

**Gertie's Law
Episode 4 - People of the Court**

Evan Martin

Sometimes it feels like you can hear your own thoughts while walking through the Supreme Court corridors.

It's not rare that you can get from one end of the building to the other without seeing or hearing a single other person.

But after spending some time here, it dawns on you just what goes in to each and every case.

Hundreds of people work here every day.

Some people keep the court safe.

Kate Locke

If the prisoner is being sentenced and they get really angry, you want to already be on your feet ready to respond.

Evan Martin

Others keep it open and transparent.

Adam Cooper

A lot of the things that happen in courts, people wouldn't know about unless we're there.

Evan Martin

Some work in behind-the-scenes desk jobs.

Laurie Atkinson

We're really quite critical in how the court operates. The judges have a reliance on relevant, accurate information, current for their needs.

Evan Martin

While others have prominent roles in the courtroom.

Frank Hansen (court recording)

Silence. All stand please, and remain standing.

Evan Martin

Some people have been here for decades.

Kathy Fawcett

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People who know that I'm here say, "You must really like blood and guts and gore and horrible things", and I say, "No, if anything, it makes me more of a pacifist."

Evan Martin

And others have just started.

Daniel Sheales

The people who get their way into an associateship position at the Supreme Court generally have other plans that their chasing, and this is a waypoint to the larger ambition.

Evan Martin

The vast majority of people here aren't judges.

You'll never hear about them on the evening news.

You won't have family arguments about their decisions over Christmas lunch.

You might not even know they exist.

But they're all just as crucial in keeping the wheels of justice moving.

This episode is about them - the people of the court.

[Opening theme]

Evan Martin

I'm Evan Martin, and this is Gertie's Law.

Kate Locke

So my name is Kate Locke. I am a prison officer for the County Court and Supreme Court, and I've been in the role for, roughly, about eight – nine months now.

Evan Martin

I met with Kate over the road, in the basement of the County Court.

We walked down a narrow corridor, passing a number of thick, metal prison doors. The cells are mostly empty, as the bulk of today's prisoners are having their matters heard in the nine storeys of courtrooms above us.

We sit down on a pair of couches in a small break room, but with white-painted concrete walls and no natural light, it feels a bit like one of the cells it's surrounded by.

Kate works with prisoners coming to these courts from all across Melbourne.

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Kate Locke

So, obviously, females would come from DPFC...

Evan Martin

That's the Dame Phyllis Frost Centre, a women's prison in Deer Park.

Kate Locke

You've got MAP, MRC...

Evan Martin

The Melbourne Assessment Prison and Melbourne Remand Centre.

Kate Locke

...Ravenhall – there's Hopkins, there's Port Phillip. So they can come from anywhere.

Kate Locke

The prisoner transport will bring the prisoners in. They get a snack when they get here and a cup of tea and there are televisions in the cells, in the day cells. So they can watch the news, keep some – you know, keep some calm. They're people. They're not animals.

Once court is ready to go, an officer will be assigned that prisoner. So that means that that officer will sit with them in court for most of the day.

You sit in court with them. Once the court proceedings are finished for the time being or it's adjourned, you'll take the prisoner back up to, you know, their day cells. They might, you know, just need to go to the toilet. You'll assist them to get them to the toilet safely. When the day is ended, the transport comes to pick them up.

Evan Martin

What led you to this role? What were you doing before here?

Kate Locke

I was actually mining up in Queensland before I came here. I moved back down here just to be closer to family, and some of my family have been in Corrections in New South Wales, and so hearing the stories from my uncles is interesting, and, plus, you know, you've got to have a heart to come to a role like this, and I care for people, so I really want to help when they're at their lowest point.

Evan Martin

Heart might not be something that's commonly attributed to prison officers, but according to Kate, it's a prerequisite.

Kate Locke

In a court setting, it can be slightly difficult, but we're also not just dealing with the prisoners themselves. We're also dealing with the prisoner's family, or the accused's family and the victim's family, and you

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have to be able to talk to them, to be able to speak to them, liaison with, obviously, your prisoner, and when they're sentenced, or, especially, if they're remanded, they can be extremely upset. You need to be able to talk to them calmly, or even just let them vent.

Sometimes they just want to talk, and it means absolutely nothing to you, but it means something to them, and if you brush them off or, you know, you say you don't care or you, sort of, go "whatever", it can be really disheartening for them, because they're just looking for something – a little piece of hope that gets them through, because, sometimes, the jails are so big that they don't get that one-on-one interaction without their mates around, which can be very important, too, because they can tell you something they might not be able to tell the officers at their prison. So you're able to get that information from them and then pass that on to their prison. So that can be really important as well, and that's where you need to have that soft heart to let them speak to you.

