

Beyond the Headlines

The Role of Print Media in Public Understanding of the Civil Justice System

An exploratory study conducted as part of the *Civil Justice System and the Public Project*

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Abstract

Various forms of mass media are generally considered to be significant sources of all kinds of public information. Discussions concerning public understanding of and access to the justice system frequently contend that print and broadcast media play a particularly important role in formulating public understanding and opinion of Canadian courts. In the first part of this paper we discuss perceptions about the role of print media in reporting on civil justice issues from the perspectives of the justice community, the media, and the public. We recognise, however, that there is little research about the quantity or quality of media coverage of legal issues, especially civil justice topics. As part of the *Civil Justice System and the Public* project, a national study of communication between the civil justice system and the public, we have developed snapshots of the extent and content of legal coverage in two newspapers. After presenting observations from this exploratory study we conclude with suggestions for future research and for establishing improved collaboration between the justice community and the media, with the goal of improving civil justice coverage.

Introduction

The various forms of mass media¹ make a major contribution to the flow of information, ideas and opinions that are an inevitable and unavoidable part of daily life in the 21st century. It is historically accepted that the media assumes the role of a public representative, informant and educator on the socio-political issues of the day.² It is also widely believed that there is a need to improve the civil justice system in the areas of public understanding, public confidence, and openness to public input. Public legal education and access to information are ways of improving peoples' understanding of the civil justice system.³ Every Canadian jurisdiction benefits from the work of public legal education and information organizations.⁴ Nevertheless, even within justice communities, some argue that, "print and broadcast news are consistently the greatest sources of information about our courts and probably the most influential forces in formulating public understanding of and satisfaction with the courts."⁵ There is, however, very little research that actually examines the legal content of either criminal or civil justice news coverage.

In *Beyond the Headlines* we first take a look at perceptions about the role of print media in reporting on civil justice issues from the perspectives of the justice community, the media, and the public. Next we present observations based on a small exploratory study that takes a snapshot of legal coverage in two newspapers, the *Edmonton Journal* and the *National Post*. This examination of media content occurred in association with the *Civil Justice System and the Public*, a national action research project.⁶ Results from the

¹ According to the 2003 Oxford English Dictionary, media refers to "the main means of mass communication, esp. newspapers, radio, and television, regarded collectively; the reporters, journalists, etc., working for organizations engaged in such communication." By *print media*, we mean a written system of mass communication, and for the purposes of this study our focus is on the daily newspaper. We recognize that "media" is a complex term with multiple meanings. We also point out that in Canada, a small number of large conglomerates own the majority of mass print and broadcast media and share sources, practices, and content.

² Mark Hampton, "Understanding media: theories of the press in Britain, 1850-1914" (2001) 23 *Media, Culture & Society* 213 at 215. In the 19th century, the term 'media' referred solely to print media, as this was the only medium available.

³ Canadian Bar Association, *Report of the Task Force on Systems of Civil Justice* (Ottawa: The Association, 1996) at 17 & 53.

⁴ Various authors, "Cross Country Snapshot Public Legal Education & Information," in Diana J. Lowe & Kim A Taylor, eds., (2003) 6 *News & Views on Civil Justice Reform* 10.

⁵ National Association for Court Management, "Court Community Communication Curriculum Guidelines," Marcus W. Reinkensmeyer, ed., 17:4 *The Court Manager* 12. These have been adopted in Canada by the Association of Canadian Court Administrators and are posted under "Core Competencies" on the ACCA website at www.acca-aaajc.ca

⁶ In 1995, the Canadian Bar Association (CBA) formed a Task Force on the Systems of Civil Justice "to inquire into the state of the civil justice system on the national basis and to develop strategies and mechanisms to facilitate modernization of the justice system so that it is better able to meet the current and future needs of Canadians." One of the central issues identified was the lack of public knowledge and understanding of the civil justice system. In Recommendation No.52, the Task Force suggested the creation of a national organization to "carry out in-depth research on matters affecting the operation of the

various components of this research emphasize the belief of the justice community that the media have a vital role to play in achieving increased public knowledge and understanding of the justice system.

We readily acknowledge the exploratory nature of the study, on which *Beyond the Headlines* is based.⁷ Clearly, examples from two newspapers over a short period of time cannot fully represent all news print media, let alone other forms of print and broadcast media.⁸ Our results cannot be generalized. Nevertheless, given the interrelatedness of the Canadian media, many of the points we make in our discussion are applicable to other media forms and the study provides a base from which to advance dialogue about the role of media in informing the public on civil justice issues. Our intent is to approach media representatives and engage them in discussing the findings of the study. Our ultimate goal is to move forward with our recommendations by encouraging collaboration between the media and the civil justice system.

Print Media and the Civil Justice System: Perspectives and Perceptions

In Canada, despite the increase of electronic media, print newspapers continue to provide a traditional service of information dissemination, education, public representation, and entertainment to a significant readership. While there is a conviction within the Canadian and international justice communities that mass media is an important source of public information, there are differing and sometimes contradictory perceptions about what the role of the media is, can and should be.⁹ In reviewing these discussions we have found that most are opinion-based and talk about the media in a

civil justice system.” The Canadian Forum on Civil Justice (the Forum) assumed this challenge and implemented the *Civil Justice System and the Public*, a multi-faceted project with the goal of identifying “good communication practices” within the system and between the system and the public. *Beyond the Headlines* is a component of this broad research plan and is funded by the Alberta Law Foundation, the Social Sciences and Humanities Research Council of Canada, and Human Resources Development Canada Summer Career Placement Program. Information about the Forum and our research is available at www.cfcj-fcjc.org

⁷ This study is intended only as an example to draw attention to issues and to encourage discussion and research. As a result, there are definite limitations to the data, some of which have been pointed out to us in some early discussions and presentations, and which will assist in designing a more complete study in the future. We provide a brief description of the research approach later in this report. Full details of our methodology are available upon request to the Forum.

⁸ Since the conclusion of the exploratory snapshots, we have supplemented our original data with some examples of coverage from other print media.

⁹ W. Gibbs, “Sentencing and Parole – A Glimpse at Public Perceptions” (1996) 11(4) Justice Report 15; D. Gibson, “Public Opinion and Law: Dicey To Today” in D. Gibson & J. K. Baldwin, eds., *Law in a Cynical Society? Opinion and Law in the 1980's* (Calgary: Carswell, 1985, at1); L’honourable Pierre A. Michaud, “L’administration de la justice et les tribunaux : quelques réflexions sur la perception du public” in Jean Maurice Brisson & Donna Greschner, eds. *Public Perceptions of the Administration of Justice. Proceedings of a Conference held in Banff, AB October 11-14, 1995* (Montréal: Éditions Thémis, 1996, at 27).

global fashion that does not consider differences between one medium and another. Unfortunately, there is little relevant systematic research about media coverage of the civil justice system.¹⁰

We, therefore, begin our analysis of the role of print media by examining and summarizing key points in the general perspectives and perceptions of the justice community, the media, and the public.¹¹ In order to do this we draw on published literature discussing the role of media, established case law, and our research findings from the *Civil Justice System and the Public* project, particularly the participant interviews.

