

JUSTICE ADMINISTRATION: COMMITMENTS AND ALIENATIONS OF THE JUDICIARY CORRESPONDENT

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Abstract

The purports of the open justice principle practically pits the sacred right of his Lordship to entertain cases with self-possession, insulation from external pressure and sometimes with confidentiality, against the court reporter's drive to offer the required transparency to the justice administration process. Key as the reporter's job is to the actualization of this principle, he is often accused of slapdashness, sensationalism, incompetence and lack of basic knowledge of the workings of the court in his reportage. The reporter is perceived to have infringed reporting restriction when a matter is not reported from his lordships preferred angle and he suffers consequences. This work attempts to justify the reporter's presence in court, expose the budding reporter to authentic news sources in the court system and highlight legal landmines his indifference to which renders him vulnerable to contempt proceedings. Given that publicity is the soul of justice in the open justice system, the paper enjoins the bench to accord deserving attention to the role of the press in the court of law and the reporter to be heedful in his operations therein, of all official procedures that could subject him to his lordship's wrath. The paper projects the position that the bench and the press cannot but interface as partners, in the pursuit of a rewarding democratic experience. Data were sourced through secondary sources in addition to personal observation.

Keywords: Court reporting, Open justice system, Contempt of court, Gag orders, Language of the judiciary.

Introduction

The news reporter is one who collates information from reliable sources and presents same to the news audience without bias, by keeping his emotions in check. His work is largely, a direct narrative that is the factual description of an event providing first-hand information obtained at the coalface. He is expected to give truthful account of what transpires in the court environment that matters to different sections of our society (Omera & Musah, 2021). Reporters in most cases are generalists except that in some cases some could be assigned to spheres they are required to report or cover continually for a period. Such an arrangement is known as beat reporting (Nwabueze, 2006). Beat reporting in other words confines the reporter to a particular subject matter or geographical scope and all his reportorial endeavours revolve around it. Thus we can have subject beats in the form of public health, politics, insurgency, banditry etc.

and place beats as government house, police headquarters, national assembly, ministry of agriculture etc. (Stoval, 2015). The reporters we refer to as generalists are those assigned the responsibility of covering anything, situation or issue that meets the standards by which news is evaluated and reports same regardless of where it occurs and what it is about.

Conventional journalism regards objectivity as the watchword in news reporting where the bare facts and unvarnished truth devoid of the reporter's opinion is reported about a situation. This makes the news reportage different from editorials, features and other journalistic writing formats that tolerate the reporter/journalist's perspectives. However, contemporary view of journalism frowns at the pristine interpretation of objectivity that enjoins the journalist to entirely keep his opinions and deductions from a situation in check because he is expected not just to report the news but interpret or explain some moot points in it for the benefit of the less informed component of the news audience (Musah, 2021). This situation makes unattainable, wholesale observation of the objectivity principle but characterizes present-day journalism practice to the extent that in the domain of broadcasting and in news casting specifically, a shift is advocated from the erstwhile deadpan objective stance of the news caster to a relatively evocative style in tandem with changing characteristics of the information society news audience (Musah, 2022). The foregoing suggests that the principle of objectivity concerning news reporting has not been thrown overboard but toned down in practice to accommodate the expectations of a more percipient contemporary news audience.

In another breadth, it is a given that liberal democracies are founded on the principle of free press that encourages the people's right to know how the system is administered, justice is dispensed, fundamental rights are protected etc. and it is the bounden duty of the fourth estate of the realm to ensure that this right translates to transparency both in governance and justice administration to make democracy worthwhile. The people's right to know presupposes among other necessities that justice is dispensed without concealment (Musah, 2019). In other words, it is expected that what happens in the courts of law that serve as equilibrium maintainers between government and the governed as well as powerful citizens and the underprivileged is devoid of elements of secrecy. This principle guarantees the news reporters presence in court to report court proceedings to the public just as anyone could be in court to observe proceedings given that the judge is a public officer and the court, a public office (Akenfeleye, Folarin, 2015)

Nonetheless, the judiciary is an institution designated by the constitution to possess a very high title to veneration and awe on account of the enormousness of its pivotal position in ensuring successful democratic governance. It is highly regimented and expected to be insulated from the immoderations with which other sectors of society are reported. Elements of distraction and misrepresentation however subtle are intolerable in justice administration because of their capability to impinge the self-possession with which justice deserves to be dispensed. The slightest inadvertent or calculated distortion in the reportage of judicial proceedings attracts consequences that the reporter must guide against.