Evan Martin

What kind of information would that be?

Kate Locke

It could be anything from information to do with other prisoners, maybe, that's happening at the goal – so if something might be going on. It could be information about self-harm – that they could be thinking about it or they were thinking about it, or it could be simply information of something that might've happened to their partners on the outside and they hadn't been able to tell anyone for fear of, you know, being poked fun at or something like that.

So it's just those little things that probably don't matter to us if we're out in the community, but really matter to someone when they're locked away for whatever they've done.

Evan Martin

Not only are you allowed to be friendly with the prisoners, but you're actually encouraged to?

Kate Locke

Yeah, most definitely. And it's best that you do, because you can gauge where they're at. If they're really upset and anxious before they go to court, you need to engage with them to understand what they're going through.

Being sentenced and remanded is hard enough anyway. They don't need us to make it any harder.

You might have family in the courtroom that lose it, which can set the person in the dock off, and you need to be able to keep the balance of being, obviously, professional, but also being caring.

Evan Martin

If you're one of the over-7,000 people currently serving time in a Victorian prison, it would have been Kate or a fellow prison officer who escorted you back to the court's cells as you came to grips with your new life.

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Kate Locke

When they come down here, it can be quite difficult, because their brain is elsewhere, so they can seem quite heightened and quite all over the place, even though you've still got to let them calm down. Some people get really frustrated and they might yell and carry on, and that's not an output against us. It's just, usually, because that's how some people vent and you just need to let that happen.

In terms of it being hard for officers, we are really good at not getting emotionally involved.

Evan Martin

The Supreme Court is interesting. It's very different to the County Court. A lot of the time, you're taking prisoners through the corridors, past the public. What's that like?

Kate Locke

Scary. It can be very scary. Although we've trained very well for it, it can be quite confronting because, unlike the County Court, you don't have the backdoor that you can just nick out of. You do have to take them through the public, and sometimes, yeah, that's quite confronting, especially if you've got family or victim's families that know where the prisoner will be walking that try and, you know, catch them walking through. So that can definitely be a challenging aspect of the Supreme Court, as beautiful as the Supreme Court is.

Evan Martin

It sounds like a really hard job. Do you enjoy it?

Kate Locke

I do. I do enjoy it. It can be quite difficult.

My favourite parts about it is when the prisoners, they're coming up for time served and, you know, they've done really, really well for themselves in prison. They've done everything possible that they could. They've got certificates studied, anything that they've done, and the judge gives them a really good wrap, and almost a pat on the back. You know, a verbal pat on the back.

Being a prison officer at the Supreme and the County Courts is more about customer service. You know, we're not guards. We are officers, and it is definitely about the customer service that you provide. We are not the face, unlike the police and, say, ambulance officers. We're the behind-the-scenes people that provide the service to the community that they don't get to see and, unfortunately, people only see what US television is like, and they, sort of, have an expectation that's how we must behave, and it's completely different to that.

Evan Martin

I sit down at the bar table in Court 4 with a man who has a job title dating back to the 1400s.

Frank Hansen

My name is Frank Hansen, and I'm a tipstaff at the Supreme Court of Victoria.

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Evan Martin

Tipstaff isn't a common term. I'd never heard of it before I came to court. What does it mean?

Frank Hansen

It comes from way, way back – ye olde English days. I think it was actually – come from a block of wood with a brass tip. It was called a tipstaff and, from what I understand in the olden days when the judge typically, say, in England, would be looking for – would need to call someone to court, he would get the bailiff or the sheriff to go out into the city square, hunt down the person they required, the witness, and tap the person on the shoulder with his tipstaff, which was this block of wood with a brass tip. He would unscrew the brass tip and inside it would be a note, like a scroll, and he would just open it out, scroll it and say, “You are required to be in court tomorrow” or “today” or whenever, and basically that's where our name came from – the old tipstaff.

Evan Martin

Frank has a cool title, but what exactly does a tipstaff do?

Frank Hansen

Primarily is to first look after our judge that we've been assigned to.

I work with an associate, and together we run trials. We do the day-to-day – swearing in witnesses, the opening and closing of court...

Frank Hansen (court recording)

All persons having business before this honourable court are commanded to give their attendance, and they shall be heard.

Frank Hansen

...hanging on to or looking after exhibits that may be passed up by barristers, and also we participate in the empanelment of juries, and then look after the juries for the duration of the trial.

Evan Martin

Tipstaves probably have more interaction with the juries than anyone else in the court, apart from, maybe, the barristers. And naturally, they can develop a bit of a bond.

Frank Hansen

We do. We need to be friendly so that we can get them to talk to us and they get to know us, so we need to be friendly, but we can't be mates, if that's a good way to, sort of, say we stay distanced.

