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COMMUNICATION AND IMAGE OF COURTS COLLECTION OF GOOD PRACTICES FOR COMMON COURTS

The document developed by a team of the Ministry of Justice and the National Council of the Judiciary.

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COMMUNICATION AND IMAGE OF COURTS
COLLECTION OF GOOD PRACTICES FOR COMMON COURTS

Introduction

The following collection of good practices was developed by the Team for Communication Standards in Courts¹ as one of the elements of work on an improvement of the level of trust in the judiciary in Poland.

A decision on the commencement of work on this collection was dictated by the reflection that the negative publicity which often appears in the media should not predetermine the general image of the judiciary in Poland. It should be supplemented and balanced by positive information whose volume is much larger than incidental negative events. Therefore, the purpose of good practices is to offer specific solutions, strengthening the authority of the judiciary, which means, on the one hand, the conduct of information and education activities, whose purpose is to raise the level of trust in the judiciary and the level of legal awareness, and, on the other hand, effective reaction in crisis situations.

The solutions presented below are inspired by, among other things, the practices which are already applied in some Polish courts. They have proven themselves in action and they may constitute the basis for development of communication and image-creating activity of other courts.

Good practices for courts, contained in this study, constitute the implementation of the recommendations formulated by the European Network of Councils for the Judiciary. In its report - *Justice, Society and the Media. Report 2011-2012*, ENCJ 2012 - the European Network of Councils for the Judiciary formulates recommendations in five main areas (spokespersons in the judiciary, recording of hearings by the media, publication of judgements in the Internet, co-operation with the media and pro-active approach of courts to the media).

¹ The team consists of representatives of the Ministry of Justice and the National Council of the Judiciary.

ENCJ emphasizes that a part of the communication strategy of the judiciary should be the development of the “collection of good practices” concerning the functioning of the media in the judiciary. According to ENCJ, the addressees of the document are both courts and judges and representatives of the media. The Team for Communication Standards in Courts, in addition to this collection addressed to courts, also developed “The Collection of Practical Information for the Media”, addressed to journalists.

The topic of courts’ communication with the media was also discussed by the National Council for the Judiciary in its Position of 18 November 2010, “On organization of the work of press offices”. NCJ draws attention to a need of establishment, in appeal and district courts, of press offices whose mode of operation would be uniform and which would consist of two spokespersons - for criminal and civil matters, who would additionally be supported by the employees of the press office. NCJ points out that the task of the spokesperson is to explain to the general public, through the media, the judgements of the court. In his work, he should be active, he should participate in professional training and analyze media messages concerning his court.

Good practices do not interfere with the binding legal regulations. They form a collection of practices whose purpose is to improve the method of communication of the court with the general public. Applying them, one should not overlook the fact that the main purpose of the courts is to administer justice and conduct proceedings, taking into account the right of the parties to a fair trial within a reasonable period of time. Good co-operation with the media, guaranteeing the transparency of the administration of justice, must, therefore, take place with respect for the rights of the parties and other persons to the protection of image, dignity and other personal rights.

The proposed solutions should be adapted to the size of the court and the needs connected with the media market in a given area. A decision in this regard should each time be taken by the President of the court.

Below you will find a collection of good practices, with an indication that they are addressed not only to spokespersons and employees of press offices of the courts. The process of building a strategy developing communication of the courts with general public and improving the image of the courts, in addition to the spokesperson, should also be participated in by the management of the court and, as far as possible, all judges. Taking care of good communication of courts with citizens constitutes a team work and a task for the whole court.

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1. Building professional relations with journalists

The constitutional principle of the freedom of speech contains in itself the right to criticize. However, critical publications should be distinguished from those which are based on untrue, incomplete and wrong information. Such publications require prompt reaction and correction on the part of the court.

The building of professional relations with journalists will help to provide the media with reliable and objective information. Positive messages from the court will additionally strengthen its authority.