Contrary to the relative levity with which the concept of objectivity is observed in news reportage generally, the judiciary correspondent is expected to be unmitigatedly objective

and scrupulous with his reportage of the goings-on in court, lest he oversteps his bounds. Again the inviolability of the judiciary bespeaks the degree of circumspection the court reporter must observe in his reportage. Slips are not anticipated. It is either the bare truth emanating from verified facts is reported with pertinent attribution or there is no report at all. Going by their job descriptions in the court system, the reporter has a handful of highly-placed individuals to interact with for trust-worthiness of his reports and his own safety. He relates with the Lawyers, the police, bailiff, court registrar, clerk of court and his Lordship who respectively see him as a villain or an ally depending on how they are individually or collectively affected by the report and almost all of them have powers to hurt him if peeved but the reporter has just his pen as a weapon.

Institutions and Personnel in Justice Administration

Administration of justice represents the organized process through which justice is served by the legal system of a nation to citizens that seek fairness in their interactions with others. It involves dispute resolution according to the laws of the land entailing meting out appropriate penalties for malefactors, appeasement for the exploited and exoneration for the unjustly charged, accused or summoned. The business of justice administration takes place within the court system where in Nigeria we have the Supreme Court, appeal court and the federal high court at the federal level. At the state level there are the state high court/FCT high court, customary court of appeal state, the national industrial court, Sharia court of appeal, the magistrate/district courts as well as the customary courts (Veraz Advocates, 2022).

Apart from the courts, the Nigerian constitution gives legal backing to tribunals to exercise judicial functions like the courts. They could be constituted by the state to adjudicate claims on contentions issues and are more pronounced on the wake of the elections when an array of contestations about legitimacy of candidates for different political positions are entertained and decided.

Within the court are judicial officers and officers of court. The judicial officers are those who belong to the bench. Here we have the judges of the respective courts leading court proceedings at different levels. They are closely followed by members of the bar, the attorneys acting on behalf of the state or representing litigants. The activities of the duo revolve around principles of law. The registrar of court, his team of clerks and other personnel including the bailiff perform only administrative duties in the system. Both categories of personnel are encompassingly referred to as officers of court in that, they have an obligation together to promote justice and the effective operation of the judicial system.

Outside the court are the police and prisons which are other strategic component of the system for administration of justice. The primary duty of the police is law enforcement and maintenance of decorum in the courts. They are directly connected to the directorate of public prosecution (DPP) which has the sole responsibility of directing the course of prosecution. The prisons or correctional centres as they are referred to, serve as places of confinement for convicted lawbreakers and others whose freedoms are curtailed pending trial. The courts, police and prisons are an intertwined triune in the criminal justice system.

The Court Reporters Relationship with Officers of Court

The idea of news gathering encompasses sourcing and packaging recent information for dissemination to the public. It is the process of identifying what is news-worthy, collecting information about the salient aspect of same and organizing what is gathered for presentation to the public. Unlike fiction, what makes the news story are events that happened or are happening or ongoing. In most cases, the reporter selects an incident based on his own evaluative criteria which he aligns with universal news values to report it. One reporter may like to focus on the dramatic aspect of it according to the preferences of his audience while others can report same issue from other perspectives or news angle. What is important is that the original and genuine facts of the event are not changed at any rate. It is held that there is no way every reporter covering a particular issue would report in exactly the same manner hence reporters can present same issue from different angles and conjure equally different emotions in the mass of news consumers.

The latitude with which reporters do the aforesaid is not envisioned in court reporting. The technicalities that characterize court reporting virtually transform it to a specialized business of sorts. Such technical details may not be spelt out in a document for the reporter to commit to memory but adequate knowledge of the workings of the courts and awareness of the safety limits are of the essence. The court is starkly averse to heedlessness. It expects everyone coming before it to be circumspect in comportment and in utterances as an officer of court, litigant, and witnesses or as a member of the audience so nothing on their part makes his lordship come short of delivering justice with delicate exactness and expected certitude. It is worthy of note that the armed forces exempted, there is hardly any institution of government that is vested with powers to protect itself against unscrupulous acts by individuals, groups, organizations etc. by meting out legally considered comeuppances should a breach be noticed in the conduct or utterances of anyone whomsoever, for himself or on behalf of whoever.