But I do need to be there for them, and they need to understand that they can come to me for certain needs. They need to be able to open up, so, certainly, long trials – we do build up a bond, in a way, and they – I think because of the pressure they go through, and that I'm their smiling face that they see at every break, it's probably a bit of a relief for them.

But we quite often never see them ever again either, but yeah, there is a bond there for sure.

Evan Martin

Tipstaff is also one of the rare roles in the courtroom that doesn't require a law degree.

Frank Hansen

It's a funny thing - probably maturity is a good background, and a certain life experience, I think.

We don't have to be law trained.

For me, I was in the Air Force and when I look at the courtroom here, typically the courtroom becomes my parade ground. The judge is my commanding officer, and the jury would be my flight or my troops that we looked after in my service days.

So, I relate it that way, and it seems to work.

Evan Martin

What's it like coming into this building and working here every day?

Frank Hansen

It's interesting. My first month here, I think, I spent – used to spend about 15 minutes trying to find my office, and then usually about 15 minutes to try and find my way out. Everyone just told me it's a square, but once inside there's walkways and stairways and they curve and turn and it's very easy to get disorientated, but I love it. I love the old building.

Evan Martin

While preparing for a trial, you're often alone in courtrooms of a morning or night. Have you seen the ghost?

Frank Hansen

I haven't. I know someone who did see it. They said they walked up the jury box very quickly and someone came out at them or through them. I'm mindful of it every time I, sort of, walk up those stairs or push through doors quickly, but, no. I'm a little bit sceptical about the whole thing, but I'm wary as well. So, no. I haven't seen a ghost yet.

Evan Martin

Do you find yourself getting enthralled in the trials, or is it just another part of the job now?

Frank Hansen

I get involved in every trial, it seems. To me it's like a good book. Particularly crime is very interesting. There's so much detail. It's just reading one of the best books you could ever imagine. Even some of the most boring common law trials turn out to – will quite often be a very good book, but just a slow read, if you like, but I do get involved in the trials and immersed in the stories and just amazed at some of the predicaments people get in, and just – yeah, just what I see. It's a real eye-opener.

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Evan Martin

Like a lot of things at the court, there's no hard and fast rule about a judge having a tipstaff. Without one, the courtroom role of a tipstaff falls to the associates.

After the judge, the associates are probably the most prominent people in the courtroom. They sit right in front of the judge and wear black robes similar to barristers.

Daniel Sheales

My name is Dan Sheales. I'm senior associate to Justice Macaulay and I've been with the court since June 2017.

I'm probably a little bit older than most associates at the court. I'm 37 now. I worked in financial services and travelled and did other things for most of my 20s, went back and studied law when I was 30.

Yeah, for me, career-wise, my ultimate ambition is to go to the bar and become a barrister. So working in the court for a judge in the Supreme Court seemed like the perfect pathway to get exposure to how this court operates and how judges operate and see counsel in action.

Evan Martin

Is it fair to say an associate has, kind of, two roles: one inside the courtroom and one outside?

Daniel Sheales

Definitely.

My judge, Justice Macaulay, he has two associates, as opposed to an associate and a tip staff. So in that context, the associates share the role of the tip staff between them.

So, we open and close the court. Once the matter has been called, we keep track of who's talking, the main points that they're making. If evidence is tendered, we record that. If somebody calls a witness, we record that.

Daniel Sheales (court recording)

Please raise the bible in your right hand and repeat after me. I swear by almighty god that the evidence I shall give will be the truth, the whole truth and nothing but the truth.

Daniel Sheales

Out of court, it's a totally different beast.

It's everything from, you know, administrative tasks to help the judge all the way through to legal research and helping with drafting judgements and that type of thing.

In a way, it's kind of like how I imagine briefing barristers for appearances. If a judge is allocated a matter for hearing, we need to make sure that that's in his calendar, that all of the practical arrangements are made in terms of courtrooms, juries, everything is there for him. We liaise with the parties and

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organise the hearing. After the hearing, the judge will generally have made orders, so we need to record those, get them out to the parties.

Most of the time, the judge will then prepare written reasons. So he will go through his process and, at some point there, he might ask us to research a question, or he might write most of the judgement and send it to us to tidy up, and then we go through an editing, proofing process, and that culminates in the judgement being released onto AustLII and to the world at large.

Evan Martin

AustLII is the Australian Legal Information Institute, and every judgement and sentence handed down by this court is made public to read on their website.

Evan Martin

You don't find too many career associates. There seems to be a pretty large turnover?

