

The London School of Economics and Political Science

*Custodians of continuity in an era of change:
An oral history of the everyday lives of Crown Court clerks
between 1972 and 2015*

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Declaration

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Abstract

This thesis investigates the life histories of Crown Court clerks between 1972 and 2015, and has uncovered unheard testimonies of the lived world of law. Drawing on 21 oral history interviews, it is posited that the Crown Court clerk was a pivotal player in the legal system during this period and their contribution to the performance of law has been largely neglected. Though they did not enjoy the economic, social and cultural capital of judges and barristers, or play a central role in the construction and determination of legal issues in hearings, they were chiefly responsible for the smooth functioning of the courtroom, and were constantly working to maintain order and facilitate the flow of proceedings. Court clerks can be characterised as stage managers of the courtroom drama in the sense that the onus was upon them to ensure that all the various props and parties were assembled in the courtroom at the right time, and to direct defendants, witnesses and jurors as to where and when to sit, stand, and what to say at the appropriate moment. Moreover, this thesis asserts that alongside judges and barristers, court clerks were active agents in the perpetuation of traditional practices through their use of official and formal codes of dress, speech and behaviour, and can be perceived as custodians of continuity. This finding is particularly interesting in light of scholarly accounts that have identified a period of radical change to the administration of justice following the founding of the new Courts Service in 1972. It is contended that Crown court clerks were not merely complicit in, but strongly supported a highly ritualised performance of justice. In so doing, they contributed towards upholding the authority and legitimacy of the criminal justice system in ways that have been largely unacknowledged.

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Chapter One

Introduction

The current state of the literature

The first chapter introduces readers to this research project on Crown Court clerks and the scope of its inquiry. It briefly outlines the current state of the literature in the field of legal life writing, overviews the scholarship related to various types of clerks in the legal system, and identifies a notable absence concerning *Crown Court clerks* in particular. The historical background of the administration of justice is then presented in order to provide the necessary context to this study's period of focus, namely between 1972 and 2015. The origins of this research project; key questions posed; the central thesis; and the structure of this monograph are then addressed in turn.

Crown Court clerks have played a pivotal role in trials of the most serious criminal offences. Yet despite their importance, they have to date received very little attention from scholars. This study aims to redress the under-representation of Crown Court clerks in legal scholarship and gain insight into their everyday lives over the last 45 years. It has used oral history and socio-legal methodology, and more specifically, has sought out, recorded, and analysed their life histories.

The existing literature tends to concentrate on elite players in the legal system, and typically, white, male and heterosexual judges and barristers (Sugarman, 2015, p.13; Mulcahy and Sugarman, 2015, p.1). Amongst the writings that focus on the elite, a typology consisting of five broad categories can be discerned.¹ Firstly, there are *autobiographies* or memoirs written by judges and barristers. Typically written later in life, they are reflective accounts of formative events; how they came to the bar and bench; and memorable colleagues and cases they adjudicated or were involved with. Most commonly, these narratives are structured chronologically and divided into time periods, life phases, or pertinent themes. Notable examples are: Lord Hailsham's *A Sparrow's Flight* (1990); Michael Mansfield's *Memoirs of a Radical Lawyer* (2009);

John Mortimer's *Murderers and Other Friends* (1995); and Michael Kerr's *As Far as I Remember* (2002).² Legal autobiographies have been produced by a range of publishing houses, from the more mainstream to small independent, and some have been self-published. The six autobiographical works of The Rt. Hon. Lord Denning are particularly noteworthy. Taken together they present a combination of his family background and life history, as well as detailed commentary concerning his views on legal principles, law reform and the thought processes underpinning his judgements that have shaped the course of legal history and development.³

The second category contains *biographies* of 'personalities' or celebrity advocates and judges. Many of these works have a wide public appeal and feature detailed expositions of high-profile cases, showcasing their subject's skill and brilliance in the courtroom, and charting the trajectory of their celebrated careers (Parry, 2010, pp.212-14). Parry (2010) has discussed the process of how these books are constructed, and highlighted that their biographers have unearthed a wealth of archival material and primary sources that otherwise would not have come to light, such as personal papers, diaries, letters, and other memorabilia, and composed a coherent narrative of their subject's life and character (p.214, p.220). It is precisely the highly interpretative and subjective nature of this work that has been criticised within the academic discipline of law as 'lightweight', not sufficiently rigorous, and is open to 'excessive speculation' and misinterpretation (Parry, 2010, pp.215-16).

Biographies of well-known barristers and judges have been written by historians, journalists, and people from legal backgrounds. For instance, accomplished biographers Edward Marjoribanks and Harford Montgomery Hyde both practiced at the bar, and Marjoribanks life-story account of Marshall Hall (1989), and Hyde's writings on Norman Birkett (1964) and Patrick Hastings (1960), were informed by their personal experiences of the law (Parry, 2010, pp.210-11).⁴ Other books of this type have been penned by family members, and vary widely in their portrayal of their subject. By way of example, *Rebel Advocate: A Biography of Gerald Gardiner* (1983) by his wife Muriel Box; and *Rose Heilbron: Legal Pioneer of the 20th Century* (2012), by her daughter Hilary Heilbron, are uncritical and unwavering in their devotion. Yet *No*

Ordinary Man: A Life of George Carman QC (2002) by Dominic Carman; and *Kid Gloves: A Voyage Round my Father* (2015) by Adam Mars-Jones, are more complex and ambivalent representations of their respective fathers.

