



Handy hints for legal reporting

This document is not intended to replace legal advice. If you are unsure about a legal issue, you should contact a lawyer for advice.

<p>Audio recordings</p>	<ul style="list-style-type: none"> • You can bring an audio recording device into the court room if you are an accredited journalist, as per the process established by the Supreme Court of BC. • You can record only for note taking purposes and cannot broadcast the recording. • You cannot record in other areas of the courthouse.
<p>Getting court accreditation</p>	<ul style="list-style-type: none"> • Information about how to get accredited is at www.courts.gov.bc.ca/supreme_court/media/ and in the document entitled <i>Policies Regarding Public and Media Access in the Provincial Court of British Columbia</i> found at http://www.provincialcourt.bc.ca/
<p>Televising court proceedings</p>	<ul style="list-style-type: none"> • Applications can be made to a judge to televise all or part of the proceedings in a particular case. The presiding judge may use the BC Supreme Court Policy and <i>Guidelines for Television Coverage of Court Proceedings</i>, found at www.courts.gov.bc.ca/supreme_court/media/, when assessing the merit of the application. In addition, the applicant needs to get the written consent of all the parties to the court case. Information regarding televising Provincial Court proceedings is at http://www.provincialcourt.bc.ca/
<p>Smartphones and other electronic devices in court</p>	<ul style="list-style-type: none"> • Under updated rules effective September 17, 2012 any person may use electronic devices to transmit or receive text, including Twitter, in the Court of Appeal. In BC Supreme Court and Provincial Court, accredited media (as above) and lawyers may use electronic devices to transmit or receive text. See the Policy On Use of Electronic Devices in Courtrooms at www.courts.gov.bc.ca/supreme_court/media/
<p>How the levels of court work in BC</p>	<ul style="list-style-type: none"> • The BC Court of Appeal is the highest court in the province and the Provincial Court and BC Supreme Court are the two trial courts, with the Supreme Court being the superior trial court. • The Provincial Court caseload is primarily in the areas of criminal, family, youth, civil (up to \$25,000) and traffic. Appeals go to either the BC Supreme Court or the Court of Appeal, depending on the nature of the case. Some criminal matters are under the exclusive jurisdiction of the BC Supreme Court as per the <i>Criminal Code of Canada</i> (example, murder). For those matters, a preliminary inquiry may be held in Provincial Court, prior to a Supreme Court trial. That said, more than 95% of all criminal cases in the province begin and end in Provincial Court. • Appeals of a BC Supreme Court decision go to the Court of Appeal. The

	<p>Court of Appeal also hears reviews from some provincial administrative tribunals. Appeals of Court of Appeal decisions are made to the Supreme Court of Canada.</p>
<p>Getting information about courts and court cases</p>	<ul style="list-style-type: none"> • The Provincial Court website has information on accessing court records at http://www.provincialcourt.bc.ca/ and the Supreme Court has a <i>Court Records Access Policy</i> that can be found at http://www.courts.gov.bc.ca/supreme_court/about_the_supreme_court/ • Judges do not comment on a case that is, has been, or may be before the court. Contact the local court registry for procedural information or information related to specific cases that are before the court or are already decided. Contact information for court registries throughout BC can be found at www.ag.gov.bc.ca/courts/overview/locations/index.htm. • Supreme Court and Court of Appeal Reasons for Judgment are on the court's website www.courts.gov.bc.ca usually within 24 hours of the time they are released to the parties. Most Provincial Court decisions are delivered verbally by the judge in open court at the end of a proceeding. Sometimes the judge will issue written Reasons for Judgment at the same time. You can find those, and oral decisions that have been transcribed, at www.provincialcourt.bc.ca/judgmentdatabase/index.html. If the website does not contain written reasons or oral reasons transcribed, journalists have the option of ordering a transcript of the court proceedings for a fee. To find out how to do that contact the court registry where the hearing was held. • The most common questions the Court of Appeal registry receives from journalists involve: commencement of appeals, hearing dates and bail, which is technically “judicial interim release.” If asked, the registry will tell you: whether an appeal has been filed, including the file number and date of filing; if a hearing date has been set; and when bail has been granted, the registry will confirm whether the bail terms have been met, but will not divulge the details. • Daily hearing lists concerning the Provincial Court and matters scheduled for less than two hours in the Supreme Court and Court of Appeal are at https://eservice.ag.gov.bc.ca/cso/courtLists.do. BC criminal court daily listings are at www.ag.gov.bc.ca/courts/court-lists/index.htm. Daily trial lists in the Supreme Court are at http://www.courts.gov.bc.ca/supreme_court/hearing_list/index.aspx. Weekly hearing lists in the Court of Appeal are at http://www.courts.gov.bc.ca/Court_of_Appeal/hearing_list/
<p>Getting information about people</p>	<ul style="list-style-type: none"> • You can search by name across all registries in BC for civil or Provincial Court criminal proceedings on the Court Services website https://eservice.ag.gov.bc.ca/cso/index.do. This is useful, for example, if you want to find out if someone has been involved in another lawsuit.
<p>Publication bans</p>	<ul style="list-style-type: none"> • The onus lies with the journalist to find out if there is a publication ban — if you breach a ban, you may have committed an offence under legislation

or be in contempt of court, which is punishable by the court.

- There are two **types of publication bans**:
 1. **Automatic** – these are in effect by operation of statute (it happens without a court order or application by a party to the case). Some examples are: under the *Youth Criminal Justice Act* you can't identify any youth charged with a crime and the victim, or witnesses who testify if they are also youths, because of an automatic publication ban; under s. 3 of the *Provincial Court Act* you can't identify parties in Provincial Court custody cases; and under s. 648 of the *Criminal Code of Canada* you cannot publish or broadcast portions of criminal trials that occur when the jury is absent.
 2. **Discretionary/judge-ordered bans** – these must be specifically sought and ordered by the court. For example, a ban could be made on the identity of witnesses, families or undercover officers under s. 486 of the *Criminal Code of Canada*. However, many **judge-ordered** bans are mandatory upon the judge, if the ban is requested. Some examples of this are: s. 517 of the *Criminal Code of Canada* regarding an application by the accused for a bail hearing ban; s. 539 of the *Code* concerning preliminary hearing bans requested by the accused; and s. 486.4 of the *Code* regarding bans on identities of sex crime victims.
- In Supreme Court cases, bans are often, but not always, indicated on the judgment. More information about **how publication bans work** can be found at <http://www.provincialcourt.bc.ca/> and you can **search for publication bans** made in criminal cases in Supreme Court: www.courts.gov.bc.ca/supreme_court/publication_bans/about/ but a word of caution: the site doesn't include automatic bans and is not updated instantly.