Daniel Sheales

I mean, there are a few who are career associates, but as you say, it's not many. It's hard to sort of pinpoint a reason for that. Part of it might be that the roles aren't fantastically remunerated. You're here for the experience and they're also extremely competitive to get. So the people who get their way into an associateship position at the Supreme Court generally have other plans that they're chasing and this is a waypoint to the larger ambition. So it's a chapter.

Evan Martin

In the almost-two years Daniel has been with Justice Macaulay and the Supreme Court, he's run 20-odd trials from start to finish.

Daniel Sheales

We've had a few really interesting cases.

There was a case that came to us. *Director of Public Prosecutions v Tupper*, which was – it was an appeal from a decision of a magistrate to exclude evidence, and what had happened was the police had gone to this bloke's house and they suspected him of dealing in stolen goods and that type of thing. They went into his house, they had a look around, they found a few things, and in the course of that police investigation, they asked the man to empty his pockets then asked him to take off his shirt. Then they asked him to take off his pants and in the end, he was naked, and then they asked him, would he mind crouching down? And when he crouched down, seven grams of heroin fell out from his butt cheeks.

So he was charged. The magistrate had to determine whether that was a lawful search. And the issue, specifically, was whether or not it was a forensic procedure, a physical examination of the body, or whether it was just a normal police safety and evidence search.

Evan Martin

The Magistrate ended up excluding the evidence. They said it was a forensic procedure and none of the legal prerequisites to conduct one were satisfied.

Daniel Sheales

And he referred to the Crimes Act and the relevant provisions, and when you read it, it sounded pretty clear that this was a forensic procedure, because it was an examination of the body, et cetera.

The Director of Public Prosecutions appealed that and the police were very interested to know the scope of those powers, because they're important when they're dealing with suspects and bringing people into custody to search them. Ultimately, the judge disagreed with the magistrate and said that it wasn't a forensic procedure – for a number of reasons. The one that stands out in my mind was that it wasn't a physical examination of the body; it was a search in and around the body for evidence to make sure that the person wasn't concealing weapons and that type of thing.

Evan Martin

The matter was sent back to be re-heard by the Magistrates Court, where Tupper was ultimately found guilty.

Daniel Sheales

There's another really interesting case.

The case of Mercy Hospitals Victoria v D1. That was a case where doctors were concerned that a teenage girl in their care was going to need a blood transfusion to successfully get through her pregnancy and childbirth. However, because of her religious beliefs – she was a Jehovah's Witness – she was refusing to give consent. So the hospital came to the court and sought to court's order that they were able to give the blood transfusion.

That was a really interesting case, because it just involved so many different issues. It was, sort of, religious belief, you know, people's rights to their body, and it was a matter of life and death, ultimately. In the end, Justice Macaulay gave the hospital – authorised them to give the girl a blood transfusion if she needed it, but only on the agreement and the undertaking that they would try all other alternative therapies first so that it wouldn't be necessary. And it was a very weighty decision and it had to happen quickly, because the young lady was extremely pregnant and we were very happy to find out a week later that the child was born healthily and that no blood transfusion was required. So it really was, I think, a happy ending for everybody.

Daniel Sheales (court recording)

All stand, please. This honourable court stands adjourned until 10.30am, Monday morning.

Martin Mowlam (tour recording)

We're going to go to Courtroom 4 for a presentation. We're then going to observe in Court 12 in front of Justice Zammit, and I'll tell you more about that, and then we'll do a visit to the library. By that stage, after this morning and this afternoon, you'll be exhausted and your brains will be just full of stuff to try and remember.

Martin Mowlam

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My name is Martin Mowlam. I'm an Education Team tour guide, and I've been at the courts – this is my eighth year. Our role is to take kids and tell them about the court, given them a guided tour, and we do a mock trial, where the kids get an opportunity to play different roles in the court.

Kid 1

Members of the jury, John Jones is charged with forgery.

Kid 2

Ladies and gentlemen of the jury, John Jones is not guilty of this terrible crime.

Kid 2

I do solemnly, sincerely and truly declare and affirm...

Kid 4

Listen carefully to all evidence that is presented.

Evan Martin

And what's your background? How did you get involved in doing this work?

Martin Mowlam

The story goes that I had a mate who was a court networker, another role in the courts, and he said, "You should apply". So off I go and I saw this mob on the internet and I applied, and I went and did this training, and I thought, "This training doesn't seem familiar", and I'd, in fact, applied to the Office of Public Advocate and became an independent third person for police interviews, but that peaked my curiosity and I eventually found the Court Network folk, did their training and ended up being allocated to the Supreme Court. And through that Court Network role, I found out about the Education Team role and was asked would I like to join the Education Team, which I did do, and here I am.

Evan Martin

And it's all volunteer-based?