- 1.1. In order to continually build relations with the media, it is useful to create an opportunity **of exchange of information and experiences** between representatives of courts and local media, as part of cyclical meetings, briefings, press conferences (held, for instance, once every six months), concerning expectations as to the scope of co-operation which will improve mutual communication of courts with the general public and the media. Such discussion would give both parties a chance to present their needs, expectations. For the media, this would be a sign that the court wants to consciously create its information and image policy.
- 1.2. Good practice is also constituted by **meetings of representatives of courts** (district, circuit, and appeal) for the purpose of discussing plans of

- 1.3. facilitating communication between such courts, with particular emphasis on the fastness and efficiency in mutual transfer of information.
- 1.4. Good practice used by some courts is organization of **joint workshops** for judges and journalists, during which journalists take part in a simulated hearing, and judges play the role of journalists. This is aimed at giving both parties an understanding of individual aspects of the work of judges and journalists. The program of workshops should be consulted both with representatives of the community of judges and journalists.
- 1.5. A factor which will contribute to positive perception of courts by the media will be proper **organization of the procedure of inviting journalists**, so that it is made easier for them to perform their job (e.g. during important events or for the needs of a brief interview concerning a specific case). It is also a good idea to provide an appropriate background, because in the case of speeches for the television, we should avoid standing against white walls. A banner of the court or a court room would constitute a much better background.
- 1.6. A good practice is designation, as far as resources are available, of one **room allocated for journalists**, camera operators, photo reporters.

2. **Organization of press offices**

An efficiently-operating press office helps to establish and maintain communication between journalists and the court at a high level. This is an expression of professionalism which is already functioning in many state institutions.

2.1. **The main tasks of the spokesperson include:**

- Informing the media of the activity of the court and explaining court procedures.
- Explaining to the general public, through the media, the essence and consequences of court judgements.
- Educating the media and general public in the field of the court system in Poland.
- Explaining the provisions of law and consequences of their application in a specific case.
- Building professional relations with the media.

- 2.2. The court spokesperson should **develop his/her knowledge** regarding, for instance: work with the microphone and camera, the language of speech, writing corrections, behaviour in crisis situations, shaping the image of the institution, electronic means of communication.
- 2.3. The best solution for proper development of the information policy of the court, in particular in courts operating in large cities, is to appoint **two spokespersons** in the court: one for criminal and one for civil matters. In this way, spokespersons will share their work and each will become a specialist in his/her field, whereas the media will quickly receive precise information.
- 2.4. The facilitation of the work of spokesperson would be the appointment of **an employee of the press office** (in practice such function would be served by, for instance: an assistant of a judge, an administrative employee, an employee of the Customer Service Bureau, an employee of the file reading room or a hired former journalist). It happens that while the judge who is the spokesperson is in the courtroom, passing a judgement, the media are waiting for information. Whereas an employee of the press office is available all the time (by telephone and by e-mail). He/she may provide information in the matter in which spokesperson's presence is not initially necessary, e.g. file ref. number, dates of hearings, as well as provide information about the text of judgements, look for files, deal with the spokesperson's Internet service, prepare press messages.
- 2.5. From the point of view of effective communication, it is necessary for the spokesperson to have **access to the management of the court** and be updated, on an on-going basis, about the most important events from the life of the court. It is a good idea for spokespersons to participate in meetings of the management of the court and in meetings with the presidents.
- 2.6. In order for the spokesperson to serve his/her function well, it is necessary to ensure **a team work of the whole court**, i.e. co-operation with presiding judges of individual departments and other judges whose cases already are or may fall within the scope of interest of the media. All judges bear joint responsibility for good communication. It is also important for the spokesperson who receives requests from the media for provision of information, to be able to quickly contact a given judge and to ensure that a reply from such judge comes as quickly as possible. It is a good idea to prepare a database of mobile telephone numbers of all judges for the use of spokespersons.

- 2.7. A spokesperson, in co-operation with an employee of the press office should **monitor** any information about his/her court which appears in local and nation-wide media, including also the Internet. He/she should also check how his/her court is perceived by public opinion, e.g. order press reviews, and in the event that such a need arises, write replies and corrections.
- 2.8. In the event that the spokesperson is absent, his/her **substitute** should be appointed.