The third strand within this typology of elite legal biography features the lawyer-politician, such as Stanley Jackson's *Rufus Isaacs, First Marquess of Reading* (1936), John Campbell's *FE Smith, First Earl of Birkenhead* (1991), Hyde's *Carson* (1953), and Geoffrey Lewis's *Lord Hailsham: A life* (1998). Though these politico-legal biographies largely concentrate on their subject's political careers, their legal backgrounds played a critical part in their life stories (Parry, 2010, p.213). The fourth category of 'intellectual biography' has been discussed by Parry (2010) and Sugarman (2015) which predominantly features texts by legal scholars about other legal scholars. They tend to focus on their subject's contribution to the development of legal thought and scholarship, rather than necessarily on their life history in depth (Parry, 2010, pp. 217-20). Examples include: Geoffrey Elton's work on Frederic Maitland (1985); a collection of essays edited by Alan Diamond, *The Victorian Achievement of Sir Henry Maine* (1991); William Twining's *Karl Llewellyn and the Realist Movement* (1973); Neil Duxbury's studies of *Frederic Pollock and the English Juristic Tradition* (2004) and *Lord Wright and Innovative Traditionalism* (2009); and David Sugarman's essay on *Brian Simpson's Approach to Legal Scholarship and the Significance of Reflections on 'The Concept of Law'* (2012).⁵

Fifthly, and lastly, is a more integrated approach which combines an empirically based life-story narrative with an analysis of the subject's intellectual evolution and legacy. This style appreciates that an individual's professional and public contributions are often grounded in very personal and defining life experiences that have influenced their ideas and values (Parry, 2010, p.225). Examples of work in this area include: Iris Freeman's *Lord Denning: A Life* (1994); Nicola Lacey's *A Life of HLA Hart: The Nightmare and the Noble Dream* (2004); David Sugarman's *Beyond Ignorance and complacency: Robert Stevens' journey through Lawyers and the Courts* (2009).⁶ As Parry (2010) has argued, studies that investigate their subject's private lives, 'motives and outlook', 'psychological desires, ambitions, fears and prejudices' (p.229) can offer a

more sophisticated and nuanced portrait of their subject's character and life experience, and ultimately enrich our understanding of their impact on the law.

Beyond documenting the lives and ideas of the legal elite, a few scholars have demonstrated a keen interest in agents and aspects of the law that have tended to be overlooked. Examples include: Patrick Polden's writing on early female barristers (2005), Mary Jane Mossman's *The First Women Lawyers* (2006), and Clay Smith's *The Making of the Black Lawyer* (1993).⁷ In addition, a recent compilation of essays entitled *Legal Life Writing: Marginalised Subjects and Sources* (Mulcahy and Sugarman, 2015), was dedicated to the perspectives of those who have not typically been represented within the field of law by virtue of their gender, race or beliefs. The introduction to this collection conceived of legal life writing in its broadest sense to include studies not only of individuals but also groups, objects and sources. Moreover, its expressed aim was to advance inter-disciplinary scholarship that fosters 'a broader, more pluralistic, democratic conception of legal life writing' (2015, p.2). One example is Fiona Cownie's (2015) exploration of Claire Palley, who was the first woman law professor appointed to a university in the United Kingdom – Queen's University Belfast in 1970. Cownie's (2015) work is novel in that it focussed on a *female* academic, and scrutinised Palley's subjectivity in order to decipher the personal qualities and attributes that may have enabled her to become a pioneer in her chosen profession.

In addition, these essays on marginalised legal lives have raised a critical methodological question about what subjects, methods and sources are legitimate and credible to use in the attempt to piece together and interpret an individual's life, particularly when there is scant archival material available. For instance, Rosemary Auchmuty (2015) urged scholars to be imaginative, and she herself drew upon literary sources to extrapolate the social context and conjecture about Miss Bebb, who in 1913 brought a case against the Law Society for not allowing women to become solicitors. Moreover, this volume has reminded us that while individual biographies tend to celebrate those considered remarkable in certain respects, an examination of group lives can often reveal much more about everyday patterns, expectations of behaviour and legal cultures more generally (Mulcahy and Sugarman, 2015, p.2). The apparent

openness and interest within academia to uncovering untold stories of the non-elite, as well as writing group biographies, would suggest that it is timely to conduct research on the lived world of Crown Court clerks whose contribution to judicial administration has hitherto been neglected and remained largely invisible within legal scholarship.

In mining the socio-legal empirical literature about *clerks* within the English legal system, various studies can be found. John Flood's (1983) seminal and extensive study of barristers' clerks is similar to this study on Crown Court clerks in the sense that he sought to understand and describe the role and function of another key player in the delivery of justice (Flood, 1983, p.3; 1981). However, he pursued a different research method to achieve his goal. Unlike this study which is based on in-depth life history interviews, Flood (1983; 1981) used ethnography and participant observation and spent a number of months recording barristers' clerks' conversations and movements in different environments – various sets of chambers, the pub, and during listing sessions at court (1983, p.144). In addition, Morison and Leith's (1992) research on the barrister's world contains a few pages about their clerk, particularly in relation to the barrister's career development (pp.29-34). Other scholars have also overviewed barristers' clerks' work, fees, and relationship with advocates (see Abel-Smith and Stevens, 1967, pp.451-52; 1968, pp.110-12; Zander, 1968, pp.83-95; Johnstone and Hopson, 1967, pp.426-41). Moreover, there are three autobiographical accounts by long-standing barristers' clerks, namely, *Behind the Bar* (1951) and *A Lifetime with the Law* (1961) by A.E. Bowker,⁸ and *Under the Wigs: The Memoirs of a Legal King-Maker* by Sydney Aylett (1978), which tell of how they guided the careers of accomplished advocates, and dramatically depict some of their most famous cases.