The court reporter is torn between satisfying the information needs of the citizens concerning administration of justice and maintaining the limit beyond which he will not stretch the citizen's right to know. The way out is a robust interface with the right people. For reasons of completeness and balance as well as insulation from risk in the report, the reporter must relate with the following:

The Reporter and the Police

The role of the police in the administration of justice transcends police officers involvement in court proceedings to the force's fundamental role in the polity. The police has as its bounden duty, the preservation of law, protection of lives and properties and due enforcement of all laws and regulations. In the administrations of justice, the police is involved in the detection and apprehension of lawbreakers and make them answer for their crimes (Obidinma, nd). The police has right to detain a suspect in police custody if he cannot be charged and arraigned in a court within 24 hours and the suspect has to go through bail procedures to be released. The police also has to conduct prosecution in courts of law as well as tribunal (section, 23 of the police Act) and provides his Lordship with evidence/exhibits from the scene of crime. By their statutory job description, the police are the authentic source of information from the scene of crime whose report is expected to always accurately depict the reality. They conduct investigation and provide the court with the evidence to work with. They interview and take statements from

complainants as well as the accused and arraign the latter. They also have the duty of bringing and returning to the correctional center, criminals facing trial that are remanded therein. The role of the police in justice administration is quite multifold.

The police and the journalist have a lot in common in the discharge of their duties in a democratic society. Both are constitutional seekers of truth not minding the unsavory appellations they have earned on the line of duty. They are out to work for the interest and protection of the weak by enforcing the law against overreaching elements and providing the enlightenment they need to orient themselves with societal issues. The police and journalist are habitual investigators often interfering with operations of other citizens whose operations affect others and they use almost same investigative skills. However, the police sometimes recourse to coercion which the journalist does not have capacity to deploy. They both dig into peoples' affairs though under different operating principles (Brady, 2014)

Contrarily, the police and journalist are mutually suspicious of each other's moves and often treat themselves with reciprocal slight. In criminal investigation, the journalist sees the police as an in-house criminal whose maleficences must be exposed for reproach while the latter takes the journalist for a bothersome gnat whose curiosity and investigate instincts on police operations would push him across the red lines someday and must be punished for meddlesomeness. It is note-worthy that the police hardly has the time to investigate the journalist except a compelling situation arises but the latter reports the police and policing as a highly productive beat given the jaundiced interest the citizen have in police operations.

The journalist/reporter and police relationship is both symbiotic and adversarial. The reporter needs the police as his source for criminal information and for protection in his endeavours into parlous environments. It is only the fear for the police who embodies the law that handicaps criminals from getting back at the reporter as freely as they would. Again, reporters cannot but secure the permission and protection of the police to access crime scenes to give unvarnished account of an incident. However, the police is used by government and highly placed personalities to restrain the journalist from accessing relevant documents to prove suspected corruption and as apparatuses of chastisement of the dogged reporter when corruption has to be concealed. On the other hand, police accountability can be evaluated through frames by which their activities are reported by the press. Thus the reporter can mortify the police through stigmatizing language, sensational headlines, poor imageries that confer a censurable identity on the police (Brady, 2014).

In the administration of justice, the reporter is interested in police operations leading to the arrest, arraignment and prosecution of criminals and could be at cross-purposes with them at any point. Even so, the police also relishes publicity offered by the reporter/press when they are able to secure justice to deserving citizens and to give confidence to the public that “the police are on top of the matter”.

The Reporter and the Legal Practitioner

The legal practitioner or lawyer is at the core of justice administration. They are in court representing litigants as defense counsels for the accused or as state counsels for the prosecution of criminal matters on behalf of the state. In a civil matter, lawyers could be in court as representatives of the plaintiff or respondent before his lordship. Their job is

advocacy based on principles of law. They try to impress on his Lordship the legal reasons their respective client should be favoured in his Lordship's verdict.

