

DT005 - Should courts be televised?

As a barrister I am heartened that for once my profession is proposing, unprompted, a far-reaching legal reform. To allow court cases to be televised is to develop, in line with new technology, the long-standing rule requiring legal proceedings to be conducted in public. It will translate into modern conditions Lord Hewart's famous dictum that justice should not only be done, but should manifestly and undoubtedly be seen to be done. Of course people will complain about this new form of publicity. In a criminal trial the accused prefers to escape notice. Even in civil cases the parties usually prefer to go about their litigation unobserved. But the law has always insisted that with rare exceptions cases should be conducted in an open court to which public and press are admitted. Evidence communicated to the court must be available to all. Nothing must be done to discourage reporting.

Those who cavil at televising court proceedings should consider why justice has always been required to be administered in public. Lord Diplock said it is to prevent judges misbehaving. It ensures that the law is correctly and fairly administered. Secret justice is corrupt justice. I regret therefore that the Bar report suggests that televising should be done only with the permission of the trial judge. I dislike the sound of that advisory committee consisting of judges, lawyers, psychologists, technological experts, and government representatives. Let us add a few others closer to the concept of open justice: newspaper editors, reporters, and even one or two members of the long-suffering British public. Nor do I like the proposal that rules of court should restrict shots showing the reactions of the judge, or that 'lewd or scandalous' cases should be weeded out. Any courtroom to which the public are admitted should be equally open to the TV camera. The rules governing contempt of court can be relied on to deal with over-exuberant programme editors.