Other types of clerks have been acknowledged in the literature. The post of the court clerk in Magistrates' Courts has been the focus of various studies (see Darbyshire, 1984; Astor, 1984, 1986; Burney, 1979; Raine and Willson, 1993; Mc Laughlin, 1990). Samuels (1981), in particular, called for the need to raise the status, morale and recognition of these legally qualified clerks who advise lay magistrates about the law (pp.84-5). Furthermore, the position of the articled clerk (a trainee solicitor), and their education and training have been addressed (Abel-Smith and Stevens, 1967, pp.130-31;

Zander, 1968, pp.27-32, 53-54, 56-57; Johnstone and Hopson, 1967, pp.45-92).

Although all the works listed above are informative concerning different types of clerks, none of them relate specifically to *Crown Court clerks* who have had an altogether different function in the English legal system and are not generally legally qualified.⁹

With regard to scholarship relating to *court clerks*, Cockburn (1972; 1969) has suggested that for much of the history of criminal proceedings they have remained shadowy and anonymous figures (1972, pp.70-85). Textbooks on criminal procedure commonly ignore the court clerk's contribution to procedural justice and the dynamics of the trial or at best give them a cursory mention. For example, *Blackstone's Guide to the Criminal Procedure Rules* (Atkinson and Moloney, 2011) only refers to the justices' clerk who is legally qualified and works at the Magistrates' Court; and *Criminal Pleading, Evidence and Practice* (Archbold, 2014) does not refer to the court clerk's role. Historians and those interested in bottom-up historical accounts have also failed to consider court clerks. A search of the national oral history collection revealed that oral historians had not broached any work on their life histories. Only a handful of recorded interviews speak of clerks, and these refer to judges' clerks and magistrates' clerks (Millennium Memory Bank, British Library, 1999; National Life Stories, Legal Lives, British Library, 2008-2013).

Some autobiographical work has been written by court clerks, yet this is anecdotal rather than academic. It also pre-dates the creation of the Crown Court (Bancroft, 1939; Yeatman, 2000). The memoirs of Clerks of Assize during the mid-twentieth century, George Pleydell Bancroft (1939), and Francis Dyson Yeatman (2000), provide glimpses into the responsibilities and lifestyle of the principal court clerk under the old Assize system.¹⁰ Their writings offer numerous personal vignettes about their relationships with judges and barristers, private conversations with defendants, witnessing judges waiting anxiously for verdicts in their private rooms, and barristers fears of entering prison cells. In addition, Stephens (1960) has chronicled the vital roles played by the Clerk of the Peace and their deputy in Quarter Sessions courts for six centuries between 1360-1960. Although these texts are a fascinating historical record of an obsolete system, they do not tell us about the lived experience of clerks who have served in

modern day Crown Courts. One exception is Paul Rock's (1993) study of the social world of Wood Green Crown Court but even this work only includes a few pages about their position. Having conducted an extensive review of the literature, it was evident that much was waiting to be discovered about the everyday working lives of Crown Court clerks.

Historical background

As well as focussing on Crown Court clerks, this study examines a particularly turbulent time for the English legal system. This study's period of inquiry begins in 1972 which marked a critical turning point in the administration of justice in England and Wales. At that time, the system was fundamentally reformed as a result of the Courts Act 1971 which introduced a national network of Crown Courts and swept away the ancient Assize system that had been in place since the early middle ages. Most notably, there was a shift from a de-centralised system administered by numerous local authorities towards a nationalised and unified 'new Courts Service' under the control of the Lord Chancellor's Office.¹¹ The then Lord Chancellor Lord Hailsham stated that this was 'the most far reaching and radical change in the administration of the criminal law ever to have been undertaken in this country'.¹² Sir Derek Oulton, who served as Secretary of the Royal Commission of Assizes and Quarter Sessions in 1966, asserted that this was 'one of the biggest upheavals for 800 years'.¹³ Scholars have since deemed the Beeching reforms (as they are also known) 'drastic' and 'spectacular' (Shetreet 1979, p.53; Stockdale, 1970). Mulcahy (forthcoming) has claimed that the Courts Act 1971 transformed the administrative operation of the courts and enabled the birth of the modern English legal system.

Although the seismic shift in the administration of justice in 1972 has evidently been recognised, few academics have explored this era of reform. Rock (forthcoming) has written four chapters in an as yet unpublished account of the history of the criminal justice system more broadly. Woodhouse (2003) has discussed the Courts Acts 1971 in the context of the evolution of the Lord Chancellor's Office, and Mulcahy

(forthcoming) has analysed this historical period through the lens of policies and practices that relate to the court building programme, and court design and architecture. There are also a handful of other articles in law journals from the early 1970s, for instance, by Lord Chorley (1970), Mars-Jones (1973), Wells QC (1970), a slim volume by Williams QC (2006), and a memoir by a High Court judge, Justice Nield (1972), which was written in anticipation of reform as a farewell and tribute to the Assize courts. It is notable that these texts offer ‘top down’ socio-legal and historical analyses of this monumental shift. That is, they draw upon official records and documentary evidence and espouse the views of those who occupied the most elite and powerful positions during the conception, planning and implementation of the new Courts Service. In contrast, this study provides a ‘bottom up’ approach and places first-hand accounts of the ‘ordinary’ lives of court officials at the centre of its inquiry.

It is also notable that scholars have not considered the impact of the Beeching reforms upon court clerks and how their everyday working lives changed as a result. The shift to the new Courts Service is still within living memory, and court clerks who worked through the transition have contributed to this study and offered invaluable insight into the changes that occurred at that time. In order to comprehend how their day to day lives were directly affected by the changeover to the new system, it is first necessary to provide the historical context regarding the structure and operation of judicial administration prior to reform; the specific functions of the court clerk within the ancient Assize and Quarter Sessions courts; and why and how the old regime came to be abolished and replaced by the new Courts Service.

