

## LIST OF WINNERS 2010

### DAILY NEWSPAPERS: [JUSTICE MEDIA AWARD]

**The winner of the Justice Media Award in the ‘DAILY NEWSPAPERS’ category** was awarded to **Noel Baker of the *Irish Examiner* for his article ‘*Children on the margins*’**. This piece looked at the legal implications for parents who are failing to ensure that their children are attending school – and the effect that budgetary cuts might have on decisions taken by the National Education Welfare Board (NEWB) to pursue such cases through the courts. The winning journalist followed one particular case – that of the parents of a 13-year-old girl who refused to attend school, who were convicted and fined just a year after they had already been convicted and fined for failing to ensure that their son attended school. (These were the first parents to be convicted twice for failing to ensure that their children attended school.)

NEWB – which is the body in charge of ensuring that children attend school – has had to face the prospect of footing the bill for costly legal cases that can run over several days. While the ultimate penalty is likely to amount to a fine of a few hundred euro – the NEWB is being forced to consider whether or not it is wasting valuable resources fighting such legal battles – without the right results being achieved.

#### **TWO CERTIFICATES OF MERIT were awarded this year:**

The first **Certificate of Merit** was awarded to **Mary Kirwan, writing for the *Irish Independent/Health & Living Supplement*, for her article ‘*Making the big decisions on medical matters for teens*’**. This article investigates the issue of how far parental consent should go when it comes to teens making the big decisions on medical matters.

The journalist who wrote this article comments that: “While section 23 of the *Non-Fatal Offences Against the Person Act 1997* holds that consent to medical treatment must be acquired from children at the age of 16, it doesn’t prohibit children under 16 giving their consent either. Things are further complicated by the fact that there is no decided case law.”

The judges awarded another **Certificate of Merit to Paul Drury of the *Irish Daily Mail*, for his thought-provoking article, ‘*Even gangsters deserve better than to be tried in the court that gave us the nodding judge*’**. This was a strong op-ed piece on the plan of the Minister for Justice to try more gangland crime cases before the non-jury Special Criminal Court, while also granting the Gardaí new powers to detain organised-crime suspects for questioning for up to seven days. The author argues that “the Special Criminal Court is the lynchpin of a deeply anti-democratic piece of legislation called the Offences Against the State Act”.

“At best,” he says, “the use of a non-jury court opens up all sorts of grounds for endless appeals – at enormous cost to the taxpayer ... At worst, coupled with extended Garda powers of detention, it invites the sort of gross miscarriages of justice that the alleged Sallins train robbers endured ... By all means let us fight gangland crime, but let us do it with justice on our side.”

**SUNDAY NEWSPAPERS**  
**[JUSTICE MEDIA AWARD]**

The winner of the ‘Justice Media Award’ in the ‘Sunday Newspapers’ category is **Mark Tighe of *The Sunday Times*** for his insightful and stimulating article entitled: ‘*Driving rings around the law*’. This winning article dealt with the issue of motorists who escape prosecution – despite the advances that have been made in breath-testing technology.

Mark argued that drink-driving cases are notorious for raising specious technicalities – while admitting that defendants have a right to raise these arguments due to the fact that road-traffic offences are technical. The journalist spoke with two prominent lawyers in this field, who usually appear on opposing sides, but who both agree that the way to curtail the number of legal challenges to drink-driving cases is to give people an incentive to plead guilty at an earlier stage.

**The judges awarded TWO ‘Certificates of Merit’ in this category. The first was to Sarah McInerney of *The Sunday Times* for her article ‘*Rip it up and start again*’.** Much comment has been expressed of late about the relevancy of certain aspects of the Irish Constitution, which has been blamed for the Government being unable to cut ministerial pensions, for the failure to force bankers to appear before Oireachtas committees, and for the introduction of the controversial new offence of blasphemy. For her well-researched article that examined some of the more anomalous aspects of the Constitution.

**A second ‘Certificate of Merit’ was awarded to Ian Kehoe of *The Sunday Business Post* for his series of articles: ‘Developers in the dock’.** This writer gave readers of the *Sunday Business Post* a wonderful insight into the court proceedings surrounding the cases of developers who have used the courts to try to protect their property empires. This journalist’s expert accounts explain in great detail the workings of these courts – taking the reader in an effortless way through the examinership and liquidation phases of company insolvency. The judges remarked on the exceptional quality and clarity of this journalist’s writing, for which he is to be congratulated.

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**REGIONAL NEWSPAPERS:**  
**[JUSTICE MEDIA AWARD]**

This category encourages regional newspapers to improve the coverage they give to legal issues – and to recognise the work done by local newspapers in breaking or covering such stories.

**The winner of the ‘Justice Media Award’ in the ‘Regional Newspaper’ category was Ann Murphy of the Evening Echo in Cork, for her superb series, ‘*Ireland’s future: our juvenile offenders*’.**

This series of excellent, in-depth articles focused on Ireland’s juvenile justice system. It examined the impact of St Patrick’s Institution on young offenders under the age of 18. (As you are aware, St Patrick’s is mainly for offenders aged 18-21 years, although young offenders aged 16-18 are being held there until a new facility opens in Oberstown in north County Dublin.