Perspectives from the Justice Community

Both case law and our research interviews with members of the justice community endorse the view advanced in international policy literature that the media is an important, primary source of public information about the civil justice system. For example, the educational role of the media is entrenched in case law where it is seen as providing an “ongoing opportunity for the community to learn how the justice system operates and how the law being applied daily in the court affects them.”¹² Alongside this positive perspective, mistrust of the media is also a common theme.¹³ The perception that media content is driven by the need to provide marketable, and therefore entertaining, content is a primary concern for the justice community.¹⁴ Participants in our *Civil Justice System & the Public* project accept the general perception that there are few civil justice cases or issues that are compelling enough to fit this scenario. Some commented that the only civil issues that do get into the paper are associated with sensational civil cases that tend to “give a distorted view of what is going on.”¹⁵ Others remarked that even “scandalous” civil cases tend to be glossed over by the media, because anything to do with civil justice issues is already perceived as ‘dull.’¹⁶

¹⁰ This also impacts the literature used to inform our discussion. Where possible we have used Canadian sources, but few of these have a specific focus on civil justice. In considering Canadian civil justice reform, the justice community relies quite heavily on international suggestions, particularly from Australia, the UK and the USA. The sources supporting our discussion reflect this tendency.

¹¹ Of course, there are varying opinions within these large and diverse groups, but it is possible to identify perceptions dominant within each group and, as we will also show, commonalities across the three groups.

¹² *Edmonton Journal v. Alberta (A.G.)*, [1989] 2 S.C.R. 1326 at 1361.

¹³ J. Doyle, “The Well-Tuned Cymbal” (1997) 21:2 *The Provincial Judges Journal* 5.

¹⁴ Lyle Denniston, “Shall we dance? The courts, the community, and the news media” (1996) 80:1 *Judicature* 30; F.K. Zemans, “In the Eye of the Beholder: The Relationship Between the Public and the Courts” (1991) 15:2 *The Justice System Journal* 722. This view was also strongly expressed by our Public Legal Education Association of Canada (PLEAC) partners at their 2004 conference, where an early draft of this report was presented for discussion.

¹⁵ Participant 264, Line 336-340 (Judge).

¹⁶ Participant 227, Line 163-172 (Judge). However, as we present and discuss the findings from *Beyond the Headlines* we suggest that this is a misconception.

Members of the justice community are also concerned about the accuracy of information provided by the media. Along with fear about errors in the reporting of facts, there is apprehension that the media acts as a filter that misdirects or manipulates the message.¹⁷ Canadian research that has examined media reporting of criminal issues (such as sentencing) tends to offer empirical support for these perceptions.¹⁸

Although critical of the media, members of the justice community also acknowledge that the justice system erects obstacles to communication. They concede that journalistic inaccuracy is compounded by the complexity of the law and judicial reluctance to publicly confront errors in reporting, for fear of being portrayed as 'defensive'.¹⁹ There is also recognition of a lack of opportunity for the media to gain education about the court system and legal proceedings.²⁰

Such a complexity of views both results from, and contributes to, the maintenance of barriers that hamper effective media communication between the public and the courts. These tensions also affect views about the role of media in the courtroom. Although some members of the justice community are concerned that the media push for open courts is commercially driven, others agree with the argument for access to court reporting in that "[t]he presence of the public, including representatives of the media, ensures the integrity of judicial proceedings. Openness of the courts is essential for the maintenance of public confidence in the administration of justice and to further a proper understanding of the judicial system."²¹

Perspectives from the Media

People working within the media generally agree that they are entrusted with a broad and powerful objective: "to comprehensively gather and disseminate news and opinion, and to actively engage its audience, while legitimately seeking to shape, filter and question issues in the public arena".²² Specifically regarding legal reporting, members of the media often see themselves as the link between the courts and the public and

¹⁷ Participant 264, Line 393-396 (Judge); R. Silberman Abella, "Public Opinion, The Courts, And Rights: The Charter In Context" (2003) 19:2 Supreme Court Law Review 421.

¹⁸ A. Doob, "Criminal Justice Reform in a Hostile Climate" supra note 9 at 277. Doob discusses multiple studies that look at media coverage of sentencing (including newspapers), and in relation to this the public use of media to gain information.

¹⁹ G. Samuels, "Public Relations for the Court" *Proceedings of the Supreme Court of New South Wales Annual Conference Held April 10, 1992* (Judicial Commission of New South Wales) 14 at 17.

²⁰ Participant 216, Line 52-57 (Judge). It is also a conclusion of the *Civil Justice System and the Public* research that clear information about the civil justice process is often unavailable to the public. The lack of statistics about civil justice cases is acknowledged within the justice community as a matter of concern.

²¹ Kevin Rollason, "Chief Justice fires volley at the media", *Winnipeg Free Press*, 05/06/1994. See also *Canadian Newspapers Co. Ltd. v. Attorney-General for Canada* [1985] 49 O.R. (2d) 557 (Ont.C.A.).

²² Helen Cunningham, "Courts and Media Can't Avoid Some Tensions," 06/05/1998 *Australia Financial Review* 20.

argue that their role should not be trivialized.²³ On the other hand, some members of the media have argued that it is not the role of the media to educate the public.²⁴ There is also considerable tension about what court proceedings can and cannot be reported²⁵ and the debate itself has at times become the subject of those proceedings, establishing Canadian case law in this area.²⁶ For instance, the court in *Dagenais* noted reasons why it would be beneficial to refuse a publication ban, including the promotion of an open court, the opportunity for public critique of court officials/judicial procedure, and the promotion of public discussion of important societal issues.²⁷ The media has also advanced the freedom of expression argument in civil cases, often convincing the court that openness should be the rule and covertness the exception by arguing that media presence serves to inspire litigants' confidence in the court process (rather than discourage their participation for fear of their private matters being aired).²⁸ At other times, the court has decided that public access to the open court process must be balanced with an individual's right to privacy.²⁹

The media also point to barriers that are imposed by the justice system that negatively impact the ability of media to report on civil courts. These obstacles include problems in obtaining affidavits and exhibits, difficulties in accessing transcripts, and minimal help from court staff in checking facts needed to convey a message or story. Reporters contend that they must often rely haphazardly on individual lawyers to fill them in on details and facts, and that it is generally these externally imposed factors - not "lazy reporting" - that leads to journalistic inaccuracy.³⁰ Even so, at least one media

²³ J. Fife-Yeomans, "Fear and Loathing. The Courts and the Media" (1995) 5 J.Jud.Admin. 39.

²⁴ Lyle Denniston, *supra* note 14; L. Byfield, "Remarks on Public Perceptions About the Administration of Justice" *supra* note 9 at 60. Both appear to make a conceptual distinction between 'informing' and 'educating,' which is also made by public legal education groups in Canada. The position taken is that providing information does not necessarily include the development of knowledge and understanding, which is the role of education. See L. Gander, "The Changing Face of Public Legal Education in Canada", *supra* note 4 at 4. We do not disagree but suggest that a base of accurate information is an essential first step in developing knowledge.

²⁵ This includes *how* reporting can occur. For example, in some family matters where the proceedings of a case can be reported, but not the names of the parties.

²⁶ See: *Dagenais v. Canadian Broadcasting Corporation [Dagenais]* [1994] 3 S.C.R. 835; *Edmonton Journal v. Alberta (A.G.)*, *supra* note 12; *R. v. Squires* (1990) 69 C.R. (3d) 337; *Canadian Newspapers Co. Ltd. v. Attorney-General for Canada* (1985) 49 O.R. (2d) 557 (Ont.C.A.).

²⁷ *Dagenais*, *ibid.* at 883. See also: Michael G. Crawford, *The Journalist's Legal Guide*, 3rd ed., 1996 Thomson Canada Limited at 12.

²⁸ *Edmonton Journal v. A.G.*, *supra* note 12 at 1338 & 1360. See also *A.G. Nova Scotia v. MacIntyre* [1982] 1 S.C.R. 175 at 185.