Court clerks under the Assize system

The Assize system was founded in the twelfth century and saw the country divided into various Circuits. Each Circuit contained a number of counties and was responsible for the operation of the Assize courts within their respective region. The number of Circuits and county borders changed intermittently over time. In the 1960s, when the Royal Commission on Assizes and Quarter Sessions reported, there were seven Circuits

(Williams, 2006, pp.23-24; Derriman, 1955, p.122).¹⁴ Pairs of High Court judges of the King's or Queen's Bench Division in London were assigned a particular Circuit and they would travel from county to county to preside over seasonal Assize courts which tried the most serious criminal offences such as treason, murder, rape and burglary (Royal Commission, 1971a, p.21; Graham, 2003, p.39; Derriman, 1955, p.124).¹⁵ At different periods over many centuries, the number of Assizes held annually in each county varied from one to four.¹⁶ During the 1960s, Commissions of Assize were issued three times a year for the Summer, Autumn and Winter Assizes (Royal Commission, 1971b, p.17), and the length of each Assize ranged between a few days to a few weeks.

The literature tells us that for many centuries, court clerks who managed the Assize courts were central to the administration of justice (Cockburn, 1969; Stephens, 1960). Oulton asserted that the Clerk of Assize 'ran the show and made sure the Circuit ran smoothly!' (Oulton, 2014).¹⁷ Clerks of Assize were chiefly responsible for administering all Assize courts within their respective Circuit, with the assistance of their staff – the Assistant Clerk of Assize, Circuit Officers and Circuit Clerks (Royal Commission, 1971b, p.26). When they were not travelling the Assize route, they were based in the headquarters town or city of their Circuit.¹⁸ Their key duties entailed preparing the court lists; drafting indictments; arraigning defendants and taking pleas; making the charges against the defendant comprehensible to them; recording all charges; ensuring that there were enough jurors; overseeing jurors; ascertaining the fee for counsel depending upon the length and difficulty of the particular case;¹⁹ and arranging for the defence of defendants who were unable to pay for counsel (Bancroft, 1948, p.218; Hyde, 1964, p.71; Yeatman, 2000, p.99).²⁰ Clerks of Assize were usually barristers with at least five years experience, yet it was also possible for Assistant Clerks of Assize who were not barristers to be promoted to the post (Royal Commission, 1971a, p.23).²¹

The position of Clerk of Assize was held in high esteem and clearly sought after. As an illustration, in 1914, the Lord Chief Justice, Justice Avory, confided that he was loathe to appoint a new Clerk of Assize because he would be overwhelmed by applications and the task of having to select the most suitable candidate to such a responsible position

(Bancroft, 1948, p.208).²² Furthermore, the Clerk of Assize was a key figure in ceremonial and given the honour of reading the Commission of Assize, which officially opened the court (see Appendix A for the Commission text).²³ George Pleydell Bancroft, who was Clerk of Assize for the Midland Circuit from 1914 wrote that reciting the Commission was a great privilege for him, and even after 25 years he would feel extremely nervous because of the sense of gravitas of the occasion and the ‘responsibility he had stepped into’ (Bancroft, 1948, pp.220-22, p.237). Legal ceremonies are highly relevant to this study because it has been found that they continued even after the Assizes and Quarter Sessions were abolished, and were practiced in the Crown Court. Court clerks’ involvement in ceremony and pageantry, and the meanings they ascribed to these occasions is a core theme of this thesis and is developed in Chapter Six.

Under the Assize system, there were also Quarter Sessions courts which were administered separately from the Assizes. As their name indicates, Quarter Sessions met at least quarterly for two to three weeks²⁴ and were usually based in the same location.²⁵ They tried less serious offences than Assizes, such as thefts, assaults, affrays and motoring offences (in more recent times), and were conducted by the Clerk of the Peace²⁶ and Deputy Clerk of the Peace who were both qualified lawyers (Williams, 2006, p.6; Stephens, 1960, p.31, p.40).²⁷ Since the Municipal Corporations Act 1835, Quarter Sessions in the larger boroughs and cities were presided over by part-time judges, recorders, and barristers with at least five years experience, except in a few of the most highly populated areas, where they sat full-time. With the Local Government Act 1888, the Clerk of the Peace was also typically the Clerk of the County Council, and the chief officer of county administration. In the mid-twentieth century, his judicial duties included drafting indictments against the defendant; assessing whether a case should be granted legal aid; summoning witnesses; preparing the court lists; reporting on the efficiency and quality of staff; swearing in the jury; reading statements; and taking the verdict. In addition to personally clerking courtrooms during hearings, Clerks of the Peace managed other court clerks who, unlike themselves, were not legally qualified (McKenzie, 2014).²⁸

Shifts in thinking about the organisation of the justice system

Clerks of Assize and Clerks of the Peace were senior officials who played an important role in the Royal Commission Inquiry on Assizes and Quarter Sessions 1966-1969.

Peter Robinson, Clerk of Assize for the North-Eastern Circuit, made a major contribution,²⁹ and Clerk of the Peace Sir Andrew Wheatley, was appointed as a member of the small and select Royal Commission Committee (Rock, forthcoming; Scott, 2014). But why was an Inquiry considered necessary at that time? It is important to note that previous attempts to significantly reform the administration of justice had failed. During the 1960s, there were an increasing number of complaints about the operation of the system, and with an escalating sense of urgency.³⁰ The problems centred on five key issues, specifically the inconvenient and difficult to access location of many courts; insufficient numbers of courts and inadequate conditions and facilities; uncertainty about when and where cases would be heard; the length of delays to hearings;³¹ and a lack of judges to meet the ever growing backlog of cases (Royal Commission, 1971a).