Lawyering and journalism also have some points of convergence and divergence in professional practice. The lawyer is an advocate in any matter just in the interest of his client but the journalist or reporter is a dispassionate and disinterested information purveyor out to serve the entire news audience within the coverage of his medium. While the lawyers' search for facts is designed to construct a narrative in support of his client's position, the reporter searches for fact to tell his story in a fair and balance as well as interesting manner that would salve the curiosity of members of the public (Duoretzky, 2019). He reports or presents the matter as it is, so the news audience members can make independent value judgment and orient themselves with the reality. In the administration of justice, the lawyer and the reporter are largely interdependent. The reporter cannot successfully report the court without recourse to the lawyer for interpretation of terminologies in the legalese which he must understand first to be able represent with synonyms in common parlance that appropriately convey the message. He has to relate with lawyers on both sides of an issue to fact-check and make for a balanced reportage lest he reports amiss. The lawyer as a news source is he that can give the legal perspective to a matter to offer the news audience an inkling of what to expect in matters before his lordship. Above all, the lawyer helps to direct the course of justice in their submissions to His Lordship hence the reporter that knows his onions must pay deserving attention to what lawyers do in court. Additionally, lawyers grant interviews to the reporter thereby offering him the opportunity to glean the bare facts from the “horses mouth” as dejure complainant or accused.

In the other vain lawyers have the reporter as the authentic conduit to the public in contentious cases for instance, the judgment beneficiary practically looks for the reporter to express gratitude to a “credible and reliable” judicial system and technically present his office/chamber as the place to be. The loser also needs the reporter to convey to the masses, his grievances or exceptions and how his Lordship “erred in law” to arrive at a misjudgment. The relationship between a reporter and lawyers is therefore symbiotic. In reporting the court, the reporter should note that the roles of the lawyer include:

1. Providing legal advice and opinion on matters before his lordship for determination
2. Writing legal documents that have to be filed in court
3. Representing clients in court
4. Negotiating out of court settlements
5. Offering opinion in the interest of honesty directing the course of justice even in matters they are not directly involved.

Consequently, the reporter could gain a lot from the lawyer in his search for information.

The Reporter and His Lordship

The judge is the lord in the temple of justice. He is addressed severally as “My Lord, Your Lordship and His Lordship depending on the speaker's position. All adjudications culminate in the final position of his lordship in the form of a verdict, an order or a judgment. In some cases the expression, “the court” also refers to the judge and not just the building that houses judicial activities.

The judges positions in the court and society at large is sacred and the courts are elevated

institutions in the polity. Just as his Lordship pronouncement after due consideration of evidence before him and counsels submission is binding on parties to an issue, an error of judgment that condemns a human being spells death for him (Musah, 2019). The judge's roles in the court are clear. He is in charge of the courtroom and everything that transpires therein. He decides what party wins or loses a case after ensuring fair trial in the processes leading to his decision. He asks questions of both litigants and their witnesses as well as counsels to clarify moot points all in the furtherance of fair trial. He makes orders, delivers rulings and passes judgments that have binding effect on concerned parties unless judicial proceedings are followed through to overturn same (citizens information board, 2023)

The judge is rarely available for interaction with the reporter. In fact apart from the lawyers who are his near-equals in the administration of justice only his court staff can access him when necessary. The reporter comes in direct contact with him only in the open court where he presides over proceedings. Right there, the reporters conduct is subject to some principles guiding journalism practice in court and the judge's discretion to relax or tighten such principles in relation to the open justice principle which enjoins him to adjudicate without concealments and guarantees the reporter's presence in court. His Lordship's greatest weapon against an unbecoming reporter is the principle of contempt of court which he could invoke on the reporter as the need arises.

There is no particular interest a reporter picks in the judge apart from what transpires in the court that reflects how his Lordship discharges his statutory duties. Thus any report on court proceedings directly mirrors the judge's activities as a judicial officer. In court reporting, the journalist is torn between adequately upholding the people's right to know on one hand and amply according the court its rightful sacredness in the polity on the other hand. What is important to the reporter is that no possible distraction from the nicety with which his Lordship deserves to dispense justice is traced to his maleficence or ill-considered reportage (Musah, 2019)

The reporter is starkly handicapped in his bid to report judicial misconduct which directly relates to his Lordship as a person. This handicap is occasioned by the sacredness in the justice system the reporter cannot penetrate without impinging his journalism ethics let alone incurring his Lordship's wrath for inordinacy. Judicial misconduct could be reported only when an aggrieved lawyer decides to make public his grievances with a particular judge on an issue before his lordship based on principles of law. Aside this situation, it is an uphill task for a journalist to obtain information to prove judicial misconduct in that (1) lawyers largely buy in to the code of silence or secrecy identified with the bench (2) issues pertaining to judicial misconduct are not before the general public for the reporter to investigate. Such issues become public only when the reporter has broken through the clutters of secrecy in the system and he risks incarceration if safety limits are breached. (3) Circumstances occasioning judicial misconduct are known only to lawyers, other judges and some court workers.

