

Some constraints are self-imposed. One agency journalist noted that tweeting the details of a case could alert rivals to it, which may prompt them to simply lift the tweets and try to turn them into an article without actually sending a reporter, an example of the sort of rapid repackaging of unchecked, second-hand material, memorably derided as 'churnalism' (Davies 2009), and now a well-established form of newswork within local newspapers in particular (Wheatley & O'Sullivan 2017). On the other hand, a newspaper reporter said he sometimes avoided tweeting to protect a scoop from agency journalists.

"If I have come across a story that I think's a good one that'll go in the paper, then I won't tweet about it because then the agency reporters may see it and rush down and nick my story before I've got it in the paper." (Court reporter 8).

This suggests the news value of 'exclusivity' (Harcup & O'Neill 2017) indeed remains of great importance and, for that reporter at least, the concept still extends to his newspaper's print product.

Newspapers have often used liveblogs either instead of, or in conjunction with, Twitter. This allows regular updates on a case to be included on a page on the paper's website, bringing readers back to the site and boosting clicks, and in turn advertising revenue. Court journalists involved in liveblogging noted these pages had proved particularly popular with readers.

In practice, this often means the reporter must either live tweet the proceedings so those tweets can be embedded into a liveblog, or text updates directly to the newsdesk. Either way, an editor is involved in putting the liveblog together back in

the newsroom. "Every 15 minutes I was sending a paragraph of evidence back, via text, from my phone, to our web editor. She was typing herself, putting that on the liveblog that was going, all day every day, during the course of the proceedings." (Court reporter 11).

Liveblogging is usually saved for when there is trial considered to be significant locally, although this happens regularly. "We do a lot of liveblogging now if we've got a juicy trial that a lot of people are interested in." (Court reporter 2). Even when taking part in liveblogging, some reporters, but not all, often try to keep a shorthand note too, although others were prepared to sacrifice this if it meant keeping up with the demands of the liveblog, indicating that this traditional skill of court reporters has become less central to their daily newswork.

Phones or laptops can also be used so reporters can write their copy while still in court. However, the days of ringing a story to a copy taker have disappeared, with stories either emailed back to the newsroom or, increasingly, written directly into a content management system. "I have to write it, I have to sub it, I have to fit it into a newspaper shape, write a headline for it, I have to do that for two newspapers... and quite often I have to write a web version, quite often much longer." (Court reporter 14). This emphasises the multiskilling required of a modern court reporter, potentially allowing less time for actually covering cases.

### *The job of being a court reporter*

When asked to consider the importance of their jobs, court reporters cited both professional and economic reasons. Unsurprisingly, they considered reporting of the courts to be an important part of the normative watchdog function of journalism. At the same time, they readily acknowledged the value in providing entertaining or exclusive stories to help fill up the pages of a paper or put content on a website, which has a commercial benefit for their employers.

"The old adage that justice must not only be done but must be seen to be done is true, I think people have a right to know what's going on, in their communities, and I think you know criminals should be named and shamed. And it's good copy, generally." (Court reporter 4)

The newspaper industry is not the only part of society which has experienced budget pressures. Cuts within the justice system have also had an impact on the work of court reporters. Courts have traditionally had press rooms within the precincts of the court where journalists can work on stories. Interview responses revealed this is still the case in some locations, but not all. "In some of them the press room has been converted to something else, in some of them it's been locked and it's got a code on the door that no-one knows, you can't get in." (Broadcast journalist 4).

Journalists acknowledged this was in part a result of reporters attending court less often, leaving the old press rooms ripe for alternative uses. Within courtrooms themselves, journalists also reported press seats being given over to other uses, obliging them to sit in the public gallery, often next to relatives of those involved in court proceedings, despite official guidance urging courts to always reserve a press

bench, and to provide a press room where possible (HM Courts & Tribunal Service 2018).

Despite those and other frustrations, reporters also stressed they enjoyed their jobs. "I don't think there is much I would change. It's the best job on the paper. I'd never tell the boss, but it's brilliant." (Court reporter 10). It might be surprising that considering the structural factors within local journalism, and the particular frustrations associated with the specific role of court reporter, those journalists interviewed were not more negative about their careers. Yet this chimes with research by Ternes, Peterlin & Reinardy (2018), which indicated that 45% of journalists report high job satisfaction, with those reporting away from the office, as court reporters do, the happiest.

## **Conclusion**

One of the words often used in relation to journalism in this century is 'crisis'. Yet despite dire predictions (eg Enders 2011), relatively few UK local daily newspapers have actually closed, suggesting the sector has proved somewhat resilient despite staff cuts leaving titles being 'hollowed out'. This research suggests that despite the ongoing financial difficulties facing the UK's legacy newspaper companies, court reporting remains a relative priority for them. Responses from interviewees on the courts beat indicate that courts are being covered less often and by fewer journalists, with newspaper reporters typically having the press bench to themselves. Yet there remains a commitment within the UK's local press to cover the courts beat wherever possible, and a sense among those journalists who do so that they are performing an essential service. They still relish doing what one described as "the best job on the paper".