Pressures on court administration were exacerbated by a rise in crime after the Second World War, and the system struggled to cope with the burgeoning number of trials. There was a reported 32 per cent increase in trials between 1957-1967 (Royal Commission, 1971a, Appendix 5, p.161; Rose, 1971). To compound matters further, with the introduction of the Legal Aid Act of 1960, an increased number of people were pleading not guilty, and the number of people granted legal aid tripled from 1960 to 1967 (Royal Commission, 1971a, Appendix 6, p.162).³² Moreover, the average length of trials was becoming longer. In 1967, at least 37 per cent of civil cases were deferred from one Assize to the next due to the practice of giving precedence to criminal work (Royal Commission, 1971a, p.34; *The Guardian*, 1969, p.22).³³

All of the above mentioned issues were raised by Clerks of Assize in the written evidence they submitted to the Royal Commission (see Appendix C for a list of Clerks of Assize in 1971).³⁴ They offered their assessments of the difficulties that the system was facing, the impact upon their day to day work, and recommendations for potential

solutions. For example, Clerk of Assize for the Northern Circuit, I. A. Macaulay, gave a thorough account of witnessing first-hand the anxiety and exasperation of litigants, jurors and witnesses who were considerably inconvenienced by having to travel long distances to difficult to access court locations. Macaulay explained that matters were made worse because there were no set times regarding when the court would rise each day and whether local transport would still be available. Moreover, certain courts were not within daily travelling distances and court users were often hard-pressed to find local accommodation for the duration of a trial.³⁵ A large part of the problem concerning the location of the courts was that when the Assizes first developed, judges were sent to the main areas where people lived. Yet the system had not adapted to dramatic changes in the country's demographic pattern, and more specifically the shift in population from rural areas to towns and cities that had come about with the Industrial Revolution.³⁶

In addition to inconveniencing court users, a memorandum from the Clerks of Assize expressed:

[the] system requires the setting up of a temporary centre for administration in each county, and much time and money is therefore spent by Judges, their retinues, the Clerks of Assize and their staff travelling from one county to another, settling in lodgings and setting up temporary office accommodation.³⁷

Clerk of Assize for the Western Circuit, S.E. Lloyd, referred to the onerous burden of continually moving his office from one Assize town to the next, transporting office equipment and stationery, court forms and case papers, and textbooks in heavy wicker hampers and constantly assembling and disassembling court offices (Royal Commission, 1971a, p.110). Upon arrival in the Assize town on Commission day (which was the day before the Assize officially began sitting) the entire office had to be set up as quickly as possible in order to begin to deal with urgent court business such as preparing indictments, responding to numerous queries from solicitors and counsels' clerks, and receiving vital documentation from the prison officer, prison medical officer, and liaison probation officer.³⁸

A further immediate concern for Clerks of Assize was that in certain areas, and most notably for the Midland Circuit, there were not enough courtrooms available to meet the need due to the rising rates of crime. Moreover, the state and condition of the building stock was often unsuitable.³⁹ For instance, Lloyd commented on Winchester: ‘Very inadequate courts and very poor facilities for everyone attending...everyone is patient, but it does mean soothing witnesses and jurors quite often.’⁴⁰ Although permanent and custom-built courthouses emerged from the late-eighteenth century onwards, many courts were still being held in civic buildings such as town halls, county halls and guildhalls in the 1960s (Mulcahy, 2011, p.24; Mulcahy, 2007, p.388; Mulcahy, 2008, p. 527, p.538; Girouard, 1990, p.46). Many of these sites were ill-equipped for trials. It is worth remembering that in the postwar period the NHS was established; national debt was accumulating; and the government’s priority was dealing with the provision of housing and the reconstruction of national infrastructure and assets following the destruction of the War (Young and Rao, 1997, pp.52-53). For these reasons, there was no court building programme between 1914 and the 1970s, and many of the buildings that were being used for courts had been erected in the Victorian era or earlier (Mulcahy, forthcoming).

Not all courts were unsatisfactory and the evidence submitted by Clerks of Assize to the Royal Commission indicates that some had good facilities and were well-maintained. Evidently, court accommodation was variable and depended upon the amount of funds, interest and care that local authorities invested in them. Despite the fact that local authorities were officially responsible for the maintenance of the courts, the onus seems to have been largely upon the Clerk of Assize and their administrative staff to transform inadequate county buildings into decent and functioning courtrooms. The implications for clerks, working in ill-suited and poorly maintained buildings were the danger of witness intimidation, the difficulty of orchestrating proceedings, and upholding a measure of dignity and respect for the law.

Clerks of Assize also voiced their frustration about not being able to cope with the ever-increasing workload. The Clerk of Assize for the Oxford Circuit, William Lewis, felt

that the sheer scale of the work was the crux of the problem rather than flaws with the system itself. He stated:

The increasing volume of work in recent years has made the administration of justice at Assizes progressively difficult, and so far as civil work is concerned we have come very near to breaking point... Our present difficulties, in my view, are due not to faults in the system, but to the overloading to which it has been subjected by present day conditions...and one solution would be an increase in the number of High Court judges. Alternatively, these difficulties could be overcome or at least alleviated by increasing the jurisdictions of Quarter Sessions and all of the County Courts.⁴¹

However, other Clerks of Assize believed that their incapacity to deal effectively with the rising level of work was due to the inflexibility of the system itself. This was explained by Clerk of Assize for the Wales and Chester Circuit, Hugh Thomas:

The present system of fixed Assizes in each county has proved impracticable, inconvenient and very wasteful of judge-power. The itinerary for each year are drawn up in the early part of the preceding year when it is quite impossible to estimate the number of days required. Past experience is no guide as in the smaller counties the volume of work fluctuates from nothing to a few days. The fact that 13 towns have to be included, necessitating 13 travelling days, results in many towns being limited to one and some towns to two days a piece. This time is insufficient to deal with any cases of substance. This has resulted sometimes in Assizes in the small towns adjourning the cases in their list to other Assizes because there is insufficient time (p.1).⁴²

The rigidity of the system meant that the actual demand could not be properly met. Judges left cases outstanding in busy areas, and then travelled long distances to try only a few cases (an estimated 25 per cent of their time was spent travelling), as they were bound to follow the prescribed Circuit itinerary that had been set a year before and did not reflect the reality of the number of cases in a particular Assize town.⁴³ An inevitable consequence of deferring cases to future Assizes meant additional delays to hearings.