While the lawyer cannot always keep quite especially if his client's interest is at stake, other judges subscribe to the code of silence created by the system, to opt for log-rolling. In contrast, the court worker is aware of the consequences of divulging "official secrets" hence would never release information of misconduct to the reporter (Topbas, 2021). The reporter therefore has to weigh the options properly, identify and meet the right persons get his facts clearly articulated and attributed to safely report judicial misconduct.

The Reporter and the Registrar of Court

The registrar of court is the head of administration in the court, all court personnel are answerable to him. He is not necessarily a lawyer but if he is, his position as registrar of court is enhanced given that he can knowledgeably interface with his lordship and lawyers on legal issues or documents and equally guide his members of staff on how to handle such documents. He is in charge of the record books of his lordship, the case files and exhibits tendered in court. Lawyers file their summons and related documents and pay the required legal fees in his office. The registrar then deploys the bailiff to serve the documents on the summoned. He ensures that the report of service is filed for his lordship's sighting on the day the case is scheduled for hearing. The case files are kept in a dip from which they are retrieved by officers in charge of litigation for the daily business of the court under the supervision of the registrar. The registrar calls out each case for hearing in the open court by himself but the court clerk is often scheduled to do that. He identifies to his Lordship, parties to a particular case mentioned and swears-in the complainant/plaintiff or accused/respondent as well as witnesses. He drafts his Lordship's orders, keeps record of each and issues the necessary documents of court for their execution. He has a team of administrative staff under him that could be deployed for different aspects of the court's business.

Given the place of confidentiality in court administration, the registrar employs strict protocols to safeguard sensitive information and ensures that only authorized personnel access such sensitive documents. The court registrar also administers the oath that commits witnesses to truth and honesty and prepares the daily cause list for the conduct of proceedings (Andresordz nd, citizens' information board, 2023)

The registrar of court's relationship with the news reporter is governed by the principle of confidentiality that guides the running of the court. He cannot flout it and is open to the reporter only to the extent that the sanctity of the court is maintained. Court documents could be obtained from him as the authentic source sometimes bearing the seal of the court. He interfaces with his lordship to provide the information the reporter seeks and is able to relate with him cordially to access the publicity required of his court as a key factor of the open justice principle in liberal democracies. To a large extent, the court needs the reporter as much as the latter needs information from the court to fulfill the open justice system and the people's right to know.

The Language of the Judiciary

As the lingua franca of Nigeria, English is the local language of the judiciary in that judicial proceeding are conducted only in English language. Even so, in the drafting of legal documents, advocacy in the open court and in verbal intercourses amongst members of the legal profession, english language has been subjected to structural peculiarities resulting in a variation that is helpful only in the explanation of legal concepts and meaningful to just those versed in the idiosyncrasies of the legal profession. This variation is consentingly seen as the language of law because of its appropriateness for use in different occasions and situations for persuasion as well as interpretation and explanation of legal concepts (Murici, 2017). It is invested with the argot used by lawyers in legal writings and characterized by unusually long sentences, carefully phrased clauses and other features that insulate conveyed meaning from possible misinterpretation (Ashipu and Umukoro, 2014). This feature of the language aligns with the need for exactitude

or specificity of expressions giving practically no room for ambiguity. Again, legal matters require the use a particular register for expression because law aims at precision and the legalese becomes the appropriate language for offering lawyers the elements to restrict their ideas from inordinate generalization (Ashipu and Umukoro, 2014)

Other authorities refer to the language of law as creole because it borrows terminologies from other languages including French, Latin Greek etc. to form a robust system that is a distinctive combination of other language. The legal language of law is ritualistic for its adherence to rules, implications and goals while providing speakers with a badge of membership in a community (Golgar, 2023). It has developed characteristics to meet the demands of the legal system which is a specialized world having a semi-autonomous nature in relation to other social systems (Zuriski, 2014). Legal writing is therefore directed at a specialized group couched in a specialized vocabulary hence different from ordinary language and difficult to be understood by the laity. Such writings belong to a context that makes legal terms have different meanings from those they bear in non-legal contexts of use (Shaver in Maurice, 2017). The writing convention to meet the demands of the legal system and equally reflects its normativeness is such that:

1. Sentences have particular structures
2. Foreign phrases are deployed to make for exactitude
3. There is uncommon and insufficient use of punctuation marks
4. The writing style is impersonal
5. The write-up is characterized multiple negations
6. Use is made of unusual pronouns (inter alia, aforesaid)
7. Unusual set of phrases (null and void, all and sundry) are deployed etc. (Tiersima, 1999)

On account of the uniqueness of the legalese, Tiersma in Murici (2017) observes that:

Legal language has been called argot, a dialect, a register a style and even a separate language that has its own specialized grammar, a limited subject matter that contains lexical, syntactic and semantic restrictions and allows deviant rules of grammar that are not acceptable in standard language. It is described as a complex collection of linguistic habits that have developed over the years/centuries and that jurists have learned to use strategically (p.66).