Ann Murphy examined a number of detailed reports in order to better understand the very poor state of Ireland’s detention system for young offenders. This series focused heavily on how young offenders in the region served by this newspaper are adversely affected by the system.

The judges made the following comment: “This series of excellent articles revealed dedicated research that examined the complexity of Ireland’s juvenile justice system from a variety of viewpoints. This is not the first time for this topic to be held up for scrutiny by Ireland’s journalists, many of whom have won Justice Media Awards in the past for work in this area. Until serious changes occur in the system of sending juvenile offenders to St Patrick’s Institution, however, this adjudication panel expects that it will continue to receive many more articles on this very same topic for a number of years to come.”

**[NO ‘Certificates of Merit’** were awarded in the ‘Regional Newspapers’ category, due to the fact that a significant number of entries failed to properly fulfil the main criteria of the awards.]

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**[COURT REPORTING (IN BOTH THE PRINT & BROADCAST MEDIA)]**

Court reporting is a very demanding and exacting skill that demands strict attention to detail, as well as the talent to be able to relay the facts of a court case to a general public that is largely uninformed about the workings of our courts.

**COURT REPORTING FOR THE PRINT MEDIA:**  
**[JUSTICE MEDIA AWARD]**

**The winner of the ‘Justice Media Award’ in this category went to: Cormac O’Keeffe of the *Irish Examiner* for his article: ‘The John Kinsella case’.** (Cormac was the winner of the ‘Overall Justice Media Award’ in 2008.)

This article was concise, very clearly-written and firmly placed the spotlight on the most salient elements of a fascinating case, which was heard in the Dublin Circuit Criminal Court. This case involved a former Irish super heavyweight boxing champion, John Kinsella, who received a 12-year sentence for conspiring with others to import a multi-million euro consignment of drugs into Ireland. The winning journalist points out that the case was unique in a number of ways:

“John Kinsella was convicted in relation to a drugs haul in Belgium, even though he was in Ireland when they were seized. In addition to that, the main evidence against him consisted of foreign wire-taps of phone conversations of him obtained by Dutch police. Conspiracy to import drug charges are very rare in Irish courts. The case had thrown up substantial difficulties in terms of admissibility of evidence and Kinsella’s right to privacy.”

**COURT REPORTING FOR BROADCAST MEDIA:**  
**[JUSTICE MEDIA AWARD]**

**This year’s winner of the ‘Justice Media Award’ for ‘Court Reporting for Broadcast Media’ is: Dyane Connor of TV3 News for her reports titled: ‘The Eamonn Lillis trial – a snapshot’.**

This infamous trial earlier this year was one of the most high-profile and compelling murder trials in recent years. The tense proceedings, presided over by Mr Justice Barry White, culminated in a manslaughter conviction and a sentence of six years and 11 months.

Dyane Connor covered the case very closely and filed detailed daily reports, together with live updates to camera, from the Criminal Courts of Justice. Her coverage gave the public a valuable insight to the prosecution and defence arguments and allowed the public to witness the justice system in action, right from the first day of the trial through to her final live piece to camera in the dramatic moments after Eamonn Lillis was sentenced. This journalist’s live updates on the jury’s deliberations relayed the sense of urgency that justice should not only be done – but be seen to be done.

**A ‘Certificate of Merit’ was awarded to Radio Kerry journalist Aisling O’Brien for her coverage of the sexual assault trial of Danny Foley.** This case gained notoriety due to a large crowd of the accused’s supporters lining up in court to shake his hand prior to sentencing. The gesture raised important questions about procedures in courtrooms, including the treatment of victims of crime. The question of sentencing and the effectiveness of the jury system were also raised. The trial and its aftermath were covered in minute detail – with reports being delivered to very tight deadlines.

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## **['RADIO & TELEVISION' CATEGORIES]**

### **'NATIONAL RADIO' CATEGORY**

**NO 'Justice Media Award' was presented in the 'National Radio' category.** The judges decided that many of the entries simply didn't qualify for inclusion in the judging process, as they did **not** fulfil the main purpose of the awards. Many of these otherwise excellent programmes would be properly regarded as sociological commentaries on issues of public significance, but failed in terms of fostering a greater understanding among the public of the law, the Irish legal system, or of a specific legal issue.

**A 'Certificate of Merit' was presented to: Newstalk's 106-108 FM's for its 'Legal Column' on the 'Global Village' programme, presented by Dil Wickremasinghe, John O'Donovan (producer) and Brian O'Reilly (solicitor).**

This particular honour is for a legal column that can claim to be Ireland's only national, fortnightly, interactive radio-advice slot. Listeners' queries on a wide variety of legal matters are addressed. Many of the issues discussed on this programme relate to issues of equality and immigration matters, though general queries are also addressed and welcomed. Listeners contact the programme by text, email and phone to put their queries to the programme's guest solicitor. Due to its popularity, the column has grown from a fortnightly slot of 15 minutes to a 40-minute segment. The judges commented that this legal column "promotes an understanding of the law, offers free legal advice and guidance, and assists in making the law more accessible to the general public".