The lack of a coherent or consistent method to organising the daily court lists was another vexed issue for Clerks of Assize. Peter Robinson criticised the fragmented and arbitrary approach to preparing the lists:

Sometimes.....the judges, their clerks and the Assize staff are of one mind about the lists. Then with the cooperation of the bar, a sublime Assize ensues. This can last for as long as six weeks at Leeds. Then in the seventh week fresh judges and their clerks arrive, and unless one is twice blessed, one has to exert oneself to prevent bizarre daily lists from appearing. In any event there is no continuity of responsibility. The judges and their clerks come for a short period, they are replaced by others who may both individually and collectively have quite different ideas as to how the lists should be run.... These arguments...are levelled at the system (if it can be called a system) which by its nature prevents an orderly pattern from ever emerging. The consequences are that solicitors, witnesses and others never know when they may be required.⁴⁴

Due to the lack of a comprehensive system that assigned responsibility to particular individuals in each area for arranging the court lists, or for setting fixed dates for trials, there was often uncertainty about when cases would actually be heard. Subsequently, all those required to attend court – witnesses, jurors, counsel, solicitors, accused persons, litigants, prison officers, police officers and probation officers, regularly had to wait for long periods in the court building for their case to be called on, or they were required at the court at short notice. Again, this caused a great deal of inconvenience for all involved, and was of direct concern to Clerks of Assize who were ultimately responsible for administering the courts within their respective region.

As far as Quarter Sessions courts were concerned, The Society of Clerks of the Peace of Counties and Clerks of County Councils, painted a very different picture in their written evidence to the Royal Commission, and were of the opinion that they operated expeditiously:

The Society are not aware of any inherent defect of principle in the present arrangements for Quarter Sessions in England and Wales... The system is flexible in its application to any size and type of area, and this is exemplified by the ability to appoint additional part-time deputy chairmen and professional staff enabling the courts to sit in such number of divisions and with such frequency as the volume of business may require... It seems to the Society that any deficits of principle in present administration of criminal justice in the superior courts stem not from Quarter Sessions but from Assizes... The Society's general conclusion is that the abolition or alteration of Quarter Sessions as they now exist would be a retrograde step,

as these Sessions form a speedy, flexible and convenient method for the local administration of justice in convenient areas and are readily accessible to the parties, witnesses, jurors and others (Royal Commission, 1971b, pp. 488-95).

Furthermore, the Society clearly opposed a centralised approach, and made a bold plea for keeping the administration of justice closely linked to local government areas:

The Society are firmly of the opinion that the area of primary jurisdiction of Assizes or Quarter Sessions, or any Court which may be substituted on reorganisation, should be allied to the primary local government areas, namely those of counties and county boroughs... [and would] enable the area of the court to be broadly co-terminus with the police area, the probation area, the Magistrates' Courts committee area, the area from which jurors are called and with the area for the provision of court accommodation and the payment of prosecution costs (Royal Commission, 1971b, pp.489-90).

The Society perceived Assize and Quarter Sessions courts as integral to an interdependent network of services and relationships that administered justice, and their connections with other local services were indispensable to the system as a whole. This perspective appears to have been held more strongly by clerks who worked in Quarter Sessions courts rather than Assize courts.⁴⁵ In addition, Clerks of the Peace, who were also Clerks of County Councils, regarded their office as 'a focal point' in local administration and county government, and they may well have been reluctant to lose this standing (Royal Commission, 1971b, p.487).

The implementation of the new Courts Service and implications for court clerks

After three long-awaited years, the Royal Commission Report was published on September 29, 1969.⁴⁶ It acknowledged the challenges and demands that had been imposed upon court staff and paid tribute to:

...the valiant and conscientious efforts which have been made by the Clerks of Assize, Clerks of the Peace and other officers of the numerous different courts to provide the public and the legal profession with a service under cripplingly difficult conditions.

Indeed, it has been a matter of constant surprise to us, in the course of our enquiries, that the system has not broken down (p.103).

How did the Royal Commission's proposals for reform seek to remedy the major problems to judicial administration that have been outlined above? And what were their immediate implications for court clerks? The Report proposed to abolish Assizes and Quarter Sessions and introduce permanent Crown Courts throughout England and Wales which would sit continuously throughout the year. They would be located in fewer and more convenient sites, particularly the most densely populated areas, and within daily travel distance for the majority of the population (80 per cent).⁴⁷ Crown Courts would deal with criminal business only and avoid the overload and long delays of civil cases (Royal Commission, 1971a, p.64).⁴⁸ They would be allocated permanent staff who would administer the courts, the daily lists, and fixed dates for trials would be set (*The Guardian*, 1969, p.22; *The Times*, 1968, p.2). A major component of the proposed reforms was a new court building programme. The Royal Commission recommended purpose-designed courts to be built with proper office accommodation for court staff, modern facilities for court users, consultation rooms, separate waiting rooms and segregated circulation routes for different categories of court users, and secure detention rooms for prisoners (Royal Commission, 1971a, p.111; Mulcahy, forthcoming). To deal with the need for more judges, the Report proposed creating a two tier system of the judiciary, whereby High Court judges would be joined by a lower tier of judges to be called 'Circuit judges' (Royal Commission, 1971a, p.65).⁴⁹

The Report proposed to maintain the Circuits, and specifically to group all courts throughout England and Wales into six Circuit areas, whereby each Circuit would include at least one main centre of population (Chorley, 1970, p.188).⁵⁰ Every Circuit would be under the management of a Circuit Administrator who would serve the Crown Court, High Court, and County Courts. The Circuit Administrator would work with two Presiding Judges for each Circuit and supervise and coordinate the judicial and administrative business of the courts (Royal Commission, 1971a, p.67).