3. **Provision of information**

Reliability and speed of provision of information to journalists is important for the way of perception of the court by the society. It should be pointed out that in the present era such features are a mark of professionalism of operation of public institutions.

- 3.1. **The position of the court** should always be presented. It is a mistake to refuse to provide information without giving a reasoning.
- 3.2. **The timescale within which a reply to questions** sent by email is provided should be as short as possible. In the event of a necessity of gathering additional information, a possible time for providing an answer should be specified.
- 3.3. A good solution is the keeping of **a register** of questions from the media and replies of the court. Such documentation is useful in the event of a necessity of explaining possible misunderstandings in co-operation.
- 3.4. A good practice is establishment of a **mailing list** with journalists' and their offices' contact details. Such list may be used, for instance, to send journalists relevant information contributing to the development of an objective image of the court (compare the description in point 4).
- 3.5. A media release should be prepared in a **clear and comprehensible** language. As far as possible, it is a good idea not to use a complicated legal jargon.
- 3.6. It is important that an **appropriate amount of time** is reserved for interviews with the media in order to provide journalists with comprehensive replies.

- 3.7. In the situation that a spokesperson may not answer a telephone call, he/she should ensure the **re-routing of the connection** to an authorized person (e.g. an employee of the press office or another spokesperson).
- 3.8. **A spokesperson for the court should be** available by telephone also outside the **working hours of the court** and on weekends. The availability of the spokesperson may be important in special situations, when journalists, apart from an opinion from the prosecutor's office or the police, also require a quick feedback from the court.
- 3.9. **A tab on the website of the court** informing about the work of the spokesperson should be easy to find, provide the number of his/her business mobile telephone, email address and a photograph of the spokesperson in appropriate resolution, which may be used for publication in the media. The spokesperson should be capable of influencing the scope of information posted on the website of the court.
- 3.10. A good practice is **the posting on the website of the court** of the case list and case calendar (with the exclusion of the data which, due to legal protection, are not subject to such disclosure), the catalogue of court judgements and statistical data illustrating the activity of the court, as well as other news concerning the court.
- 3.11. The spokesperson should, as far as possible, in specially justified cases, **participate in hearings** in his/her own court, as far as such hearings may fall within the scope of interest of the media in order to be able to answer journalists' questions in the case of any doubts.
- 3.12. **Recording of sound and image during criminal and civil hearings**
- The judge takes care of the authority of the court in the courtroom and of dignified behaviour of participants in the hearing, including representatives of the media.
 - In highly-publicized matters, it is a good idea to consider an organization of a meeting of representatives of the court and media in order to discuss details concerning the recording of the hearing.
 - The size of the courtroom should be appropriate from the point of view of media interest.

- While organizing the proceedings in the case, attention should be paid to circumstances which are connected with radio and television broadcasting so that this does not affect the shape of the proceedings.
- An issue which is often referred to by journalists is the lack of understanding of the reasons why judges exclude the openness of the hearing or refuse to grant a right to record the same, which may lead to unfavourable media messages. That is why it is important for the judge to clearly motivate his refusal in both cases.

4. The image of the court

Information policy should be distinguished from the image-creating policy of the court. The former comes down to quick, efficient replying to questions and requests of journalists. The latter is a long-term, thought-through strategy of an improvement of the image and level of trust to the court, in particular among members of the local community. We should remember that the building of a positive image of the court is a long-term process which does not bring about any immediate effects. In order to effectively shape the image, the following suggestions may be used:

