

## **Evidence submitted by Joshua Rozenberg, Legal Editor, The Daily Telegraph**

As a legal journalist of 20 years' standing, I would be happy to add my name to those supporting greater openness for family proceedings. In general, I would argue that the courts should be open to press and public, subject only to restrictions on identifying children involved in proceedings. It is patently in the public interest that justice should be done patently and in public.

In recent "right-to-life" cases, parties themselves have sometimes sought publicity. Although the interests of any affected child must be paramount, it would often be artificial to maintain secrecy if those most affected by a claim do not seek it.

On the whole, I think the press respect requests from the judiciary to preserve the anonymity of parties in family proceedings. These requests could easily be made mandatory. That might deter members of the public from putting information on the internet or foreign journalists from publishing information out of the jurisdiction.

If the courts are worried about the difficulty of enforcing reporting restrictions against members of the public, then judges should consider allowing only the press access to hearings or rulings. I believe this is still the position in youth courts and I don't think there have been problems identifying bona fide journalists.

Occasionally, judges are more than willing for the press to publicise rulings made after private hearings. In the past, these tended to involve abducted children. Now, they are more likely to affect points of principle. In all such cases, it is essential to have a mechanism in place to ensure that all legal correspondents (and, ideally, all news media) have access to the judgment. The concordat with the Government envisages the long-overdue creation of a judges' press officer. In the meantime, the DCA press office will offer its services.

At the moment, judges sometimes leave it to their clerks to alert the press. Clerks have no training in how to do this and I know of one incident this year where the judge's clerk did not alert all those who would have wanted to know about a particularly newsworthy ruling. As a result, the judgment did not receive the coverage it deserved, at least initially.

In my view, the Family Division should be brought in line with other divisions of the High Court. The presumption should be that courts sit in public and their proceedings may be reported unless there is a ruling to the contrary, either in individual cases or in a class of cases. If information is restricted, misinformation will bubble up to fill the vacuum.

I would be happy to answer any specific questions the committee may have.

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