

## LEGAL BLOGGERS AND YOUR FAMILY COURT HEARING

- **A legal blogger is a lawyer who is allowed to attend most private family court hearings** (journalists are also allowed to attend the same hearings). They are allowed to attend for ‘journalistic, research or public legal education purposes’.
- **Court rules protect your privacy** : even though they can attend hearings reporters can’t report the detail of what is said in your hearing unless the judge agrees. They can’t identify you or your child with your name or picture.
- **You can object to a blogger or journalist attending if you have a good reason.**

This leaflet tells you more about how legal blogging works. In this document we use the word ‘reporters’ to cover both journalists and legal bloggers.

### **Why are legal bloggers allowed to come into my court hearing?**

Most court hearings are held in public, meaning that anyone can attend, including reporters. Because courts have a lot of power over people’s lives it’s important that the public can see what happens and be confident that things are done properly or ask for change if they aren’t. In cases about families and children the court usually sits in private, which means the public can’t attend and there are often rules about what can and can’t be reported in newspapers and online. The only people usually allowed to attend a private family hearing apart from the lawyers and the family involved are reporters. Usually there are still restrictions on what can be reported but they can be adjusted where appropriate. These arrangements are set up to try and ensure there is some scrutiny of the court’s process without compromising the privacy of the families and children involved. Journalists have been allowed to attend hearings since 2009, and legal bloggers have been allowed to attend since October 2018, under a pilot scheme which is running until June 2020.

### **Who are the legal bloggers?**

For a legal blogger to be allowed to attend your hearing they must be a practising lawyer, a lawyer working for a university, or a non-practising lawyer who is attending on behalf of an approved educational charity such as The Transparency Project, an educational charity whose aims are to make family justice clearer. Before they are allowed into the hearing a legal blogger will have to produce identification and confirmation that they are eligible to attend. They must sign a form confirming that they are aware of the rules about privacy and will stick to them (FP301).

We’ve left a space at the bottom of this leaflet for the blogger who is attending your hearing to write their name and basic details so you know who they are and where they are likely to publish any report they might write about your case (overleaf).

### **Protecting your privacy and telling your story – what can they report?**

In cases involving children the law says that a reporter can’t report the detail of what is said in court or in the court documents. They also can’t report the name of the child, details of their home or school address or any



information likely to identify them as a child who the case is about. This doesn't mean nothing at all can be reported about a case, but it does protect your and your child's identity and privacy.

This can be changed if appropriate – for example the judge could agree to allow reporters to write about what happened at court as long as they don't include names or certain details which might identify you - but this doesn't happen very often and only after everybody has had a chance to tell the judge what they think and if the judge thinks it's appropriate.

A reporter might ask to see some of the basic documents in your case to help them understand what's going on a bit better. Even if they are shown these documents the rules still say they can't report the detail of what is in those documents – unless the judge agrees.

Before the judge made any decision allowing more reporting than usual you will have an opportunity to think about things and say what you think should happen.

### **Talking to reporters**

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You don't have to talk to a reporter about your case if you don't want to do so. There are rules about what you can tell or show a reporter – you should not show them court documents without the permission of the court. If you are worried about a legal blogger coming into your hearing they should be happy to speak to you to explain more about their role to help reassure you about their motivation and any particular issues about privacy that apply to your case. If you have a lawyer your lawyer could talk to them for you.

### **How do I object?**

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You should be told that a reporter wants to come into your hearing before it starts. You can tell court staff before the hearing that you want to object, or you can ask the judge at the start of the hearing. Usually the judge would check with you before the hearing continues. You can object if excluding the reporter is necessary:

- in the interests of any child concerned in, or connected with, the case;
- for the safety or protection of a party, a witness, or a connected person; or
- for the orderly conduct of the proceedings;

or because justice will otherwise be impeded or prejudiced by their attendance.

The judge could exclude a reporter from some or all of the hearing, or could adjust the restrictions on what can and can't be reported to strike the right balance between privacy and openness.

### **Where do I go for more information?**

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- Justice.gov.uk – see Family Procedure Rules (Rule 27.11 and Practice Direction 36J)
- HMCTS form FP301 and leaflets EX710 and EX711
- The Transparency Project website [www.transparencyproject.org.uk/legalbloggers](http://www.transparencyproject.org.uk/legalbloggers)

### **Details of the legal blogger who is at court today**

Name :

Practising lawyer at chambers / firm / Charity name / University name (as appropriate) :

Likely location of any blog :