Underpinning these proposed reforms was a shift towards centralised responsibility for the administration of justice above the level of Magistrates' Courts. The unified new

Courts Service would be under the control of a single Minister, notably the Lord Chancellor, which meant that local authorities would no longer be responsible for the higher criminal and civil courts. Central government would fund and build the new courts, ensure all courts were properly maintained, provide judges' lodgings, appoint and pay court staff, meet all prosecution costs, and the Exchequer would assume responsibility for the entire cost of administering justice (Royal Commission, 1971a, p. 67; *The Guardian*, 1970, p.6).⁵¹

The Royal Commission's proposals were accepted, with a few minor exceptions, within nine months, which was considered almost unprecedented for a reform of this scale (Osmond, 1971, p.3).⁵² On January 1, 1972, the new system was introduced. Senior civil servants who dealt with the implementation of 'The Beeching Operation' highlighted the sheer scale and complicated nature of the changeover, and the tensions related to 'a whole chain of adjustments of central and local responsibilities' (Osmond, 1971, p.1). There were immediate consequences for court clerks. Firstly, the office of the court clerk in the Crown Court came into existence.⁵³ Secondly, they became civil servants compared to local authority employees and had to adapt to a new working culture. And thirdly, with the establishment of new Crown Courts, the itinerant lifestyle for court staff that had characterised the Assizes for many centuries came to an end, and they were permanently based in a particular Crown Court building. Moreover, there was the promise, and, in time, the construction of new fit-for-purpose court accommodation.

Considering the scale and scope of the Beeching reforms, it will come as no surprise that there were intense and diverse reactions from those within the legal world, including members of the judiciary, the bar, solicitors, recorders, Clerks of Assize, Chairmen of Quarter Sessions, and police officers. These have been authoritatively charted by Rock (forthcoming) who conceptualised the polarised responses to reform as between 'conservers' who were attached to notions of history, tradition and custom; as opposed to 'reformers' who advocated progress, modernisation and breaking free from archaic and inefficient practices. But how did court clerks feel about radical reform to the system? What was the impact on their everyday lives and their lived experience of the criminal justice system? Responses to these questions are explored in Chapter Five.

The origins of this research project

Funded by an Arts and Humanities Research Council (AHRC) Collaborative Doctoral Award, this project is a joint partnership between the London School of Economics Legal Biography Project (LBP) and National Life Stories (NLS) at the British Library. The LBP aims to facilitate scholarship in legal biography and to generate discussion about the myriad of experiences of those who staff and participate in the justice system. NLS was established in 1987 to record first-hand accounts of a wide cross-section of society through oral history fieldwork, and their recordings form an invaluable record of British life from diverse perspectives. A core part of this project has been to build research capacity for both institutions in a largely unexplored field and to create and deposit a publicly accessible archive of interviews with Crown Court clerks at the British Library.

The original AHRC proposal argued that long-serving, older and retired court clerks who lived through the changeover from the old Assize system to the modern day permanent Crown Court with its resident judges and new buildings, would have much to contribute to debates about the changing focus and nature of the criminal justice system. It has been crucial to carry out this research now as the memories of transformation from an ancient form of regional justice to a modern centralised one would otherwise have been lost as the pool of court clerks with first-hand knowledge and experiences of these changes diminishes. Consistent with the AHRC proposal, a key finding was that respondents recognised the radical nature of reform and discussed the ways in which their daily lives were impacted as a result. However, an unexpected finding that is discussed in Chapter Five was that the centralisation of the system in 1972 sowed the seeds for dramatic changes to their work in the following decades.

The AHRC proposal also anticipated that Crown Court clerks would offer an opportunity to explore legal proceedings through the lens of a participant with a unique vantage point within the court. Court clerks were officers of the court without the qualifications or standing of lawyers. They sat at the bench below the judge, in the inner sanctum of the court, and their tabs and gown made them instantly recognisable as

members of the justice system. They mediated between the various participants in the trial and were the primary point of contact between the laity and lawyers in the course of proceedings by swearing in the jury, summoning counsel and witnesses, taking pleas from the defendant, and conveying messages between advocates, the jury, and the bench (Rock, 1993). Though the Crown Court clerk was ‘of’ the system, they were distinct from those who inhabited the bar and bench. They did not play a central role in the construction and determination of legal issues in hearings, nor did they enjoy the same economic, social and cultural capital as judges and barristers.

Research questions

As there is a paucity of literature about Crown Court clerks, this study’s prime intention has been to learn about who they were and what they did, both within the court and beyond, in intimate, rich and vivid detail. To this end, in-depth life history interviews were conducted over many hours with 21 respondents and covered more topics and issues than are able to be included in these pages. Therefore, this thesis will present and analyse a careful selection of the key research questions and themes. These include: What socio-economic and cultural backgrounds did Crown Court clerks come from? How and why did they become court clerks, and how did their career trajectories develop? What was their primary function in the court, and what were their everyday tasks and responsibilities? How were their working lives affected by the profound shift from the ancient Assize system to the new Courts Service in 1972? How has their role changed during the past 45 years? How were court clerks involved in legal pageantry and ceremony, and other ritual practices that contributed towards the dignification, continuity and authority of the law? What feelings and attitudes did they hold towards their work? Further subjects and topics that were discussed in interview can be found in the interview Question Structure (see Appendix D).