²⁹ *Edmonton Journal v. A.G.*, *supra* note 12 at 1354. See also the *Globe and Mail*, Editor, "Defending our Holiest Freedoms" (Saturday, 27 September 2003) A2 and Kent Roach, "Let the Light Shine In," (Monday, 29 September 2003) A13. These articles are about court action contesting a publication ban on reporting a publication ban! Both articles also provide examples of clear, informative articles about the civil justice process.

³⁰ J. Fife-Yeomans, *supra* note 23 at 40. Reporters point out that journalistic inaccuracy can often lead to detrimental professional consequences such as contempt of court charges or a lawsuit. Again, the *Civil Justice System and the Public* findings underline that obtaining clear explanatory information about the

executive has expressed concern about the impact that poor reporting has on public respect for the media and the justice system.³¹

As is the case within the justice community, the media also recognize their own systemic obstacles, particularly the pressure to ‘sell’ the news, which often makes it necessary to incorporate at least some element of drama or entertainment into current affairs. As well, time constraints and the pressure inherent in meeting publication deadlines, can interfere with the role of the media as an accurate, comprehensive communicator between the courts and the public.³² Furthermore, it is noted that the “courthouse beat “ is not very high up“ in the hierarchy of importance and prestige in the newsroom.”³³

Some tension between the perspectives of the justice community and the media are likely inevitable given their different organizational and societal roles. Nevertheless, there is common ground with both groups advancing self-critique that recognizes the obstacles to communication cited by the other. Furthermore, the *Civil Justice System and the Public* research found that the justice community is moving to establish good media relations, including the employment of media relation officers to act as informed intermediaries between the legal community and the media.³⁴

Both the justice community and the media also share perceptions about public apathy and disinterest in educational civil justice material, which they voice as a rhetorical question, asking, “why should we bother trying to communicate civil justice issues to the public when they just don’t care?”³⁵

Perspectives from the Public

Public participants in the *Civil Justice System and the Public* interviews agreed that a good understanding of the civil justice system and informative media reporting go hand in hand. They also readily acknowledge self-imposed barriers, recognising that their perceptions about the justice system and the court process are often formed by watching American TV dramas. As our justice community participants suspected, in the

civil justice process is frequently difficult. However, as we discuss in this report, there is an increasing awareness of this within the system and efforts are being made to address the problem.

³¹ David Asper at a symposium on media and the courts. *Ottawa Citizen* (12 June 2005) A5.

³² Supra note 22.

³³ Supra note 14 at 37. We presume that this applies to everyday cases and not the sensational legal issues that warrant front-page headlines, and this is a point we take up again in describing and discussing the findings from this study.

³⁴ For example, Participants 238 (Communications Officer), 336(Communications Officer), 643 (Judge), Ontario Ministry of the Attorney General, *News Communiqué* January 5th, 2005, among others. In the USA, the National Association for Court Management has underlined good communications with the media as a “core competency” and issued guidelines to achieve this (*Court Manager* 17(4) and 18(2)). The Association for Canadian Court Administrators has endorsed the NACM recommendations.

³⁵ Participant 227, Line 161 – 163 (Judge); Participant 234, Line 282-290 (Judge): See also John Sopinka, “The Apathy of Canadians,” 13:1 Justice Report 8.

absence of more accurate information, members of the public base their expectations of the Canadian system on these culturally distinct and fictionalized accounts. When people first become involved with the system this inaccurate base of information serves to further confuse an already complex process.³⁶ Our public participants admitted to apathy about making an effort to become informed prior to personal involvement because they considered the civil justice system and the issues involved to be foreign, confusing, intimidating and dull. They did not expect those matters to become personally relevant. Once involved, they realized their mistake – the system is confusing, but suddenly very relevant and often emotionally dramatic. At this point people actively seek accurate information from any source that they can think of, including various forms of mass media. Among the public participating in the *Civil Justice System and the Public* research, 40% indicated that they had sought information in newspapers, but less than half (44%) of those who did find anything that was useful.³⁷

Once involved in a civil case, members of the public invariably wish that they had known more about the system before they became caught up in it. Like the justice community, they think that the media should take a role in facilitating an exchange of accurate information, ideas and opinions between the public and the civil justice system. They also harbour mistrust concerning the will or ability of the media to do so, perceiving coverage to reflect only the unusual and sensational.³⁸

Despite the tensions and complexities, there is an encouraging shared component within the perspectives of the justice community, media and public. All three groups are capable of candid self-critique that reveals a surprising amount of agreement about key challenges to improving communication between the civil justice system and the media. This agreement provides a fertile common ground for discussion about how to meet these challenges.

³⁶ Participant 222, Lines 24 - 30 (Public). This admission should not be equated with the more exaggerated stereotype of a public that *en masse* expect the reality of court to be exactly like a TV drama. The point is that in the absence of any other information on which to form an expectation, TV dramas are the only schema available to them.

³⁷ Interview participants were also asked to complete a short questionnaire. Percentages used here are based on the number of participants that answered those questions. The newspaper was the most frequently consulted mass medium after the Internet (49%), and was also rated as most useful (61%); 36% tried TV documentary or news programs and 52% of these found useful information. Ratings for Radio information were very similar with 32% using this medium and 54% of users reporting finding useful information. Only 25% said they sought information from TV dramas, but 39% of these said they gained useful information.

³⁸ Participant 821, discussing media misrepresentation of the majority of judges. Frank Jones, "AIDS case shames police, courts, media" *The Toronto Star* (23 January 1987) B1. According to this article, the function of justice through an open court does not always reveal the media as a martyr of democracy/freedom of expression. In this specific case, Jones states that, "the cameras and microphones outside the courtroom fulfilled nothing but a Peeping Tom function". Interestingly the newspaper is the medium by which this public perspective is conveyed.

Beyond the Headlines: Civil Justice Coverage in the Newspaper

Despite all of the debate about the role of the media in providing civil justice information, very little attention has been paid to what civil justice coverage actually does occur in newsprint (or any other) media. The purpose of the *Beyond the Headlines* study is to draw attention to this fact and make a start in addressing it. The research question that we pose is:

What is the extent and quality of print media coverage allocated to Canadian civil justice issues in both local and national newspapers?

Methodology

In order to obtain a snapshot of coverage in both a local and national newspaper, we selected the *Edmonton Journal* and *National Post* for data collection purposes.³⁹ Articles that included a legal issue or discussion were categorized as either criminal, international, administrative or civil in nature.⁴⁰ Articles in the civil justice category were then further divided into ten sub-categories: legal information, legal reform, access to justice, alternative dispute resolution (ADR), courts, judiciary, legal profession, procedure, satirical comment and litigation. The litigation category was additionally sorted into 16 different areas of substantive law.⁴¹

³⁹ These newspapers were chosen based on circulation numbers and additionally, in the case of the *National Post*, the number of major provincial papers belonging to Can West, the *National Post* publishing group. Articles were collected from 61 copies of the *Edmonton Journal* published between November 1, 2001 and June 30, 2002. After an initial count of the articles collected for each month, a subset of two months (January and April 2002) was selected for analysis. Funds were obtained to continue the study in conjunction with the national phase of the *Civil Justice System and the Public* project and articles were collected from 72 copies of the *National Post* between April and June 2003. All were included in the analysis. Because of the different time periods of the data collection and the slight variations in methodology, results from the two newspapers are not directly comparable and must be viewed as separate snapshots. Full details of the methodology are available from the Forum upon request.