Martin Mowlam

It is all volunteer. I'm retired and I give up a couple of days a week to do it.

Evan Martin

So what keeps you coming back? What's your interest in the court? Does it stem from somewhere in particular?

Martin Mowlam

What I enjoy about the education program particularly is the curiosity of kids and their interest in the law, and it's good to see a different perspective, particularly from a really young person, and a good judgment of how well the session has gone is when the kids are really filled with enthusiasm at the end of it about it, and, you know, want to come back again.

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And how that peaks their curiosity and the questions they come up with are really sometimes quite challenging. So one's knowledge of the court has to be quite good. A lot of people say, "Gee, you seem to know a lot about the courts", and I said, "Well, you know, I have read the Supreme Court Act, the Supreme Court Regulations. I have read the Crimes Act, and it's a very long Act, and if you're suffering with insomnia, try and have a read of that.

If you're not asleep by page 2, there's something seriously wrong. And I've read the Sentencing Act. I've read the Bail Act. I've read the Evidence Act, purely just to inform me, when I'm hearing about stuff in court, as to go, "That's why that's happened, because it's required by law". So from that point of view, I just found it curious, and I satisfy that curiosity by reading those acts and by presenting to these kids.

[Phone rings]

Martin Mowlam

Excuse me, I'd better get this. Hi, Education here, Martin speaking. You've got the school?

Okay. We'll be out there very shortly.

Evan Martin

I climb a narrow spiral staircase and open a door to what, I have to say, is one of the more impressive rooms I've ever set foot into.

If you've ever read or seen Harry Potter, it feels a bit like entering Dumbledore's office.

Laurie Atkinson

It's – it's an octagonal-shaped room with a 12-light chandelier hanging from the very, very high ceiling, and the – there's gold bound books all around the room, a whole range of topics. It's – they're classics in the true sense of the word. There's Latin and Greek on the shelves. There's Homer, Voltaire. We have John Stuart Mill. There's an extraordinary range going through centuries of authors, and also some ancient law books.

Evan Martin

Yep, we're in the library, a must-see for anybody visiting the court.

Laurie Atkinson

I'm Laurie Atkinson, director of the Law Library of Victoria and The Supreme Court librarian. I've been here for five years.

Josephine.

Josephine Murfey

So my name is Josephine Murfey, and my role is the manager of client services and community relations. I've been with the library here for two years.

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Evan Martin

Do you need a legal background to work in the library?

Laurie Atkinson

It's not a secret that my background is not law. So if there's anyone in the room asking a dumb question, it will be me, but so far the judges have been very polite with my ignorance.

Evan Martin

And you're only the seventh Supreme Court librarian...

Laurie Atkinson

Yes.

Evan Martin

... to ever be here in 130 years of the building.

Laurie Atkinson

It's a dead-end job. I will never work again.

Evan Martin

Is it a dead-end job or is it just so good that no one wants to leave?

Laurie Atkinson

It's excellent. It is the best job.

We're really quite critical in how the court operates. The judges have a reliance on relevant, accurate information current for their needs. The practitioners also have that reliance, arguably more so than the judges. The practitioners also benefit from the librarian's skills at research, and it's a real joy to watch the team deliver a superior service that improves the way people work in the courts. Yeah, anyone who's eyeing off the job is going to be disappointed because I'm not going anywhere any time soon.

Evan Martin

And you're the – only the second woman; is that right?

Laurie Atkinson

Yes. Cynthia.

After Cynthia left them, the pages of the minute book are stuck together. But there is enough recorded on the pages you can read that the committee resolved that the librarian should be a man learned in the law, so...

Josephine Murfey

Ouch

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Laurie Atkinson

They broke ranks with me by three librarians later hiring yet another woman who is not learned in the law.

Evan Martin

Nice work.

Laurie Atkinson

I've just outlasted Cynthia.

Evan Martin

Who are the main people who come through the library? Is it judges? Is it public? What's the – what's the library for?

Josephine Murfey

So the judicial officers that work in all the jurisdictions are probably our main users, but we also have a lot of barristers that walk through the door and a lot of legal profession members that get in contact with us.

We also work with self-representing litigants that come through the door, tertiary students and people from the public that want to come and look at the library or find out a bit more about the library itself or the court, or get access to legal information.

Evan Martin

This is very different to your local neighbourhood library. The shelves are lined with fat, identical-looking books with titles like Australian Corporations and Securities Report, 2011, Volume 82.

What are the books? What's in them?

Laurie Atkinson

That's a very good question. But we – we do need to limit how much we talk about books, Evan, because the library is overwhelmingly digital. So we will give you another five minutes on books.

Legislation is the start of the law, if you like – passed by Parliament, and the law is what we all have to obey as we go about our day-to-day life.