An inkling of the convoluted nature of the legalese virtually forewarns the reporter to be circumspect in the use of words and phrases in his reportage so he does not misrepresent a judicial officer and misdirect his reader. In less sensitive beats consistent coverage by same reporter over time can afford him a foot hole on the business of the beat and transforms him to a specialized reporter of sorts. He can thus attempt to be predictive in his report on certain recurring situation. The judiciary reporter does not enjoy that latitude because nothing is taken for granted and there are consequences for slips however slight. Consequently, there is a resounding call on the reporter for the choice of a diction which comprise the nuances that make for exactness and conventionalism identified with the legal profession.

Legal Landmines

Legal landmines refer to the legal tools his lordship deploys to insulate himself from the immoderations of members of the public or the reporter and mete out appropriate comeuppance on those who cross the red line. Such tools include:

Gag Orders – A gag order is an official notification issued by the court/his lordship or government that forbids members of the public including the journalist from making public, a piece of information deemed not for public consumption. The reasons sometimes are not readily available to the public but once issued it has to be obeyed. In the court, gags could be issued to prohibit the public or more specifically, attorneys, journalists, parties or witnesses to pending lawsuits from inconsiderately talking about it to the public (Cornell Law School, 2020). Gag orders could be issued to protect trade secrets, protect military installations or operations and police operations from inordinate publicity. It could also be issued to safeguard the privacy rights of minors that are victims of crime, from publicity. In governance application of gags are necessitated by perceived imminent danger a piece of information on the way to the public could cause the government, the society or sections of the populace (Abayomi, 1999)

In the court gags are also called judicial orders which are issued by his lordship to restrain public disclosure by individuals, groups or the press, information related to a matter or specific aspect of a matter that is sub judice (Musah, 2022). It is meant essentially to ensure an atmosphere devoid of distractions and offer his lordship the latitude to weigh all nuances in the proceedings of particular matter before judgment. Regarding journalism, gags are issued to protect his lordship's verdict from the pressure and influence of press generated public opinion.

While gags could be placed on a matter to preclude press interference with the composure of his lordship, it equally helps to prevent heedless reportage on a case in court that would suggest the directions of the verdict which can result in judicially unsafe consequences. Above all if there were no gags, the judiciary would have been exposed to unbridled reportage capable of denigrating the institutions of justice administration. The offshoot would be loss of trust in the judiciary and the pivotal hold it has in coordinating the polity for good governance by extension.

The flipside of gag orders is the interference with the purports of the open justice principle and the peoples' right to know which is championed by the press. Judicial orders are therefore highly nettlesome to the reporter. He gets emotionally hogtied when his professional evaluation of the situation does not offer any reason for the prohibition. At this point, the reporter needs a very high degree of self-possession to keep his emotions in check and squarely face the hurdles of his trade lest he gets punished. There are times gags are used abusively for underhand reasons and the tendency is roused to dig deep into the situation yet, the reporter cannot ungag the gag hence must abide. However, he can only recourse to available legal reliefs to lift a gag.

Contempt of Court Contempt per se refers to a situation where an action, inaction or an utterances an individual contemns another. It amounts to treating another with disdain, disrespect or belittlement. Contempt of court manifests in willful disobedience, disrespect or disregard, to the authority of the court as an institution of justice administration or the judge in person. It equally covers acts capable of denigrating the

court of law and judicial officers or the judiciary (Odonigie, 2010). The contempt of court principle is an encompassing control measure often wielded on unbecoming individuals or groups, to protect the administration of justice system from disrepute.

Between the press and the court of law the court could be contemned when (1) An act of disrespect for judicial proceedings in speech or manner is identified with a reporter (2) A reporter publishes legal proceedings supposed to be kept secret (3) A report on a criminal matter deems a criminal guilty before his lordship verdict is passed. (4) Opinions are published suggesting that a litigant may not obtain justice or (5) A reporter is caught in acts disrespectful to his lordship or counterproductive to the administration of justice (Odonigie, 2016, Daramola, 2013) contempt of court also include actions disparaging or prejudicial to litigants concerning a matter before the court.

