



When I arrived on the judicial scene in London in 1992 as a young rookie court reporter, I had never formally worked as a court reporter. I attended and graduated from court reporting school the year before in Florida. During my internship, I met a British sailor sporting a crisp, white uniform, and the rest, as they say, is history. At the time I started reporting in the U.K., I hadn't a clue how the British legal system operated. I just assumed, like most Americans, that dramas such as *Rumpole of the Bailey* accurately depicted English courts: a bunch of crusty old stiffs in silly wigs. Within a few months, I landed a brief interview with a court reporting firm in London that held the court contracts, proudly showed them my certificate of completion, and the very next day I found myself assigned to a courtroom. I was greeted at the courtroom door by Mavis, an elderly lady in a homemade pink cardigan, who introduced herself as the usher, akin to a bailiff here in the U.S. Ushers are the people who mark the exhibits during trials, not the reporter.

The trend of per diem reporting is growing in the U.S., but the British system has had a per diem arrangement for quite a while. There is a per diem paid for the morning session and a per diem for the afternoon session. If the reporter's assigned court finishes early and there is no afternoon session, the reporter can leave. Often I would find myself having court for ten minutes and would be free the rest of the day. Regardless of whether it is ten minutes or three hours, the fee is the same. There is also an additional sum that is paid to public servants who work in London called London weighting. This amount helps to defray living expenses in and around the greater London area, which are among the highest in Europe.

U.S. courts start their workday far too early in my opinion, sometimes as early as 8:30 a.m. In the U.K. the typical start time is 10:30 a.m. I often grumbled when I had to start at 10 a.m. because I'd have to catch an earlier train. Lunch is at 12 p.m. and recess is around 4:30 p.m.

There are many traditions that have not been retained in the United States, and here is where the two systems start to diverge. U.S. judges still wear a long black robe, but that is about the only custom that has remained the same. In the U.K. the Crown Court judges, the comparison to county judges, wear purple and red sashes draped across their chests. High Court Justices, comparable to Superior or Supreme court judges, wear scarlet robes trimmed with white ermine fur. They are often referred to as "the red judges." Tradition requires them to wear black silk stockings, although I am unsure how compliance is enforced or if there is some secret silk stockings enforcement committee. Both levels of judges wear wigs made of horse hair. The Crown Court judges wear short wigs; the Justices wear longer wigs. The Lord Chief Justice of the U.K., in addition to the tradition garb, wears a heavy gold vest that weighs about 40 pounds. No one ever broke tradition, even on the hottest of days.

There are also solicitors, who are lawyers who act more like paralegals, and barristers. The barrister wears a short wig and a black robe. There is a special class of barristers called QCs — Queen's Counsel — and they have shiny, fancy cufflinks that distinguish them from the regular barristers. The QCs are the individuals who handle serious, often high-profile cases. The solicitor acts as a go-between, prepping the case and filling in the barrister upon his or her arrival at court. The barrister sits in the front row,

THE SAME BUT SO DIFFERENT

By Diana L. Netherton

the solicitor is directly behind the barrister, and the defendant is situated behind the solicitor.

The defendant's location during proceedings is quite different as well. In the U.S., defendants typically sit next to their attorney during the court session. In the U.K., the defendant is in the back, in a large, enclosed plexiglass area known as the dock. They only come out if they're going to testify. When witnesses take the stand to testify, they typically stand facing the jury. It only dawned on me years later that the standing tactic was indeed a clever one; it was much easier to observe the body language and hand gestures of the witnesses.

Perhaps one of the most time-efficient factors in the British system is the method of jury selection. Here in the U.S., this can be laborious and time-intensive. In the U.K., the first 12 names are read off of a list, and that comprises the jury. There are no personal questions asked; no one cares if the jurors have ever gotten a speeding ticket, what pets they have, or if their child got a summons for throwing

a green Skittle out of a moving vehicle (true story here). The jury is selected, and the judge tells them that they have to be fair and impartial, and the trial starts.

Another interesting divergence lies with the verdicts. In Pennsylvania civil trials, there is not always a unanimous verdict. It can be ten to two; two-fifths of the jury would have to agree on a verdict. In a criminal case, however, the jury's verdict has to be unanimous, often resulting in a hung jury and retrial. In the U.K., the judge has the discretion, after an amount of time he or she feels sufficient, to bring the jury back in and give them the majority verdict. Like the civil trials in Pennsylvania, this is ten to two. There were rarely hung juries with this directive. The first time I covered a trial in the U.S., after wait-

ing over six hours for a verdict, I asked the judge when he was going to give the majority directive. He smiled and patiently informed me that a majority directive was not an option here, but he found that fact interesting.

There is no death penalty in the U.K. That was abolished in the 1960s, but a life sentence usually means life. After sentencing, the judge will write a letter to the home secretary suggesting the length of sentence, and then it's up to the home secretary to decide if parole is warranted.

During a murder trial in the U.K., the jury visits the murder scene if possible.

They are escorted to a bus and are driven to the scene. The reporter and court clerk ride with the judge in a Bentley with a motorcycle police escort.

Although the jurors are warned not to talk at the murder scene, they bring the reporter along in case someone gets a case of the chats. Try writing in a muddy field or a pig pen; it is most challenging. The Bentley always had a

fully stocked bar, and, yes, we would have a drink; sometimes two or three, depending on the judge. One time a certain judge had so many drinks that another judge had to recess his court when we returned so he could sleep it off in his chambers. His wife came to collect him, and we could hear her shrieking at him from across the hallway. I loved to practice my royal wave while I was riding in the Bentley and chuckled at the pedestrians who often stopped and stared, wondering what royals might be in the car!

I suppose the most amusing British tradition is the way in which someone leaves the court while it's still in session. You tiptoe out of court backwards, gracefully, being careful not to turn your back to the court. Once you reach the door, you

bow if you're a man and you curtsy if you're a female.

And this brings me to an amusing event that happened when I first moved back to the U.S. in 2000. I was interviewing at a local county court and observing a hearing. When the chief veteran reporter motioned to me that we should leave, he abruptly headed for the exit *and turned his back to the Court!* I got up and started to back out amongst curious stares wondering if the judge was going to yell at the chief reporter for impertinence. When I got to the door, I curtsied. The judge stopped, looked at me closely, and let out a huge roar. The chief reporter started snickering as well. I blushed red as everyone started laughing, and then the judge said, "Young lady, that has to be the best exit I've ever seen." Needless to say, I learned swiftly this wasn't a tradition retained here either.

These are some of the main varying differences between the two systems of law. My current judge always tells jurors at the end of their service that "although our system might not be perfect but whoever is second, it's a far second." Maybe not. The American and English systems each carry the remnants of one another and have the basic foundations and creeds; most importantly, both rely on the concept that defendants are innocent until proven guilty. Any society that has that basic fundamental right is far ahead in my opinion.

Along with learning the traditions and cultures of working in another country come the challenges of routine IRA bomb scares shutting down London Underground stations, all sorts of regional accents to decipher, diverse spelling and punctuation, which can only be learned with experience, patience, and a fair sense of humor ... or humour.

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