⁴⁰ The *Civil Justice System and the Public* project is concerned with the areas of non-criminal law that proceed through the civil court system. Administrative law issues that are overseen by tribunals were therefore separated out. Our concern is with media coverage of the Canadian justice system and articles dealing with international law were also excluded. Developing analysis categories was part of the exploratory process of the study. For various reasons, some articles were difficult to assign in a completely satisfactory manner. Articles were counted in only one category. Categorization proved to be more complex than we initially anticipated and although we made some adjustments for the second snapshot (*National Post*), we needed to retain basic consistency.

⁴¹ These were: aboriginal; accident/injury/torts; company; constitutional/*Charter*; debt/bankruptcy; defamation/libel; environmental; family; immigration; intellectual property; employment; judicial review; privacy, property/landlord & tenant; wills/probate; and other.

The amount of total legal coverage was measured in two ways. First, the number of articles in each category was counted. Next, surface area was calculated in centimeters squared, for both articles and newspapers.⁴² The placement of articles on the front page and the second most prominent page within the newspaper was also noted.⁴³

We paid further attention to the articles categorized as “civil.” We recorded each time a province or territory was specifically mentioned in an article. Articles that were national in scope, or mentioned more than two provinces were recorded as “Canadian”. Finally, where available, an article was selected from each of the major civil sub-categories and reviewed for content.⁴⁴ The criteria considered in this analysis were accuracy, balance, bias, educational value, sensationalism, comments on reform, critique of the civil justice system, and communication practices.⁴⁵

Our Observations

Our data from the exploratory snapshots of legal coverage in two newspapers allow us to make a number of observations about both the average quantity of coverage, and the quality of those articles.

The quantity of legal coverage

As illustrated in the following graphs, on average during the snapshot periods, the total of all categories of legal coverage absorbed 5% of the space in each National Post issue and 2% in each Edmonton Journal issue.⁴⁶

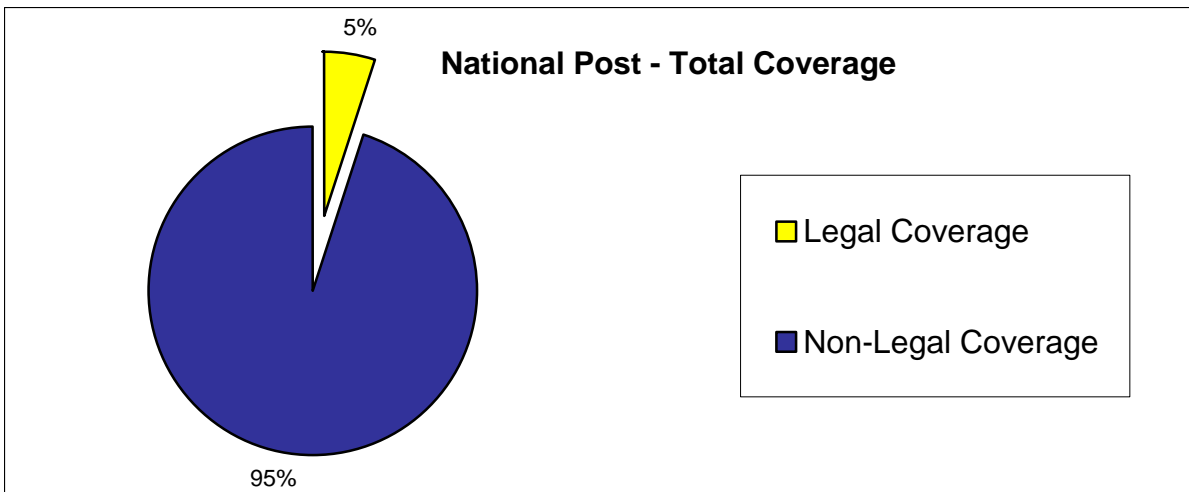
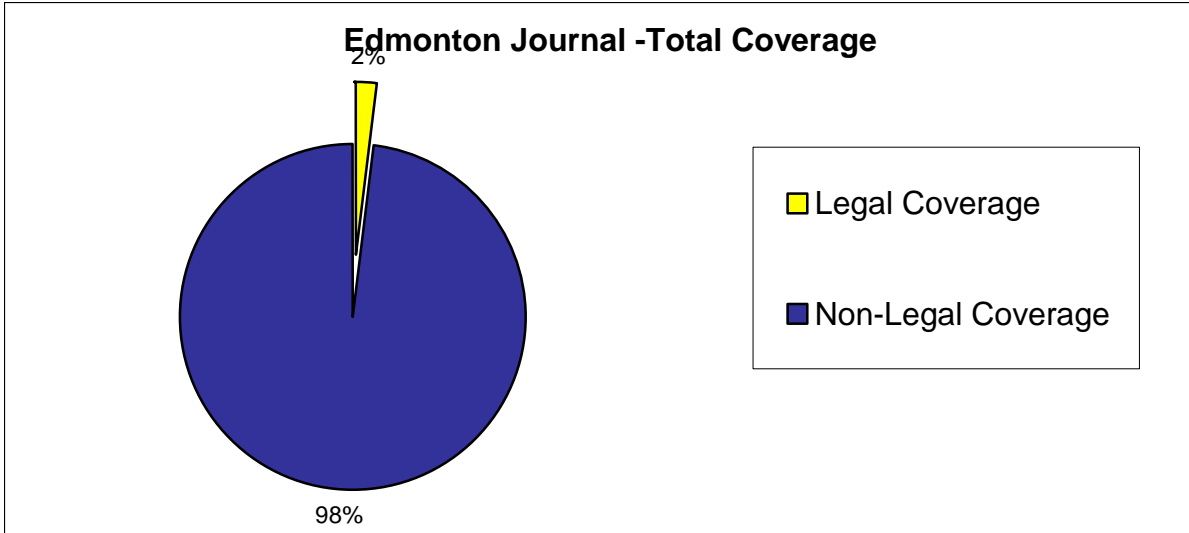
⁴² Photographs, titles, and margin space were included in these totals.

⁴³ The second most predominant page in the *Edmonton Journal* was determined to be B1, the city news. In the *National Post* it was determined as FP1, the business and financial coverage. Our rationale was that many readers glance at headlines on the front pages of sections of interest before deciding whether or not to read articles. This perception was based on our own practices and observations. We do not know whether there is any media research to support or refute this and it was beyond the resources of this study to find out.

⁴⁴ Seven articles from the *Edmonton Journal* were reviewed and nine from the *National Post* (because articles were available in an additional two civil categories). Where more than one article was available per category, the selection was made randomly (by manual, ‘blind’ selection).

⁴⁵ Each criterion was defined and rated out of five, with five indicating a high amount of that criterion present in the article (thus a high score for accuracy is considered positive, whereas a high score for bias is not). Inevitably this kind of critical evaluation is subjective and the article analyses were conducted by three different Research Assistants over an extended period of time. However, all analyses were reviewed by the Research Coordinator for rating consistency and any disagreements were resolved by team consensus.

