

The Honourable Michael J. Bryant
Attorney General for Ontario
Ministry of the Attorney General
720 Bay Street, McMurtry-Scott Building
Toronto, Ontario
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Dear Mr. Attorney,

In January 2005, you announced the creation of a panel on justice and the media and issued a challenge to the seven of us: define the challenges and appropriate roles of the media in a 21st century justice system.

To this end we convened our first meeting, approved our terms of reference (please see Appendix A), called for submissions and created a public website.

The journalistic community came out in force: large and small, broadcast and print. So did all parts of the legal community: judges, police, lawyers, administrators. As panelists we were both impressed and distressed by what we heard. Some of the testimony was dramatic: a gentle man mourning his brother who killed himself after public airing of charges later withdrawn; a young reporter facing a criminal record because he didn't know the law of contempt; an angry children's advocate who showed us a section page picture of the central figure in an adoption case – a little girl, posed nearly unclothed. Other stories we heard were infuriating, some inspiring, and some almost comic. But we also heard many inspiring stories of intelligence, professionalism and compassion.

We were universally struck by the time, dedication and effort taken by those organizations and individuals who appeared before us and who wrote to us, and we have listed their names in Appendix B. They clearly took the objects of your initiative seriously and they are willing to continue working to the fulfillment of those objects. The frank exchange of ideas, the high quality of writing and the passion with which arguments were made gave us a greater understanding of the issues.

We learned many things, but two are fundamental:

1. the current system doesn't work as well as it should;
2. there is a keen desire from all sides to improve the operations and understanding between the justice system and the media.

Our report gives you our recommendations on the work that needs to be done. We also feel it is important that you understand the philosophical context within which the recommendations have been crafted.

In particular, you asked us if the roles and responsibilities of those involved reflect values that are suitable for a 21st century relationship.

Our answer is yes.

The founding principles of journalism: verification, independence, fairness, calling to account; and the fundamental principles of justice: presumption of innocence, open courts, equity – need no revision. They are the hallmarks of our democracy and the basis of our civilization. Our society has changed, and so has our technology. But the values of our journalism and our justice system can and must embrace these changes.

To accomplish that, we appreciate the need to carefully balance interests which some times appear to conflict. This is not an easy or simple process. The changes in our society and our technology have accelerated the necessity for clarity and fresh thinking.

Public confidence in our justice system is essential. If we are to have in Ontario the very highest standards, we believe some significant changes are in order. Too often we heard tales of a system whose rules have been applied unevenly and of journalism based on inadequate knowledge.

Mr. Minister, we asked you if there were any issues we could not examine. You replied in the negative. We have taken you at your word.

Our goal is that Ontario's justice system and the media should set the standards for excellence worldwide.

Our overriding vision is the following:

Ontario's justice system and the media should set the standard for excellence and leadership, in both form and practice, for fair trials, open courts, respect for privacy, communications between the justice system and the media, informed reporting and public education.

In coming to this vision statement, the Panel articulated five underlying principles that have informed our discussions and helped frame our recommendations.

1. **OPENNESS:** The administration of justice must be open. This means open access by the media and the public to court proceedings and court records, subject only to restrictions imposed by law.
2. **ACCESS:** Procedures regarding access to information must be clear, consistent and timely.
3. **EDUCATION:** A high degree of information, understanding and education across the two professions is essential.

4. **EQUAL YET INDEPENDENT PLAYERS:** The justice system and the media should not be perceived as partners, but rather as a relationship of equals. Each should respect the other's role in a constitutional democracy.
5. **RESPECT FOR PRIVACY RIGHTS:** The privacy rights of children, victims of crime and other vulnerable people must be respected by both the media and the justice system.

The Panel respectfully asks the Attorney General to endorse this vision and the principles that accompany it.

Such support would be an important signal to both the justice system and the media who interact with it on a daily basis.

As you will see, our recommendations flow naturally from the principles enumerated above. We would like to add that the Panel has arrived at a consensus on all our recommendations. We believe they form an appropriate and modern balancing of the interests at stake.

We would also like to thank both you and the government for taking the initiative to delve into this important area. Our work would not have been possible without the tireless and dedicated efforts of Ministry staff led by Linda Kahn.

Finally, it has been a pleasure and honour to serve on this Panel.

Yours respectfully,



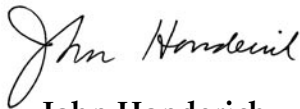
Chief Paul Hamelin
*Past President, Ontario Association
of Chiefs of Police*



Justice James MacPherson
Court of Appeal for Ontario



Ralph Steinberg
*Past President, Criminal Lawyers'
Association*



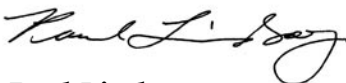
John Honderich
*Former Publisher, Editor and
Reporter for the Toronto Star*



Trina McQueen
*Broadcaster and Journalist,
Professor of Broadcast Management,
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