

How to make absolutely sure your case gets on the front page of *The Sun*

Stuart Neale, writing in *Counsel*, the journal of the Bar of England and Wales, looks at the cases which make those other "Law Reports".

In the last edition of *Counsel*, Barbara Slomnicka and Ian Roberson criticised the Press for their hype of the Junkie Baby Case and seemed surprised that the Press were interested in sensationalising what took place. Sadly, an objective view of the facts does not make news and it is a common journalist's maxim: "don't let the facts get in the way of the story."

Court cases for the journalist are the bread and butter of his life - on an average day at least a quarter and sometimes as many as a third of all stories put up to paper are law-based but because space is at a premium many decent stories have to be spiked. So what makes a case newsworthy?

Anything featuring death, sex, Royalty, religion, television and, nowadays AIDS, commands instant attention. If you are in a case with them all together, you have an absolute winner in:

"AIDS vicar is father of my love child - soap star Duchess tells court"

After that sort of headline, the Editor of a newspaper isn't really bothered what the story is about and will not be too worried if his story is not actually as objective as a Times Law Report. However, when the editorial chips are down, sex reigns triumphant. On a comparison of days of court to total column inches, Madame Cyn has had proportionally more space than the Broadwater Farm Trial.

Obviously, it would be totally wrong to tout the Press for your own case, but I am regularly asked how to give a decent case a bit of top spin and thus elbow its way onto the news editor's schedule.

Remember the golden rules: keep it short, keep it snappy and be up to date. Use "Brightspeak", that is to say, a phrase of less than eight words, each of which is no more than two syllables in length. In essence you have to do the headline writer's job for him or else you're lost before you start. It is equally important to make your "Brightspeak" phrase in non-judicial language. It must be annoying to craft a good byeline only to find a judge lifting it verbatim and speaking up and slowing down in case the court reporter missed it first time round from *Counsel*. Once the judge gives a paper a headline, *Counsel* won't have a look in!

I used to complain that court reporters were not alive to the good phrases and in their turn they complained to me that they are invariably faced with boring pedestrian performances which could be reduced to numbered cards held up to judge and jury. Defence No. 12B - "He looked as if he was about to hit me, so instinctively I swung out but forgot I had a pint pot in my hand", or Mitigation No. 6 - "His Uncle is a painter and decorator and has a job available starting Monday."

If the Press get bored it is likely that the judge is too. Bring your vocabulary up to date. "Walter Mitty character" is played out - perhaps "The Singing Detective of Droitwich" is a good substitute. "Svengali-like" is still

all right, but only just. The rhythm of words, alliteration and a television allusion should be the Headline Hunter's watchwords. To refer to a womaniser as "the Dirty Den of Denton" guarantees you a page lead in the locals and the probability of some space in the nationals, at least until the phrase is flogged to death.

Think in "Brightspeak": to compare a set of circumstances to a TV soap opera plot - no matter how tenuous the link - is the hallmark of the byeline bandit. A reporter is only likely to take notice of a client's matrimonial difficulties if his advocate somehow likens his anguish to the Tilsley divorce case in *Coronation Street*. A white collar criminal will merely be a white collar criminal unless you show him as "no worse than J R Ewing".

Although it is a useful basis, television however is not the final solution. Newspaper men will make do with news in their papers if they have to, but actually what they would prefer to have is a solid diet of sex on their pages, although occasionally they have to make do with second best, that is, love and romance. For that reason the media maniac should always have a set of ready to use "Brightspeak" phrases in his armoury: "Her only crime was to fall in love" or "Blinded by passion" or "Cupid was his downfall".

Timing however is everything. The average court reporter has an attention span of 20 minutes, cumulatively, in the whole day, so it is important to use speech or cross-examination. With any luck, by the time you have finished, the reporter will have actually written his story around your quotes so that, if the judge comes out with anything better, it will be too much trouble to change it round. If you are in a long case, give the Press a good "Brightspeak" titbit at around 2.30 in the afternoon. By that

time it will be too late for the locals to alter their pages and it will give the nationals a new line.

Sometimes your clients will want no publicity, so whatever you do DO NOT approach the Press to play the story down. A combination of concern for the freedom of the Press and sheer bloody mindedness will ensure a story out of all proportion to its merits. In such a case, invert the golden rule - have your case put back as long as possible, at least until after lunch-time, extend each sentence to the length of the average paragraph, use obscure multi-syllable literary allusions and as much Latin or law French as the Judge will permit. It is also important to talk quickly since the reporter's shorthand is unlikely to be able to cope with the combination of speed and syllables.

Of course the really devious tabloid tout will use the journalist's priorities to his own advantage. Thus the man who threatens the reporter in the most overbearing way possible to report him to his Editor if anything is printed of the case, and who thereafter delivers a "Brightspeak" phrase slowly, deliberately and loudly in the first two sentences of speech or cross-examination, can guarantee a page lead and may even make the front page! □



"Lud will appreciate that this mitigation is the stuff of which headlines are made"