We have both civil and criminal contempt. Civil contempt is characterized by disobedience to court order, subpoena or refusal to carry out the verdict of the court. Criminal contempt entails acts that interfere with the smooth administration of justice or subjects same to dishonor (Daramola, 2013). Contempt by media practitioners are in most cases criminal in nature (Musah, 2019). This owes to the fact that it often draws from press or media generated public opinion concerning a matter in court which his lordship has to contend with in the construction of his verdict. Pervading public opinion places the citizenry on tenterhooks, mounts pressure on his lordship and keeps him in a dilemma of sorts regarding his decision thereby incensing him.

The law of contempt was not meant to specifically protect the individual judge who could lose his self-possession, faced with untoward public opinion but to preserve the dignity and reputation of the judiciary against overreaching elements in society (Boateng, 2013, Kraishna, 2010). This situation roundly applies to gag orders as well. However, both principles or laws have been severally applied by underhand justices to conceal their flaws and excesses from public glare. This is a situation that inversely promotes knavery in the justice delivery system and counters the open justice principle which the media in every liberal democracy stand for. While court reporters are enjoined to be circumspect in their activities in court and reportage of court proceedings, they should be emboldened by their ability to stick to the ethics of their profession and knowledge of media laws to always be on the right path to execute their commitment to the peoples' right to know and circumvent the snares.

Contempt of court occurs in two forms. Depending on the place of occurrence it could be contempt *ex facie curiae* or contempt *in facie curiae*. It is contempt *ex facie curiae* when the contemptuous act takes place outside the court, that is, *coram non iudice* and therefore out of sight and of hearing of his lordship. It could be an act of disobedience to his lordships or any other act that falls within the legal scope of the contempt of court law. On the other hand, contempt committed in the court premises is referred to as contempt *in facie curiae* or *coram iudice* meaning in the face of the court. (Lexavier partners, 2024). His Lordship has authority to summarily deal with *in facie curiae* contempt cases because he saw or heard what transpired and as such, there is no need to call for evidence. However, the *ex facie curiae* contemnor has to be put through the judicial processes of arrest and prosecution to secure conviction. Again the *ex facie curiae* contempt committal proceedings have to be heard by a judge order than the denigrated (Musah, 2019).

Conclusion

The Nigerian press faces a Herculean task reporting the courts on account of the antagonistic posture of the bench towards media practice concerning justice administration. It is obvious that the principles of open justice and freedom of expression survive on a free press system that does not have to encounter self-serving issuance of gag orders and committal to contempt proceedings over condemnable reasons. On one hand which prevails over the other, justices that are not fair-minded who have got themselves involved hence cannot contain their discomposure recourse to the gag rule to keep reporters at bay when controversial issues are heard. For instance, a group of journalists representing vanguard, punch, The Nation, Daily Trust TV news and Alaroye were detained at an Ogun State High Court for failing to provide authorization for their presence in court. His Lordship's questionable claim was that the court is not a public place as such their failure to provide a permit to be in court exposes them to conviction for trespass (Olatunji, 2015).

On the other hand, the over-zealous reporter who has thrown overboard the ethics of his profession could be called to order by means of gags and contempt proceedings only. This is the possible reason the former chief justice of Nigeria, Justice Walter Onoghen enjoined the bench to invoke the inherent powers of the contempt of court principle on members of the society unguardedly discussion matters that are sub judice.

Regrettably, while the reporter is gagged or convicted for contempt over his Lordships discomfiture sometimes resulting from his own baseness, judges have developed thick skin against the vituperations of politicians using the most acerbic of words and expressions to qualify justices supposedly dispensing justice with detach on electoral matters. The reporter is observed with suspicion, pounced on and punished for pursuing his statutory obligation by his Lordship who smiles over the politicians' bare-faced denigrating indictments.

To circumvent this ungodly situation, Topbas (2021) suggests among other factors that:

1. A reporter should know before-hand the rules his lordship does not expect him to violate in court reporting
2. He should have a clear understanding of the consequences and disciplinary processes that attend infringements on such rules.
3. He should be mindful of reporting restrictions and
4. Conduct proper investigation before reporting

Additionally a reporter could be saved from slapdash punitive measures by knowing when to be where concerning an issue and how to report it. He should define his sources and process them for credibility and make pertinent attributions while reporting. He should not hesitate to consult the attorneys to explain moot-points in the case and obtain or confirm documents for use with the registrar of court.