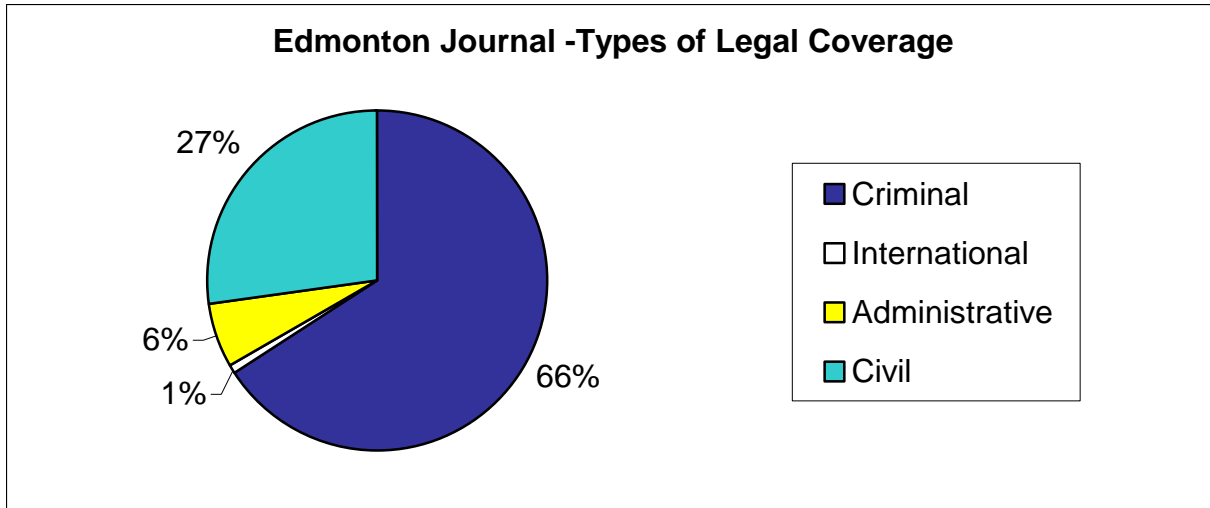
⁴⁶ All percentage values of legal coverage are averages derived from surface area calculations based on the average total print surface of one paper, the number of papers in each snapshot, and the average legal coverage per issue.



Edmonton Journal

In the *Edmonton Journal* snapshot, criminal coverage accounted for an average of 66% of all legal coverage. Most articles dealt with local or provincial criminal matters and some 'articles' outlining the basic points of a specific criminal proceeding were only a few lines long. Just over one third of the criminal coverage received prominent placement in the paper with 17% making the front page and a further 19% on the first page of Section B1.

The following graph illustrates the percentages of types of legal coverage in the *Edmonton Journal*. Civil matters accounted for 27% of the average total legal coverage.



Within the civil coverage, almost half (49%) of the articles reported on litigation, while 31% discussed law reform issues. The remaining 20% of civil coverage⁴⁷ was divided among a variety of civil areas, but no articles in the *Edmonton Journal* were classified as civil legal information or satirical comment.⁴⁸

As with the criminal articles, the majority of civil coverage did not appear on the front page of the *Edmonton Journal*. In terms of overall legal coverage, more than twice as many criminal articles made front-page news (11% criminal versus 5% civil). Similarly, less than 1% of the civil issues made it onto the first page of Section B1. However, when we examined prominence of coverage in terms of the proportions of each kind of coverage, the weight of relative distributions proved a little more complex. An average of 17% of the criminal coverage appeared on the front-page, whereas an average of 19% of civil coverage was so placed. Thus, if an article about civil issues was published in the *Journal*, it had an equal or better chance of receiving the most high-profile coverage.

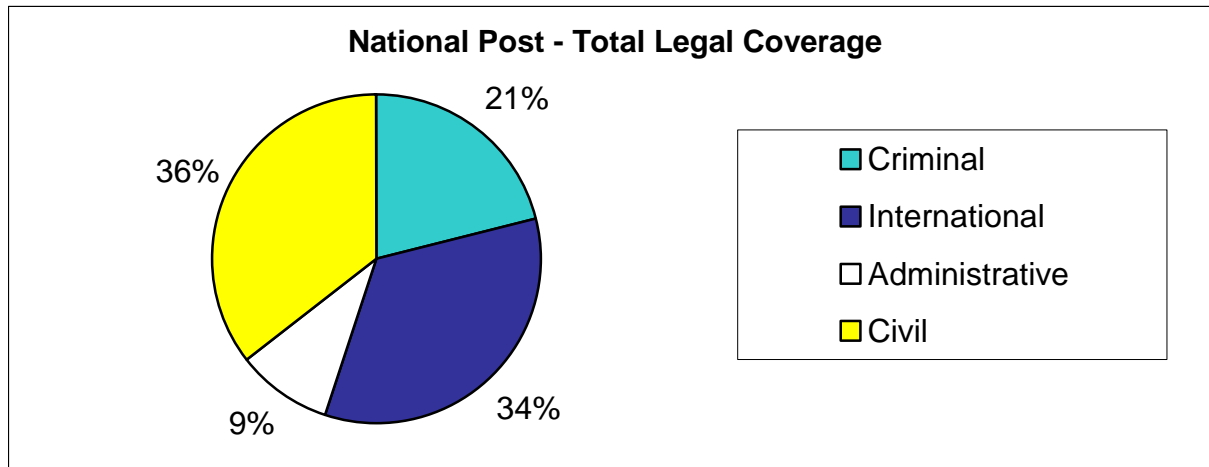
National Post

As the graph below illustrates, in the *National Post*, 36% of the total average legal coverage was devoted to civil issues, and 21% to criminal matters. It is to be expected that national media would tend to report only the most high profile criminal matters occurring in Canada.⁴⁹

⁴⁷ The breakdown of other civil coverage in the *Edmonton Journal* is: access to justice 7.9%; legal profession 4.2%; courts 2.5%; alternative dispute resolution 2.5%; judiciary 2.1%; procedure 0.7%

⁴⁸ One article, "Collaborative Divorce Helps Take Pain out of the Process," *Edmonton Journal* (4 March 2002) A3, was counted as ADR but might also have been considered as legal information.

⁴⁹ There was also some reporting of international criminal matters. These articles were assigned to the international category.



The *Post* also has a strong national business focus and after the front-page section, the “Financial Post” (Section FP) was considered the most prominent. There is also a weekly “Legal Post” section.⁵⁰ This corporate focus led to a higher legal coverage of company, contracts, and bankruptcy areas in the *National Post* snapshot.⁵¹ Also, during the time period of the national research, a number of contentious civil issues were being dealt with in the national arena.⁵² We also found an emphasis on international legal issues accounting for 34% of all legal coverage.

Among the civil coverage articles, 47% of the *National Post* reported on cases in litigation, 25% had law reform as their main focus, and 21% were devoted to a variety of other civil areas.⁵³ Just 7% of the *Post*’s civil coverage was categorized as having the primary purpose of conveying legal information.

In the *Post*, civil rather than criminal articles accounted for a higher percentage of overall legal coverage appearing on both the front page (6% civil versus 3% criminal) and the first page of section FP1 (3% civil versus 0.1% criminal). However, when prominence is considered by proportions of each type of coverage, an average of 16% of criminal coverage made the front page, compared to 17% of civil. Thus, when the

⁵⁰ Although this section contributed to our count for legal coverage, it focuses on what is happening inside the legal community and typically does not include information that is likely to be either of interest or use to the general public.

⁵¹ The amount of this type of coverage in the *National Post* necessitated the creation of a specific corporate/company category, which was added for the national snapshot.

⁵² For example, issues surrounding the same-sex marriage debate and the restructuring of Air Canada received significant coverage.

⁵³ The breakdown of other civil areas for the *National Post* is: legal profession 15.9% (due to the weekly supplement); judiciary 2.6%; alternative dispute resolution 1.5%; courts 0.4%; procedure 0.4%; access to justice 0.1%. An additional category of satirical comment was added accounting for 0.1%.