So we've got the legislation in the library. We also have case law, which is the decisions that the judges make that isn't picked up in legislation.

Evan Martin

Also known as Common Law.

Laurie Atkinson

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A key part of forming a decision in court relies on understanding what has happened in previous cases like this. So the library collates the – all of the case law; not just Victorian, right around Australia. We will pick up case law from all over Australia, and also other common law jurisdictions as well as all jurisdictions around the world might be applied, might be helpful to understand it.

So that's the kind of stuff that's on the shelves, but all of that's in the digital library as well. The use of the digital library is overwhelming what the library is here for.

So the people who come into the library, like Josephine was talking about. That's around about 40,000 interactions a year with the library. Our digital library gets 1.6 million uses a year, so it is overwhelmingly – this is an extraordinary building, but the Law Library of Victoria is overwhelmingly digital.

Evan Martin

On a personal level, what's it like coming into a building like this? I imagine you've never worked in a building as beautiful and probably never will again.

Josephine Murfey

It is a beautiful building. We have a lot of students that come in here to study, to absorb the environment and the atmosphere and hope that some of the information and knowledge from the law books will somehow get pushed into their head just by sitting here. It is an inspiring place to walk into each morning and to see that level of history, just standing around.

Laurie Atkinson

I will tell you, for the first couple of months it was terrifying, but I have relaxed a bit since. In fact, yesterday, I was having to fire up a bit to sit down and look at committee papers for another couple of hours, so I cranked up Bruce Springsteen and sang along to Born to Run for a bit and got my energy levels up again. So I think it's fair to say I've made this my spiritual home.

Evan Martin

The next two people I meet likely spend just as much time inside Victorian courtrooms as anybody.

They're the link between the justice system and the public, and if you've read a newspaper in Melbourne recently, chances are you've also read some of their work.

Adam Cooper

My name's Adam Cooper. I'm a court reporter with The Age. I've covered courts for about six years now and I've worked at The Age for about eight years.

Shannon Deery

My name's Shannon Deery. I've been a court reporter with The Herald Sun for eight years, and I've been at the paper for about 12 years.

Evan Martin

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How did you come to be court reporters? Were you always interested in crime and the law?

Adam Cooper

I was always interested in crime, but mainly from a ‘reading-crime-stories’ point of view. I actually worked in sport before at The Age, and a vacancy came up and no one had put their hand up, and I did, not knowing what the role really involved, but as soon as I did and got the position, I was just instantly sort of attracted to it and found it really stimulating and interesting and rewarding ever since.

Shannon Deery

I was actually terrified of the idea of court reporting and I was sent up here as a fill-in. Someone had gone on leave, so I was sent up for, I think, a month or something and I fell in love with it. I’ve just really enjoyed the day-to-day life of a court reporter. I went back to the office and asked the boss to come up full-time.

Evan Martin

What’s so appealing about it?

Shannon Deery

I think it’s the drama that you see in court every day. You know, every day is different, which is much like most of journalism, but I think it’s even more so in court. You really never know what you’re going to get in a courtroom.

Adam Cooper

You can’t make this stuff up, half the time.

You see crime shows and you sort of know what the script is and everything, but then the cases we hear, sometimes they’re just amazing and often they’re tragic as well, unfortunately.

Yeah, they can be really emotional, but it does feel, this role – and it’s not a reflection on my previous role covering sport – but this really does feel like a meaningful role as well. You’re writing about stuff that really matters to people as well.

Evan Martin

If Adam and Shannon aren’t in court, trials are still going to run, judges are still going to make their decisions, offenders are still going to be jailed. The work of the court is not going to change.

But when it comes to public faith in the system and keeping justice open and transparent, they’re as crucial as anybody here.

Shannon Deery

There’s the old saying – ‘Justice not just being done, but being seen to be done.’

A lot of people don’t know that our courts are open and anyone can wander in, and we are able to tell the stories that happen in the courtrooms and showing justice to be done.

A lot of people will not agree that justice is being done, you know, through reading our stories, but it's giving them the opportunity to just be in that courtroom through reading our stories or seeing TV news or radio reports, and hearing and reading about what's going on inside the courtroom; how judges are reaching decisions and, you know, why sentences are being handed down and that sort of thing.

Adam Cooper

I see our role basically as translators, explaining things that happen in courts and conveying the drama and the emotion and the significance of it all to readers.

Evan Martin

Can you take me through a regular day in court? Is there a regular day?

Shannon Deery

I think the only regular thing about the Supreme Court is that lunch is at one o'clock. I've never seen a judge or a lawyer speak past one o'clock.

But as far as a standard day for me, I'm usually here around eight o'clock. You know, I'm here when the cleaners are still mopping the floors and the prison guards are opening up the cells, trucks are coming in with the prisoners.