Above all, the statement that ignorance of the law is no excuse holds to date, and is accentuated in Baille's (2022) remark that it does not seem right that in 2022, it is still difficult for reporters to find out what restrictions they are supposed to be following. It follows that if a reporter is committed for infringement on reporting restrictions, he has himself to blame. However, what should matter to the court is the spirit of the remarks of Honourable Beverly McLachlin's that where there is no publicity, there is no justice. Publicity should be seen as the very soul of justice, the keenest spur to exertion and the

surest ground against improbity given that it keeps the judge himself under trial while trying (Relationship between the court and the media, 2022).

References

- Androsuz, (nd.). Duties of the court registrar in Nigeria: Legal responsibilities explained. <https://mctoolsco/duties-of-a-court-registrar-in-nigeria-legal-responsibilities-explained>
- Asshipu, K.B.C & Umukoro, G. M. (2014). A critique of the language of law in selected court cases in Nigeria: *Mediterranean journal of social science*. DOI: 10-5901/mjss.2014.v5n8p622.
- Boating, A. (2013). Abuse of judicial power through contempt. <https://mobileghamaweb.com/features>
- Brady, (2014). The journalist and the police: Seekers of the truth or rivals in the game. Doi:10.1353/eir2014-0004
- Citizens Information Board (2023). Functions and duties of individuals in a court of law. <https://www.citizensinformation.ie/en/justice/legal-terms-explained->
- Cornell Law School (2020). Gag order. www.law.cornel.edu
- Daramola, I. (2013). Ethical and legal issues consideration in public affairs reporting. A study of parliamentary reporting in Nigeria. *Arabian journal of business and review* (Oman chapter) 2(10) 62-70
- Dworetzky, J. (2019). The difference between lawyers and journalists.
- Folarin, J. (2015) Judges vs journalists in the public sphere: Is the court of law a private or public place.
- Glogar, O. (2023). The concept of legal language: What makes legal language legal? *International journal of semiotics of law*. 36 1081-1107
- Krishna, V. R. (2010). Against abuse of contempt power. www.hindu.com
- Lexavier Partners (2024). Committal in Nigeria-processes and proceedings. www.lexavierpartners.com
- Murici, M. (2017). The language of law-some characteristics. *International of English language, literature and translation studies*. 4(1)
- Musah, O. (2019). Journalism practice and application of the contempt of court principle in the Nigerian Judiciary. *Ekpoma journal of theatre and media arts* 7 (182) 470-487
- Musah, O. (2022). Are gags on journalism nocuous or anodynous to democratic governance. *International journal of Humanitatus Theoreticus* (6 (2) 200-209
- Musah, O. (2022).. Exploring the concept of expressivity as hallmark of modernistic news casting in Nigerian broadcast stations. *NTAtvc journal of communication* 6 (2) 246-56
- Nwabueze (2006) *Reporting: Principles, Approaches, Special beats*. Top shelve publishers.
- Obidimma, E. O. C. (nd.). Role of the police in the administration of justice in Nigeria. www.globalacademicgroup.com
- Odonigie, O. B, (2016). Reporting court proceedings by the media: The uses and abuses.
- Omoera, S. O. & Musah, O. (2021). The news reporter in Nigeria's electoral process. *Asia social issues* 15(1) 1-13

Relationship between the courts and the media (2022). Remarks of the right Honourable P. Beverly McLachlin P. C., Chief justice of CANADA. <https://www.scc-cse.ca/judges/spec-dis/bm-2022-01-31-eng.aspx>

Stoval, J. (2005). *Journalism: who, what, when, why, where and how*. Pearson. Education

Tiersema, P. (1999). *Legal language*. University of Chicago press

Topbas, Z. (2021). Reporting on judicial misconduct: How reporters can penetrate on opaque system. <https://ethicsjournalism.wise.edu/2021/12/02/reporting-on-judicial-misconduct-how-a-reporter-can-penetrate-an-opaque-system>.

Veraz Advocates (2022, Dec. 19). Courts in Nigeria and their jurisdiction <https://www.verzadvocates.com.ng/courts-in-Nigeria>

Zuriski, A. (2014). *Legal literacy: An introduction to legal studies*. AU press Alhabasca university