Post published criminal matters, the articles were almost as likely to be front-page news as the more dominant civil articles.⁵⁴

The content of civil coverage

Our observations about the civil articles derive from both our measurements of the civil justice coverage and our detailed analyses of the subset of articles from each newspaper.⁵⁵ We have identified examples of clear and informative civil justice reporting; nevertheless, our observations on content point to considerable potential for improvement.⁵⁶

The question of what gets published

In both the local and national snapshots, civil litigation is the focus of almost half of the civil coverage. It is the specific court case that tends to make the news whereas articles with the intent to provide information about the civil justice system or the legal process are rare. It is somewhat encouraging that in both snapshots, articles on civil reform issues accounted for the next largest group of articles. The focus, however, tended to be on particularly contentious issues of law reform and we generally found the informative content of these articles to be low. We will elaborate on this point when presenting the results of our article analyses and return to it in our concluding discussion. Combining the data from our two snapshots with the additional articles we have collected, our observation is that when a civil case or law reform issue is both emotive and socially controversial, it is almost guaranteed to make the front page of both national and local newspapers.⁵⁷

⁵⁴ This is the opposite of what we found in the *Edmonton Journal*, but this interesting trend needs to be examined much more closely in the *National Post* for reasons that only became apparent after completing our analysis. We did not measure nor record the position of the international criminal and civil articles, and to better understand the chances of criminal versus non-criminal coverage in a national newspaper, it would be necessary to make those comparisons. It would also be important to consider the prominence of articles concerning administrative law.

⁵⁵ A list of these articles is provided in Appendix B. The full article analyses are available upon request.

⁵⁶ We take this opportunity to observe that the critique of print media we make in this report, and many of the suggestions for improvement, can be equally applied to print media generated by the justice community.

⁵⁷ A good example is the coverage given to “same-sex marriage.” As it passed through the courts and eventually into legislation it made front-page news on multiple occasions (e.g., *Edmonton Journal* (11 January 2002) A1; *National Post* (19 April 2003) A1, (19 June 2003) A1, (11 June 2003) A1, (29 June 2005) A1. Interestingly, the passage of the “same-sex bill” coincided with another contentious, and legally interesting case (Léon Mugesera) that also made the front-page in the *Globe & Mail* and *Toronto Star* (29 June 29). Both these matters received coverage on several days and involved multiple articles inside numerous newspapers. We have other examples on file.

The question of where the news occurs

Our second observation concerns the geographical focus of the civil articles.⁵⁸ In keeping with its role as a national paper, 52% of the articles in the *Post* were of national relevance. Articles making specific reference to a province or territory were not evenly distributed, however. Almost a quarter (23%) focused on Ontario. The next most frequent references were to British Columbia in just over 8% of the articles and Quebec in 7%. None of territories were mentioned. In the *Edmonton Journal*, 23% of the articles had national relevance, while 44% focused on Alberta, reflecting the local nature of the paper. Interestingly, the pattern of the remaining distribution of geographical focus mirrors that in the *National Post*. This pattern does reflect population distribution and thus, potential readership, but also a prevalent bias within Canada to focus more on certain geographical areas. Our numbers are small and the time frames limited, but this pattern does seem worthy of further consideration, especially for a newspaper interested in promoting a national readership. Questions to raise are: Is this pattern present for other areas of the news? Are the events reported really more newsworthy and sensational than those occurring elsewhere in the country?

The question of how the issue is reported

Our article analyses and subsequent review of additional articles indicate that the quality of civil justice reporting varies considerably within each newspaper. Our formal analyses are too few in number to allow definitive conclusions based on the criterion scores. We rely instead on examples that illustrate good and inferior reporting quality and note that on average, there is definitely room to improve the quality of civil justice coverage.

The snapshots captured very few examples of articles written to provide legal information, but the quality of those we did find was high. Subsequently, we added to these other examples of balanced, accurate articles that raised awareness about important issues concerning: alternative dispute resolution practices, legal fees, personal experience with the small claims process, and the impact of court decisions on social understanding and experiences.⁵⁹ Yet another way in which newspapers play an important informative role is through articles or government advertisements outlining

⁵⁸ We noted whether a civil article concerned legal matters of national relevance or if it specifically mentioned a province or territory. If an article had clear national relevance or if it mentioned three or more provinces/ territories, it was counted as having a national focus. Otherwise articles were assigned to a province. An article mentioning just two provinces was counted under both. There were 109 mentions of national relevance in the *Edmonton Journal* and 318 in the *National Post*.

⁵⁹ "For example, the article "Collaborative divorce helps take pain out of the process" *Edmonton Journal* (4 March 2002) A3, which was catalogued under the ADR category. Subsequent to the snapshot period, we also found, "Collaborative divorce creates chance for positive solutions," *Edmonton Journal* (16 July 2005) F5 and "Mediation can be a quicker, cheaper solution," *Lethbridge Herald* (24 February 2005) A4; High legal fees forcing many laypeople to go lawyerless, *Globe and Mail* (4 October 2004) B11; "Small claims court yields big working life lesson" *Globe and Mail* (28 July 2004) C3; and "Divorce decision redefines adultery" *Globe and Mail* (31 August 2005) A8.

amendments to legislation.⁶⁰ Such articles are evidence that print media can play a positive and effective role in educating the public about our civil justice system.

A common complaint made by the justice community is that the media provide biased, sensationalized and inaccurate reporting. For the most part, our analyses found articles to be reasonably accurate in reporting facts.⁶¹ Our review did find a tendency to use headlines that present issues in a sensationalized way. We recognize that headlines are intended to capture reader attention but we contend that headlines about important issues do not have to be either inaccurate or exaggerated in order to be interesting. One *Edmonton Journal* article provides an excellent example that illustrates that accuracy, educational value, and arresting headlines can come together for an article of excellent quality.⁶² The headlines and article content raise important problems such as lack of legal representation and delays in civil cases coming to trial. The writing is clear and interesting, a variety of justice community experts are quoted, initiatives underway to deal with the problems are noted, and a list of suggestions for reform is provided. A box associated with the article, declares in bold contrast print, “*Disorder in the Court*”. While this headline is clearly a sensationalizing technique, the box is accompanied by a serious and accurate statement of the issues and article purpose.

Although our reviewers found positive aspects in many of the articles they analysed, few were of really good quality throughout. At times we came across coverage (especially headlines) that if not technically inaccurate, were certainly exaggerated and distorted in order to create unwarranted sensation.⁶³ In particular, this kind of reporting targeted the extraordinary acts of an individual (usually a judge or lawyer) in a way that implied such behaviour was the norm.⁶⁴ On the other hand, we also found a number of good quality informative articles that drew on the expertise of a high profile judge or lawyer.⁶⁵

⁶⁰ “Adoption Laws in Newfoundland and Labrador have Changed” *National Post* (14 June 2003) A7. This advertisement was included in the 2.5% of civil legal information coverage in the *National Post*. We considered it an example of good communication practice through print media.

⁶¹ Article reviewers were law students. Accuracy was measured by known facts and the citation of expert legal sources. It is difficult, however to know if such sources are cited correctly.

⁶² Gordon Kent, “Keeping Legal Battles out of the Courts,” *Edmonton Journal* (28 January 2002) A1.

⁶³ We cite as one example of this the front-page headline “Lawyers Stealing Record Amounts,” *Edmonton Journal* (Saturday, 25 June 2005) A1. The actual article was placed on p. A3. It provoked a response to the *Journal* from the president of the Alberta Branch of the Canadian Bar Association, pointing out that the *Journal* had failed to focus on the real issues such as “the Law Society’s vigilant efforts...the fact that all client losses are reimbursed 100%...[and] all the good lawyers do for our communities.”

