

III. EDUCATION

In this section the Panel addresses:

- *increasing knowledge across the two professions;*
- *public education.*

Increasing Knowledge Across the Two Professions

RECOMMENDATION #7: CONTINUING PROFESSIONAL EDUCATION

The Panel recommends that the Attorney General actively facilitate learning opportunities for professional organizations on justice-media topics using a range of venues and variety of formats, including conferences, online learning and mentoring.

In this respect, the Panel commends organizations such as the Radio-Television News Directors Association, the Advocates' Society and Legal Aid Ontario for their proposals to develop justice-media educational programs and suggests that the Attorney General take advantage of their offers of assistance.

RECOMMENDATION #8: POST-SECONDARY PROFESSIONAL EDUCATION

The Attorney General, together with media and legal organizations, should encourage the inclusion of justice-media education in the curricula of law and journalism schools, and promote joint dialogue.

Issue:

The Panel found that an information gap and lack of understanding exist between some participants in the justice and media professions. Each would benefit from a greater understanding of the professional principles that guide, and the challenges that face, the other.

Some expressions of the tension between the two roles will sound familiar:

- The right to a fair trial may be compromised by naming suspects in the press, through pre-trial media coverage that may influence jury neutrality, and by “trying cases” in the press and on the courthouse steps.
- Freedom of the press may be compromised by publication bans and other restrictions on information.
- Judicial independence may appear to be compromised if members of the bench give interviews about a case.
- Freedom of the press may be compromised if journalists are compelled to name their sources of information. On the other hand, justice may be hindered if the credibility of the source cannot be evaluated.
- Independence of the press may be compromised if they are used by police to aid their investigations, either by publicizing requests for information or witnesses, or as informants.

The Panel believes that this situation has made it difficult for the two professions to see solutions in a more positive way.

What the Panel heard:

The Panel heard many endorsements of continuing professional education as a way to build bridges between justice and the media. Learning events are already taking place in some arenas. There are opportunities for a more consistent and thorough approach, one that builds on good practices within Ontario and elsewhere.

There are some noteworthy examples of educational opportunities, among them:

- The Ontario Association of Chiefs of Police Conference, September 2004, dealt with topics such as, “The Changing Face of Communications for Police Services in Ontario”; and “Media Relations and Communicating with Diverse Communities.”
- In the spring of 2005, the University of Western Ontario Law School and the Public Information Committee of the Canadian Judicial Council sponsored a conference designed to enhance the knowledge of journalists about the Canadian

judicial system. The Council produced a very valuable “Glossary of Basic Legal Terms and Concepts for Journalists,” and conference participants also received an outline of the Canadian justice system.

- Also in the spring of 2005, the Law Society of Alberta and the Court of Queen’s Bench in that province sponsored a seminar called, “The Media and the Law: Delivering the Message: Is the Public Well Served?” Topics raised included who should control the disclosure of information? What will new technology bring in the courtroom? And how well is the public informed by the justice system and the media?
- In 2001, the Canadian Judicial Council joined with the Canadian Institute for the Administration of Justice in developing and piloting a one-day workshop on the media’s role in the justice system held on Prince Edward Island. The workshop was attended by approximately 100 reporters, editors, producers, students, judges, lawyers and court officers.
- Subsequently, in 2004, the Canadian Judicial Council’s Public Information Committee reported on two events that explored media issues, one held in Manitoba and another in Alberta as noted above.
- In 2004 and 2006, the Criminal Law Division of the Ministry of the Attorney General held a panel at its Spring Conference for Crowns on the Crown Policy on Media Contact and approaches to various scenarios.
- The Canadian Bar Association’s annual Canadian Legal Conference featured Ian Hanomansing as its keynote speaker in the summer of 2005. He spoke about how the legal system and journalists can work cooperatively to “help people better understand what’s happening in the courts.”
- In the spring of 2006, the Ontario Court of Justice and the Ontario Conference of Judges addressed the media-law relationship at their conference called “Judging in an Open Age.”

“In the past,” as Tracey Tyler of the Toronto Star and others reminded the Panel, “the faculties of law and journalism at the University of Western Ontario offered an annual, two-week program in law for journalists...In addition, Justice David Cole of the Ontario Court of Justice teaches a 12-week course on sentencing and penal policy at the University of Toronto Faculty of Law,” which has been attended by journalists and is amenable to shortening.

Ms Tyler pointed out that, “[s]entencing, in particular, is an important subject for journalists. It’s a hot button issue. Stories about sentencing are the source of many people’s information or misinformation about the justice system.”