I start going through the lists and putting some sort of list together of what we're going to cover for the day, and then it's a madhouse after that, running between courts within the Supreme Court and outside the Supreme Court, and just trying to cover as much stuff as we can, partly because you never actually know what's going to happen.

Adam Cooper

It's regular in that you're stressing in the morning about what you're trying to get to, and then eventually you settle on a case that you're covering for the day, then you stress about what you're going to write, you stress about where your opposition is, and then you're basically trying to make sure you're at the right place. Sometimes it feels like, yeah, putting the right number on a roulette table, you know, hoping that you've got the right ones.

Shannon Deery

One of the biggest examples I've got of that is when I was covering the Sean Price murder trial...

Evan Martin

Sean Price is currently serving a life sentence for the murder of 17-year-old Masa Vukotic and the rape of another woman in the days following.

Shannon Deery

...and I'd gone over there in the morning with a whole bunch of other journalists, and the police officer involved in that case said, 'Look, nothing's going to happen today. It's going to be a very quick mention and it's going to be all over.'

Almost everybody else left the court. I thought I'd better hang around just in case. The ABC also hung around. Sean Price came up – it was a video link – and his lawyer said, “Yeah, nothing’s going to happen today. We’re just seeking an adjournment.” And Sean Price said, “No, no, cancel that. I sacked my lawyer. I’m going to plead guilty.”

So, even with all the, sort of, sources and tips you may have, you actually never know what’s going to happen, because it’s all happening right in front of you and things can change on the spur of the moment.

I think the key with court reporting is – it sounds obvious, but it’s absolute key – you’ve got to be in court to report what’s happening.

Evan Martin

There’s a clear rivalry between the two mastheads in Melbourne. Does that rivalry extend to journalists on the ground?

Adam Cooper

Yeah, it’s not fun getting scooped. It pretty much wrecks your day. And journalism, yeah, it’s a competitive, sort of, industry. People don’t survive in journalism unless they’ve got a competitive streak. That said though, this is one of the things I really like about the courts – there’s a really great camaraderie among all the reporters who cover courts.

It’s not sharing stories, but checking quotes for accuracy’s sake and letting people know when a case is on, because we’re all sort of confronted with this issue of trying to be several places at once and trying to make sure what we’ve heard is what we actually did hear.

Shannon Deery

Yeah, there’s a huge rivalry.

Obviously, like Adam said, everyone wants to have the exclusive, and every day around Victoria, there’s literally hundreds, if not thousands, of court cases happening. So there are that many exclusives there to be had.

That said, if you’re in a courtroom and another court reporter walks in, I’ve always taken the view that the story’s only yours alone until someone else comes into the court. Once they’re there, then there’s no use not helping each other.

Evan Martin

Are you proud of what you do?

Shannon Deery

I’m very proud of the job I do. I think it’s a really important job. I think both newspapers are really dedicated to their court reporting rounds and I think it’s important that it stays that way.

SUPREME COURT OF VICTORIA

You know, you said it earlier, but we're the link between the courts and the public, but more than that, I think people, when they're in the Supreme Court, they want to know that they matter, and coming to court makes them feel that, for a start.

Justice helps that. But you know, families want to know that their dead loved one meant something to somebody, and if it's reported accurately, that helps that process, if that makes sense.

Evan Martin

Upon entering this building through its heavy wooden doors, you can't help but be intimidated by its imposing presence.

But the first thing you might see is a small information desk just past the entrance security. Perhaps you'll be welcomed by a lady with dark glasses and a white cane.

Kathy Fawcett

I'm Kathy. I'm the volunteer for Court Network. And I'm in my 23rd year here at the Supreme Court.

Evan Martin

What is the Court Network?

Kathy Fawcett

Court Network is an organisation that's across the state and Queensland providing support, information and referral to court users.

Court Network goes back many, many years now. It's, what, I would think 40-odd years.

We're there to meet and greet – be it court users, be it practitioners, be it visitors, we get all sorts, who will come across and say, "I'm here today because I got charged with something" or, "I'm here today for the case of so and so." And we problem-solve, basically, taking them around to the court where they need to be; if it's not on the list or we're unaware of what's happening, chasing it up for them. So it might be sending them to Registry, ringing witness assistance or Registry to find out what's going on.

There's always someone to assist, something to do, something that needs to be learned or understood. So then I can answer general questions for the court users, because often court uses will go into our office and go, "They said something about such and such. What does all that mean?" And I might say, "Well, we need to get the instructing solicitor in the break or the informant to come and talk to you," but I wouldn't panic just yet – keeping calm is really important because people are worked up enough. They don't need someone else adding to the mountain of stress for them.