⁶⁴ For example, “Judge sparks anger questioning ‘values’ of mom on welfare,” *Edmonton Journal* (8 April 2002) A1 (reprinted from a Montreal paper); “Disorder in the court: wayward judges...,” *Toro* (Summer 2005) 57 (supplement to the *Globe and Mail*); “OSC assails Bre-X judge, defence [sic] court conduct” *National Post* (19 June 2003) FP8.

⁶⁵ For example, “Judicial activism debate on decline, top judge says,” *Globe and Mail* (8 January 2005) A1; “MPs’ queries won’t deter candidates for top court, jurist says” *Ottawa Citizen* (13 June 2005) A1. We note that the topic of judicial appointments is deemed to be newsworthy quite frequently, although not all of the coverage is of the quality in these examples.

Our exploratory research on the quality of civil justice coverage shows that good informative articles can and do appear in Canadian newspapers, but also that poor quality content occurs. Our sample is too small to say with any confidence what might influence quality of content, however, it does suggest that any newspaper can at times provide both good and poor quality coverage.⁶⁶ As we now move to consider the implications of our study findings, we will offer some suggestions for improved content.

Common Ground and Shared Questions: A Foundation for Better Civil Justice Coverage

The purpose of an exploratory research study is to break new ground, to investigate what we do and don't know, raise issues for debate, point to unanswered questions, make suggestions for further research, and if possible, identify positive ideas for improvement. Communication between the civil justice system and the media is not all that it should be, and the quality of newspaper reporting on civil justice is not all that it could be. If it were, there would be no need for exploratory research and no curiosity about our findings. We have, in fact, received many expressions of interest in this small study – far more than we anticipated at the outset. We emphasize again that it is just a beginning and rather than present 'conclusions' we look to initiate a discussion based on the possibilities we see for improved print media coverage of civil justice issues. We consider first the common ground among the stakeholders, including some shared misconceptions. We point to questions and challenges that remain unanswered and conclude with suggestions about how to establish a foundation that will allow more informative print media about the civil justice system.

The Common Ground

That there is common ground among the perspectives of the three stakeholder groups (justice community, media, and public) is an important finding. We suggest that the following areas provide a shared foundation on which to build improved reporting on civil justice issues:

- It is agreed by all three groups that the public needs to be better informed about the civil justice system. Members of the justice community are convinced that the media can and should play a role in providing that information. Public participants in the *Civil Justice System and the Public* research did turn to newspapers (and other mass media) in search of needed information. Although there are contrary views,

⁶⁶ We do not have a large and systematic enough sample of articles to say with any certainty, but if we were conducting further research we would pay attention to the author of the articles. The level of legal education and experience, as well as research and interview skills, would likely be factors in excellent reporting.

media representatives have frequently argued for an essential role in informing the public about justice issues.

- It is also agreed by all three stakeholders that the civil justice community could do more to make relevant information clear and accessible to both the public and the media. As one justice community member suggested:

Off the top of my head, it would be a good idea for the media to be able to have access to a manual about the operation of the justice system, if there is not already such a resource – and if the media would find it useful, perhaps a website with Q & A on how the courts work, with facility to receive and answer more questions.⁶⁷

- As well, the three stakeholder groups share a common perception that civil justice issues are generally not interesting enough to warrant media attention. The results from our *Beyond the Headlines* study suggest that this is a *misconception*. Our snapshots tend to refute the contention that civil justice won't sell newspapers. Contrary to our own expectations, civil justice matters were more likely than criminal to be covered by the *National Post*⁶⁸ and, when covered, often made the front page in both the *Post* and the *Edmonton Journal*. Furthermore, when civil justice is in the news it tends to remain there for more than a day and this challenges the argument that newspaper deadlines necessarily prevent more in-depth investigation of an issue.

Unanswered questions and challenges

There are a number of challenging questions that arise even from these points of agreement. Providing answers will take time, resources and a concerted collaborative effort. This study and the *Civil Justice System and the Public* findings point to the following:

- Both the media and the public ask for concrete information (for example, statistics on the incidence and outcomes of types of cases). At present the justice system cannot provide the answers. Although this is recognized as an area for improvement, progress is slow and more needs to be done to both improve the collection of statistics related to civil justice and to share the information that is available.
- One important question this study does not address is: How much other research, especially Canadian research, already exists about media content on justice and other topics? Answering this question will require thorough searches of library and social science catalogues as a first step.

⁶⁷ From the Canadian Institute for the Administration of Justice supplementary *Partnership Survey of Members*, response #119.

⁶⁸ This is particularly so when the additional coverage of international and administrative law issues is considered and although such coverage is beyond the focus of this study, we certainly consider it to be of importance to the public.

- Similarly, we need to know more about what engages public interest in media content. Is there research that supports the supposition that sensational headlines are the key? To what degree do people turn to newspapers to find out more about social services and issues that potentially affect them? The *Civil Justice System and the Public* results suggest that people are actually suspicious of over-sensational media, and that they would welcome more informative and balanced information on the relevance of civil justice to their everyday lives. Further inquiry is required if successful content is to be developed.
- Regardless of the answers to the above questions, there is a call for further research that asks the kinds of questions about media content that we have posed in this exploratory study. To conduct rigorous systematic research on mass media content concerning civil justice is an enormous and expensive task. Even a study that can produce results generalizable to Canadian newspapers will require an extensive study with a sophisticated sampling design. There is potential for a major research partnership between universities, mass media and government.

Building on the foundation for better coverage

There are significant challenges to be met, and the above questions need to be addressed. It is also clear, however, that there are ways in which both the justice community and the media can take small but significant steps to build good communication practices. We believe that making the best use of available information and recognizing the newsworthiness of civil justice issues will lead to improved reporting of civil justice matters.

Make the best use of available information

- The justice community has begun to take action to improve communication with the media, particularly by appointing a specific liaison person or communications officer in many courts. We encourage the justice community to continue and expand these initiatives and suggest that the media should support these efforts by being pro-active in letting media liaison persons know what information would be most helpful.⁶⁹
- When we have spoken of this study we have learned that, here and there, court and justice department organizations have gathered some information on newspaper and other media content. Although these efforts may be small scale and even fairly informal, together they could provide valuable data. Where such

⁶⁹ There may be interesting ways to further an understanding of media relations and the justice community. One idea we read about was “intellectual speed-dating.” The University of Ottawa held such an event between researchers and journalists. Researchers presented their research and journalists gave feedback to make the message stronger *University Affairs* (October, 2004) 9.

initiatives exist we encourage sharing them with the local media and with the Canadian Forum on Civil Justice.

- Similarly, we know that the Canadian Centre for Justice Statistics, provincial justice departments and administrative judges throughout Canada are making an increasing effort to gather civil justice statistics. We recommend sharing what is available with the media.
- Public Legal Education and Information (PLEI) groups are often overlooked by the media as a resource for legal information. Often such groups have informative material that would assist journalists to develop legal coverage (both civil and criminal). Whenever possible we encourage PLEI organizations to be proactive by informing local media about a contact person and working to develop the kind of legal information that tells both the media and the public what they want to know about the civil justice process. Potential exists to increase awareness among local newspaper editors that civil matters can be newsworthy and that the public do seek legal information.⁷⁰

Recognize the newsworthiness of civil justice issues

- Civil justice is related to many circumstances in the everyday lives of people. These include government services or public entitlements, land claims, divorce, child custody/guardianship, employment, contracts and commercial disputes, among others. Most of the time our laws and practices ensure that these matters run smoothly, but when disputes do arise and a court case is commenced, civil matters can impact the lives of ordinary people in highly dramatic ways. There is considerable prospect in this for interesting stories that also serve to raise public awareness about the legal process. We are convinced that it is possible to do this in a way that values accuracy and educational content.⁷¹
- The experience of our PLEI partners and our own observations suggest that the broadcast media, local and national, increasingly recognize an audience for everyday court proceedings, legal information, and dramatization. These efforts have won praise from the justice community.⁷² If there is a broadcast audience, why would there not be a similar interest among newspaper readers?