### **'LOCAL RADIO' CATEGORY** **['JUSTICE MEDIA AWARD']**

**A 'Justice Media Award' was presented in the 'Local Radio' category to: **John Cooke (presenter) and Niamh McNamara (producer) for the 'Free Legal Advice' slot on Clare FM's 'Morning Focus' programme.**** This highly informative and enlightening legal advice programme airs every Tuesday. This programme strives hard to meet the needs and demands of local radio listeners, and to provide them with advice on a variety of legal matters. Local solicitors, who are members of the Free Legal Advice Centres in their locality, join the presenter live in studio to tackle specific legal issues and queries. The 'Free Legal Advice' slot has been running for two years, dealing with topics that range from family law issues like divorce, separation and access to children; the 'Fair Deal Nursing Home Scheme'; property transfers and management; wills and probate, motoring offences and insurance claims – indeed, the entire gamut of legal topics.

This very popular radio slot breaks down complex legal issues, and explains them in everyday language, using the kinds of examples and scenarios that reflect the everyday lives of ordinary listeners.

**[NO 'Certificate of Merit' was awarded in this category]**

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[TELEVISION NEWS]

**‘TELEVISION NEWS’ CATEGORY  
[JUSTICE MEDIA AWARD]**

The **‘Justice Media Award’** in this category was presented to **Brian O’Donovan of TV3’s News at 5.30** for his report **‘Repossessed’**. This series of three news reports that illustrated the legal battles faced by homeowners trying to keep a roof over their heads. In 2009, business and legal stories began to blend, with companies, property developers and struggling mortgage-holders fighting for survival in the courts. This winning series of reports highlighted the workings of the legal system in a creative and visual way, while at the same time portraying the emotional trauma of those losing their homes due to house repossessions.

The first report dealt with the topic ‘House Repossessions on the Rise’, and explores the increase in repossessions, using some local wildlife from the River Liffey to provide a creative twist! The second report, ‘Facing Repossession’, heard first-hand about the stress and devastation caused by house repossession as a struggling homeowner describes her experience of the legal system. In the final report, entitled ‘Repossession Increases’, the latest figures on repossessions were discussed, as was the question about whether Ireland’s bankruptcy laws need to be reformed.

A **‘Certificate of Merit’** was presented to **Kathy Donaghy of RTÉ News: Six One,** for her report: **‘Community service’**. Kathy investigated an issue that is rarely covered in either the print or broadcast media. Every year, around 1,600 community service orders are issued – and the Minister for Justice wants to see that number increase to 6,000. This news report looked at a particular community service scheme that is being rolled out across the country. Instead of serving a prison sentence, offenders who are deemed eligible by the Probation Service tackle a number of tasks, which, in this instance, involved the removal of graffiti. The scheme has proved particularly successful thanks to the removal of ugly graffiti – thus aiding communities – and giving a sense of self-worth to offenders who can repay their debt to society by doing valuable work for the community. Through talking to some of these offenders, this journalist succeeded admirably in showing that these schemes are beneficial to the community – and offer a real alternative to the significantly more expensive option of sending offenders to prison.

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**[TELEVISION FEATURES & DOCUMENTARIES]**  
**[JUSTICE MEDIA AWARD]**

The '**Justice Media Award**' in the category for '**Television Features & Documentaries**' went to a 'fly-on-the-wall' documentary by **Barry O'Kelly of RTÉ One's Prime Time Investigates** – and executive producer **Brian PaircÉir** for their gritty documentary report entitled '**Crime and punishment**'. This documentary piece presented a stark portrait of petty crime in Ireland today. It documents the daily lives of repeat offenders, including Denise, a mother of two, who brings her children on shoplifting sprees to feed her heroin addiction.

These petty criminals are dealt with in the District Courts and are responsible for the majority of crimes committed in Ireland. The programme shows how the courts and prison hold little fear for offenders like Denise, who actually see a jail sentence as an opportunity for a break from the daily grind of petty criminality.

'**Crime and punishment**' revealed so much about the lives of petty criminals, the affects on the judicial system, and the cycle of crime that is fuelled by poverty and drug abuse.

A '**Certificate of Merit**' was presented to: **Colette Fitzpatrick of TV3's Midweek programme for her documentary report 'Headshops'**. This programme examined the legality of the operation of headshops in Ireland, and whether further regulation of these dubious outlets is required. (The programme was produced prior to the new Government order made under the *Misuse of Drugs Act* on 11<sup>th</sup> May 2010, and the new *Criminal Law (Psychoactive Substances) Bill 2010* announced by Government on the same day.) Amid the controversy surrounding the proliferation of headshops, this journalist examined the legislation, the effects of the products on sale and its repercussions for the families and friends of those abusing headshop products.

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**[OVERALL WINNER]**

It is the prerogative of the judging panel each year whether or not to present an '**overall winner**' award. The panel decided that, notwithstanding the commendable standard of winning entries in each category, no single entry stood out from the rest – so no '**overall award**' was presented this year.