Evan Martin

The Court Network has volunteers in courts all over Victoria, including the various Magistrates' courts, regional law courts, VCAT, as well as the County, Coroners and Children's courts.

But their work in the Supreme Court is unique.

Kathy Fawcett

Here we end up with a longer term relationship, often, with families, due to the nature of the cases. We may pick them up through the information desk or they come in the front door and they're a bit lost. And they will be here for mentions and post-committal directions, wanting to see their loved one, if it's on the accused side; or if they're for the victim's family, often many victims feel like, "This is all I can do to be here for my deceased loved one."

Evan Martin

You're seeing people at the lowest in their lives. How do you deal with that personally?

Kathy Fawcett

Being very organised, very clear in my thoughts. And, as one of my old bosses at Network used to say, there's a framework of reference and there's millions of possibilities of what can happen, but you can't help anyone if you're all crying over and fighting over the same box of Kleenex. When you think about it, that's logical. You can't help anyone if you're all extremely distressed.

Evan Martin

How did you get involved?

Kathy Fawcett

A partner at the time – he read the ad for the Court Network and said, "You ought to try something like that. You're always interested in the law and politics and all that sort of thing," and it went from there.

Evan Martin

But you didn't have a background in law?

Kathy Fawcett

No, no, no, no.

Evan Martin

So what was it like coming here for the first time?

Kathy Fawcett

I was very blessed that court staff, homicide and, basically, everyone around me was very supportive and inclusive and made sure I knew how the place worked, I knew what was happening around me and could understand what was going on around me, because – my philosophy – if I understand what's going on, I can then simplify things to explain for families.

Evan Martin

It's all volunteer-based and you've been here 23 years. What keeps you coming back?

Kathy Fawcett

SUPREME COURT OF VICTORIA

I can be useful. I like the place. I like the fact's a learning curve you never get to the end of and, me having disability issues, there's not a lot of things in the world that people will let me do that require brain power.

I'm vision and hearing-impaired. So I'm a white cane user and I have hearing aids. And I'll tell you, also, the issue of being here – everyone else's issues who comes into the court are far bigger than mine, so no one gives a hoot about my issues. They just say, "Kath, get him to Court 11," or, "Can you fix this problem?" which is good.

Before I was here, I was elsewhere – nothing to do with Network – where I was stuffing envelopes with brochures and putting stamps on envelopes, so I got bored with that very quickly and would race myself. Someone would put a pile of 500 in front of me, and I would time myself to see how fast I could do it.

So it was fairly obvious I required something that demanded more of my brain than, you know, what was being offered to me. So being here was a whole big, strange world. I've never forgotten what it's like to walk in and be intimidated by the place, and back in those days, when people said, like – someone needed to go over to the prothonotary and I thought, "I'll never my tongue around the word, let alone remember where to direct people to."

I look forward to coming in. Often, if there's a spare moment, if I'm out in the courtyard, and I'll think how blessed I am to be here and doing the Court Network stuff that I am and that I can do someone a good turn, hopefully, each day I'm here.

Evan Martin

23 years is a long time. The year Kathy started here, Paul Keating was Prime Minister, the Fitzroy Lions were playing in the AFL, and only one of the current judges had been appointed to the bench of the Court.

Kathy Fawcett

People who know that I'm here say, "You must like blood and guts and gore and horrible things", and I say, "No, if anything, it makes me more a pacifist," because you see the futility of people's silly actions and, but for that one moment in time, it's like a ripple in the pond effect – how many people's lives can be affected – devastation – quite apart from the loss of life of the initial person.

And it impresses upon me constantly that anyone, but for the grace of God, in that moment in time, could end up either side of the law, and it's all very high and mighty for people to say, "But I'd never be caught in that position", but given the physical and environmental positions of some of those people that do come in, it could be – you would hope you would respond differently to the given situation, but who knows?

Ultimately, the families have got to go home and face the fact there is that vacant chair at the table, and once all this stuff dies down, they still have to sort out how to deal with the loss.

Evan Martin

But your job is just to make things a little easier while they're at court.

Kathy Fawcett

A little easier while they're here, a little more personable. I'm not judge and jury or anything else. I'm just here to make sure everyone's doing as okay as they can.

[Closing theme]

Evan Martin

Gertie's Law is brought to you by the Supreme Court of Victoria.

And remember - if you've got a question you'd like answered, either by us, a judge or someone else at the court, drop us an email at gertie@supcourt.vic.gov.au.

Send it in text - or even better - an audio file, so we can hear you ask the question.

In the next episode, we're stepping away from the work of the court and looking into the physical - the history, art and architecture of this incredible building.

[Ends]