⁷⁰ We know from our PLEI partners that there are some good media communication practices in place, but we also know that there are often insufficient resources to be consistently pro-active in feeding the media (see Lois Gander, *supra* note 24). Also, the experiences of some of our PLEAC partners and our Research Team, suggest that smaller local papers are more open than those in large urban centres to publishing articles that provide useful legal information.

⁷¹ In Appendix A, we list some articles that we consider to provide examples of informative civil justice reporting.

⁷² The *National*, (January/February, 2003) 16, a publication of the Canadian Bar Association, ran an article about this, entitled, "I Want My Law TV." It praised "the sudden explosion of smart Canadian TV shows about the law that believe it's possible to entertain *and* educate." Mentioned are *The Docket*,

- As we already pointed out, civil justice issues do make front-page news. When they do, it is often for more than one day and sometimes repeatedly over a period of time.⁷³ These occasions provide excellent opportunities to capture public interest with balanced and well-informed articles about why these issues are decided in the courts, whether or not they should be, what alternatives there are, associated processes of law, and suggestions for needed reform.
- It is part of the media role as public informant, to report on and challenge situations that seem unjust and that should be considered scandalous. Meeting that role responsibly must involve serious consideration of the issues and addressing questions such as: How can such situations occur? What systemic reforms might address the problems? Good journalism can be critical without being biased and sensational.⁷⁴ What needs to be avoided is the over-sensational headline or article, which may create a perception among some readers that the unusual is the norm: It may simultaneously create the impression that inaccurate and biased reporting is the usual standard.

As we said at the beginning of this report, our goal is to encourage a dialogue for establishing improved collaboration between the justice community and the media that will ultimately lead to improved reporting about civil justice. Developing the *Beyond the Headlines* study and report has confirmed some of our suppositions about print media reporting on civil justice, and it has also forced us to challenge other preconceptions. We invite our readers to do the same - to raise further questions and suggest new solutions that will lead to increased awareness about the civil justice system for both the media and the public.

History's Courtroom, Justice, and Dossiers Justice. Also the *Canadian Lawyer* (January, 2005) 6 published a complimentary review of the courtroom drama *This is Wonderland*. Both a discussion or a critique of broadcast legal coverage is beyond the focus of this report, however Canadian TV is very good at producing drama series out of everyday interactions (*Train, Robson Arms, DaVinci's City Hall*) and we suggest there is potential for using drama to educate about our legal system.

⁷³ Again taking same-sex marriage as an example, on the day that Bill C-38 passed, newspapers ran multiple articles on the topic. The *Edmonton Journal* ran a very informative summary box feature, "Bill C-38 Primer", which summarized the history and social impact of the Bill. The *National Post* carried six separate (and mostly quite lengthy) articles in the front section, which offered differing perspectives on the issue. This was of course, a particularly controversial topic, but we have other examples on file involving immigration, labour disputes, civil actions stemming from criminal prosecutions, and intellectual property, among others.

⁷⁴ Good coverage is not necessarily non-critical, but it is factual and fair. One only has to look at the kind of investigative journalism that wins awards to see the truth of this.

Appendix A

Examples of Informative Civil Justice Coverage

- Allen, R. Supreme Court justices on Moncton 'retreat'; Increasing number of people representing themselves in court among topics of discussion. *Moncton Times & Transcript*, Saturday, May 28, 2005
- Bains, C. Divorce decision redefines adultery. *Globe and Mail*, Wednesday, August 31, 2005, p.A8
- Crosariol, B. High legal fees forcing many laypeople to go lawyerless. *Globe and Mail*, Monday, October 4, 2004, p.B11
- Editor. Defending our holiest freedoms. *Globe and Mail*, Monday, September 29, 2003, p.A2
- Government of Newfoundland and Labrador. [advertisement] Adoption laws in Newfoundland and Labrador have changed. *National Post*, Saturday, June 14, 2003, p.A7
- Harding, K. Mediation can be a quicker, cheaper solution. *Lethbridge Herald*, Thursday, February 24, 2005, p.A4
- Kane, M. Collaborative divorce creates chance for positive solutions. *Edmonton Journal*, Saturday, July 16, 2005, p.F5
- Kent, G. Keeping legal battles out of the courts. *Edmonton Journal*, Monday, January 28, 2002, p.A1
- Makin, K. Judicial activism debate on decline, top judge says. *Globe and Mail*, Saturday, January 8, 2005, p.A1
- Mulgrew, I. As B.C. grows, court caseloads in long decline host of factors at work, province's chief judge says. *Vancouver Sun*, Monday, June 13, 2005.
- Mulgrew, I. Family court reform urged to reduce nasty trials. Adversary system fails those it should protect, judges say. *Vancouver Sun*, Tuesday, June 14, 2005, p.A1
- Sack, C. Gay extramarital flings don't count as adultery. *Globe and Mail*, Tuesday, August 30, 2005, p.A1
- Schmitz, C. MP's queries won't deter candidates for top court, jurist says. *Ottawa Citizen*, Monday, June 13, 2005, p.A1

The Canadian Press. Bill C-38 primer. *Edmonton Journal*, Wednesday, June 29, 2005, p.A3

Timson, J. Small claims court yields big working life lessons. *Globe and Mail*
Wednesday, July 28, 2004, p.C3

Appendix B

List of articles with analytical summaries

Edmonton Journal

Jeffs, A. Opting out is getting harder to do. *Edmonton Journal*, Wednesday, April 17, 2002, p.A1

Jeffs, A. Tories revamp law after court quashes child custody orders. *Edmonton Journal*, Thursday, April 25, 2002, p.A6

Kari, S. Judges told to avoid 'courting popularity'. *Edmonton Journal*, Tuesday, January 8, 2002, p.E10

Kent, G. Keeping legal battles out of the courts. *Edmonton Journal*, Monday, January 28, 2002, p.A1

Kent, G. Paralegal to fight judges' 'discriminatory' decision. *Edmonton Journal*, Monday, April 8, 2002, p.A7

Marowits, R. Judge sparks anger questioning 'values' of mom on welfare. *Edmonton Journal*, Monday, April 8, 2002, p.A1

McConnell, R. Legal aid system outdated, underfunded, lawyers say. *Edmonton Journal*, Thursday, April 18, 2002, p.B3

National Post

Hasselback, D. Are you married to your job? *National Post*, Saturday June 14, 2003, p.A1

Kari, S. OSC assails Bre-X judge, defence court conduct. *National Post*, Thursday, June 19, 2003, p.F8.

No Author. Cost prevents challenge to recall law, rights group says. *National Post*, Wednesday, May 14, 2003, pA8

Rubin, S. Making insolvency pay. *National Post*, Wednesday, April 23, 2003, p.F12.

Schmitz, C. Gay man wins \$2,500 a month from ex-partner in messy case. *National Post*, Monday, June 23, 2003, p.A7

Tibbetts, J. Supreme court to decide if one of its rulings is tainted. *National Post*, Monday, June 23, 2003, p.A2

Warick, J. Deal closes James sex assault saga. *National Post*, Thursday, April 10, 2003, p.B10

Warren, D. Canada's courts now rule the country. *National Post*, Monday, June 23, 2003, p. A12