Some presenters offered suggestions. For example, Legal Aid Ontario made an offer to the Panel:

With a client's and/or a lawyer's permission, Legal Aid Ontario would be happy to assist the media with tracking down and telling compelling human-interest stories... By working together, partners in the justice system and the media can develop a lasting relationship. There is an interest for both parties to maintain and build on these relationships – media get access to expert resources and contacts to help them tell stories that their audience cares about; and the justice system gets a chance to tell a more complete and accurate story of how it contributes to a healthy society. By telling a variety of stories, instead of just the stories that provoke fear and anger, we can both help the public to gain a better understanding of the justice system and how it works.

Similarly, the Radio-Television News Directors Association proposed assisting with education design and delivery, saying that:

[We are] willing to assist the panel in the development of "Legal 101" professional development type sessions to educate the media on judicial procedures and offer a better understanding and impact of bans – statutory, discretionary, etc.

The Advocates' Society made the additional suggestion that:

... organizations, like the [Advocates'] Society and Criminal Lawyers' Association [could consider providing] the media with names of advocates in different practice areas... from whom they can obtain information on legal and procedural issues on a no attribution basis. This option could exist in tandem with the creation of legal education programs for the media, developed by counsel in partnership with the media.

Discussion:

The Panel found some attractive instances of joint education in the United States. The most ambitious of these is the U.S. National Center for the Courts and Media. It was formed in 2000 by the U.S. National Judicial College, in collaboration with the Reynolds School of Journalism at the University of Nevada.

The Center's goals include providing quality instruction to judges and court personnel about the media's role in reporting on legal activities and the same for journalists regarding ways to better ensure accuracy in justice reporting.

The Panel was impressed by media representatives' recognition that they could benefit from more education on justice system principles and procedure in order better to report on it.

Consistency is the key here. Though the Panel has heard examples of educational opportunities, they are sporadic and ad hoc. Instead, these topics should be part of the learning curricula of major providers of education in the justice and media arenas.

The Panel also notes that in addition to face-to-face and electronic education, there are more experiential methods of adult learning that could be employed, such as internship exchanges, site visits or study tours and job-shadowing opportunities.

Of course, educating the next generation of professionals is critical as well. In this regard, there are examples of student education especially at the country's journalism schools. For example, Professor Klaus Pohle of Carleton University's School of Journalism told the Panel that Carleton offers a second-year media and law course on issues such as defamation, privacy law, publication bans and journalism law/ethics. In courses on reporting skills, students cover trials to learn what they can and cannot do.

Media courses in law schools deal with the legal issues around dissemination of information and the regulation of information providers. While topics may include defamation, privacy and publication bans, they appear to be targeted to students who wish to practise entertainment law, for example, more than understanding the role of the media in the justice system.

The law school course most applicable to media-court understanding is offered at the University of Toronto, Faculty of Law, where David Lepofsky from the Ministry of the Attorney General teaches a course on Freedom of Expression and Press. The course explores a broad range of theoretical and practical issues, including the clash between freedom of the press to report on court proceedings and the accused's right to a fair trial free from prejudicial activity.

Public Education

RECOMMENDATION #9: PUBLIC EDUCATION

The Panel recommends that the Ministry of the Attorney General encourage and support the Ontario Justice Education Network to further develop its materials and outreach on the relationship of the justice and media systems.

Issue:

There is a need for greater public understanding about the justice system. The lack of awareness can have many effects, most importantly on public confidence: first in the administration of justice, and equally on the media's ability to report in an unbiased way.

What the Panel heard:

CTV captured the issue of public knowledge when it pointed out that there is little understanding of the role of the justice system, and of the roles and responsibilities of its stewards.

The County and District Law Presidents' Association (CDLPA) encouraged the Panel to consider community education and in that vein to look at the Ontario Justice Education Network (OJEN) as a vehicle for doing so. "There is a need for broad based public education and informed debate at the community level," CDLPA advised.

Discussion:

The Panel believes that the Ontario Justice Education Network could be very helpful in advancing public education on the respective roles of, and the relationship between, the justice system and the media in society.

OJEN is a collaborative network of organizations and individuals who work together on provincial and local levels to promote understanding, education and dialogue, supporting a responsive and an inclusive justice system. Its mandate reflects its suitability to this kind of work:

With hundreds of volunteers including judges, lawyers, Crown attorneys, court managers and staff, educators and community representatives, OJEN facilitates opportunities for students and others to develop understanding of our justice system.

Among OJEN's programs are: "Courtroom to Classrooms" and online learning resource tools including one called, "Values of the Justice System," for Grade 10 Civics classes.

Education is a cornerstone of any system-wide improvements. The Panel hopes that the recommendations in this chapter will constitute an investment in the future of justice-media relations.