- 4.1. **An Internet service of the court** is an important instrument of shaping the image of the court. What is relevant is the legible form of presentation, substantive correctness and up-to-datedness of the contents it covers. It is necessary to appoint persons responsible for the fulfilment of tasks in this regard.
- 4.2. **Publicized matters** - thanks to them the court may interest the general public in its work. Information about the matters which are of particular interests of journalists may be a method of providing knowledge regarding legal issues.
- 4.3. **Press conferences and media releases for journalists** - as far as press conference is concerned, **the spokesperson is the host and takes a decision what information will be publicly disclosed, paying special attention to the information which is most advantageous to the court. Press conferences may be devoted to, for instance, the results of the work of the court (e.g. as part of annual/six-month's reports), new investments, cases which fall within the interest of the media, use of Internet portals of the court, changes in law, statistics of incoming matters.**

It is a good idea for a press conference to focus on information which is relevant for the community, e.g. that it responds to a question what benefits certain improvements will entail for citizens. Care should be taken to ensure that the press conference is conducted efficiently, and that journalists may talk to a competent and communicative person.

- 4.4. **Social-information activities** - the court may take part in local information initiatives which are aimed at legal education of the society. Such activities may consist of participation in scientific conferences, debates or discussions devoted to, for instance, mediation, the history of the judiciary, the system of the state, etc.
- 4.5. **Taking the initiative** - in order to conduct an active information campaign of the court, the spokesperson may try to interest the media in the current information concerning the court. This may be, for instance, publications in newspapers, offering editorial offices topics connected with the judiciary, involvement of journalists in events concerning the court.
- 4.6. Another element of creating information activities is constituted by **newsletters**, which may contain information connected with cases which are of interest to journalists and which may be used to educate the society. Due to great interest of journalists in cases conducted by district courts, it is a good idea for circuit courts to involve those courts in co-operation in this regard.
- 4.7. **Social media:**

Courts and court authorities may use social media in their communication ² (paying attention to the threats they involve).

- It is recommended to develop a strategy which will specify: the groups of recipients and the goals we are trying to achieve by using a certain medium, guidelines concerning the method of disclosing and tracking the appearing information.

² *The recommendations of ENCJ, contained in Justice, Society and the Media. Report 2011-2012, ENCJ 2012.*

- Persons should be appointed who will be responsible for disclosure and tracking of the information appearing in the social medium.
- It is recommended to adopt an active approach, for instance by posting links to interesting articles and websites, creation of photo and video albums, posting of information which brings something new, provide an original, individual view upon a given issue. Posted messages must focus on merits, their purpose should be providing information, educating and involvement of citizens in the topics referring to the judiciary.

4.8. **Education and openness to local community** - judges may conduct “lessons of law”, upon prior adjustment of the material to the age of participants. Such lessons may take the form of students’ participation in court hearings (the best educational effect is guaranteed by participation in a hearing which ends with a judgement).

4.9. **Verbal justification of the judgement** - apart from the fact that it directly concerns the parties, it also serves the educational function for the society. This is the part of the hearing which most commonly appears in media reports. That is why it is a good idea to ensure that the judgement is comprehensible for general public. It is recommended that each verbal justification contained a separate and brief part which will help media representatives to understand the sense of the judgement.

Crisis communication

The activity of each institution involves the natural occurrence of crisis situations. They may concern issues which are substantially important and those which, due to other reasons, are an object of a negative media message.

5.1. In the event of occurrence of a crisis situation, it is of key importance to organize the work of the court in such a manner as to use all the advantages of the **team work**. It is a good idea to define the mechanisms of action at an earlier stage - before the occurrence of the crisis.

- 5.2. When a crisis situation arises, special attention should be paid to the provision of information in an **efficient, coherent and reliable** manner. This is helped by former arrangements concerning the way of reaction.
- 5.3. Proper **organization of work** covers at least: recognition of a crisis situation, allocation of roles and tasks, and taking care of message uniformity. When the crisis ends, the situation should be analyzed and conclusions should be drawn.

Final comments

This selection of good communication practices is aimed at building positive relations with the media, as well as the shaping of a positive image of the judiciary. The authors note that changes occur in the sphere of communication and therefore they assume that good practices will be updated together with the arising of more good examples concerning the communication of courts and of new technological possibilities.

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