The challenges faced by journalism in the UK in general, and local newspapers in particular, were considered by Dame Frances Cairncross as part of an independent report into the sector commissioned by government and published in 2019, after the interviews for this study took place. Its central aim was "to examine the current and future market environment facing the press and high-quality journalism in the UK" (Cairncross 2019, p114). The review paid almost no attention to court reporting, a surprising omission considering the centrality of covering institutions such as the courts in normative accounts of journalism. Indeed, this paper has been a surprisingly rare academic study of court reporting in local media. It is certainly not comprehensive, and there are many potential avenues for future research suggested by its findings as well as its silences. Analysis of the operation of the Local Democracy Reporting Service, a de facto news agency paid for with BBC licence fee money, which has provided reporters to cover councils and local politics for newspapers throughout the UK would be particularly welcome in the context of its possible expansion as proposed by Cairncross.

The ongoing media revolution (Nielsen 2016) has been accompanied by a socio-technical turn within the field (Carlson, Robinson, Lewis & Berkowitz 2018). Accounts of changing journalistic practice during this time have often focused on notions of convergence, and the exciting possibilities offered by digital tools. Normative conceptions of journalism have been recast for the digital era, with scholars arguing that it ought to reflect digital ideals of being participatory, deinstitutionalised,

innovative and entrepreneurial (Kreiss & Brennen 2016). This study offers further evidence to those (Quandt 2008, Paterson 2008, Ryfe 2009, Robinson 2011, Ross 2017) who found that such claims have sometimes been premature. Alternative and developing structures in which journalism takes place, whether characterised as atypical newswork (Deuze & Fortunati 2011), distributed or networked journalism (Gillmor 2006), citizen journalism and citizen witnessing (Allan 2013), mass amateurisation (Shirky 2008), hyperlocal media (Jones 2012, Harte, Howells & Williams 2018), the alternative press (Whitaker 1981, Harcup 2012), or whatever else, have not permeated local court reporting in the UK. Indeed, the decline of agency and freelance court coverage in the UK suggests that the reverse has been true. In a more networked model, freelancers in particular might have been expected to have increasingly replaced staff court reporters on an ad hoc basis, but this research suggests the opposite has happened. We are more reliant on the legacy institutions that are local newspapers for court coverage than ever, not less.

There are certain characteristics in reporting the courts beat which help explain this: it is time consuming, requires attendance at a specific room in a location generally unfamiliar to those not 'in the know', a sound understanding of media law, and inside knowledge of when a potentially newsworthy case is coming up. In that context, it is probably not surprising that, the innovations of live text-based communication and smartphone photography notwithstanding, court reporting remains the preserve of professional journalists working in the traditional written media. To paraphrase Ryfe (2016), court reporters are gathering the same sorts of information from the same kinds of people in the same sorts of stories as they ever did. The partial silence around court reporting within journalism studies has served to hide how this important area of journalism continues to be practiced, which undermines some of the broader trends often the focus of research into more novel parts of the industry.

Many factors affect the future viability of court reporting in the UK. Local newspaper publishers could be criticised for not always preserving a full-time court reporter at each of their titles, even while continuing to make profits, the latter a key complaint of Cairncross (2019). Those publishers might also be condemned for failing to maintain a freelance budget, which would make part-time coverage of local courts just about worthwhile for agencies and individuals, including some of the journalists they have laid off in recent years, reporters whose experience has often been lost to the media. Structural factors in the news business, notably the huge growth in advertising on Facebook and Google at the expense of newspaper publishers, might also be highlighted. The government can be considered to have not adequately funded neither the courts nor the CPS, making media relations a low priority for both. This study suggests those cuts have led to a decline in the quantity and quality of facilities at court buildings, potentially acting as a further disincentive to court reporters. Traditional notions of distance between judges, barristers and the media have generally proved hard to shift, something the legal profession in general could do more to address.

Yet attempts to ensure reasonable court coverage is maintained and enhanced will almost certainly involve the same local daily newspaper reporters from the courts beat who were interviewed for this study, and their employers. Those companies may not be fully upholding the normative ideal of local journalism, and often attract justified criticism for failing to do so. However, when considering court journalism,

they come far closer to what the press ought to be doing than any other entity within the UK's media landscape. Some form of subsidy for court coverage, whether as part of an expanded LDRS or another means, would be a welcome way of helping to ensure those efforts are safeguarded. This research reveals that, while undoubtedly interested in providing entertaining stories of local life that have a commercial value to their publishers, court reporters are also committed to telling important local stories while also scrutinising the activities of those with power, including police, prosecutors, magistrates and judges. Giving any kind of financial help to their employers might be open to the criticism of throwing good money after bad. In reality though, we would all be the beneficiaries.

### **Declaration of interest statement**

None.

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