The thesis

This study's claim to originality is that it has identified and helped to fill a noticeable absence in the literature about the role and function of a critical legal actor in the trial who has been much neglected. It is argued that investigating the lives of non-elite legal actors has uncovered hidden and untold accounts of the lived world of law. It is further posited that the Crown Court clerk was a pivotal player in the legal system, though they did not enjoy the economic, social and cultural capital of judges and barristers, or play a central role in the construction and determination of legal issues in hearings. But critically, they performed a range of other tasks and were chiefly responsible for the smooth functioning of the courtroom. The control of the court has commonly been attributed to the judge, yet court clerks were constantly working in more subtle and nuanced ways to maintain order and facilitate the flow of proceedings. The onus was upon them to ensure that all the various parties were assembled in the courtroom at the right time, and to direct defendants, witnesses and jurors as to where and when to sit, stand, and what to say at the appropriate moment. In this respect, Crown Court clerks can be characterised as stage managers of the dramatic action that took place within the courtroom.

In addition, this thesis asserts that alongside judges and barristers, court clerks were active agents in the perpetuation of traditional practices through their use of official and formal codes of dress, speech, and behaviour. Viewed from this perspective, they can be understood as custodians of continuity. This finding is particularly interesting in light of scholarly accounts that have identified a period of radical change to the administration of justice in recent history, specifically following the founding of the new Courts Service in 1972. It is contended that Crown court clerks were not merely complicit in, but strongly supported a highly ritualised performance of justice. In so doing, they contributed towards bolstering the authority and legitimacy of the criminal justice system in ways that have been largely unacknowledged.

The structure of this thesis

Following this introduction, Chapter Two provides a rationale for this study's use of oral history methods, and explains the appropriateness of in-depth life history interviews to answer the key research questions posed. Core theoretical issues and debates within the field of oral history that are relevant to studying the lives of Crown Court clerks are then discussed. These include: the use of life history accounts to analyse a narrator's subjective experience and construction of their identity; the relationship between personal and cultural memory; the ways in which the narrative produced is a co-construction between interviewer and narrator; the importance of the researcher's reflexivity; the potential impact upon the narrator of participating in an in-depth life history interview; and conceiving of the interview as a relationship and performance. The chapter then describes the process of planning and preparing for the interviews, the steps taken to ensure that the research would be carried out within an ethical framework, and that the data collected would be thorough and comprehensive. This is followed by outlining sampling decisions and how interviewees were selected and recruited; their personal characteristics and the locations of the courts in which they worked throughout the country. Finally, practicalities concerning accessioning the body of interviews to the British Library Sound Archive, and the approach taken to analyse and interpret court clerks' narratives are addressed.

The remaining substantive chapters of the thesis (Chapters Three to Six) turn to an analysis of the data and the research findings. To introduce readers to the men and women who comprise this study's sample and their broader life context, Chapter Three examines their socio-economic and cultural backgrounds, their values and beliefs. Three core themes discerned in their narratives are developed. The first explores the trend of upward mobility and considers how respondents perceived the socio-economic circumstances in which they grew up; their parents' aspirations for them and their own aspirations for themselves; moving away from their parents' class and achieving greater material comfort and economic stability; the extent to which their own ambitions were fulfilled; and their intention to pass on a work ethic to their own children. The second theme relates to the concept of public service since many interviewees were involved in

a diverse range of voluntary endeavours both in their workplace and in their local communities. Thirdly, it has become apparent that respondents were raised and acculturated within social structures that enforced strict and formalised rules and expectations of behaviour, specifically within their families of origin, their schooling, and the religious institutions they were exposed to. The chapter considers how these systems might have shaped their outlook, and in turn, influenced their attitude towards working in the court environment, which is similarly rule-bound, disciplinary and hierarchical.

The focus of Chapter Four is the nature and function of the Crown Court clerk's role between 1972 and 2015. It begins with recognising the value that can be gleaned from documenting the everyday, ordinary and mundane aspects of work. The chapter then describes the court clerk's many and varied duties, which can be grouped into three key areas of responsibility, namely orchestrating hearings and ceremonies; serving the judge; and preparing case papers and drafting orders. The court clerk is characterised as a stage manager who maintained order in the courtroom and ensured the smooth and efficient functioning of proceedings. An important strand to emerge throughout the chapter concerns the range of requisite skills involved in working within a heightened and often pressurised environment, and interacting with different types of judges, demanding barristers, distressed and anxious court users, their families and other supporters. The emotional demands inherent within the court clerk's role; their coping strategies; and how the management of their emotions supported the sense of order and decorum in the courtroom is then explored.

Chapter Five concentrates on the impact of radical reform to the administration of justice as a result of the Courts Act 1971. It examines how this historic shift affected the daily lives of clerks who had worked in the abolished Assizes and Quarters Sessions courts and transferred to the new Crown Court. Major issues addressed are: adapting to a new and overarching organisational structure and hierarchy; novel opportunities for promotion that became available with the new system; the end of the itinerant lifestyle of travelling from town to town and setting up and dismantling temporary Assize courts, and settling into permanent Crown Courts; as well as the range of reactions to this

period of upheaval and the new Courts Service. The chapter then charts the longer-term impact of centralisation upon the court clerk's role over subsequent decades. It tracks the processes by which the court clerk's job was deskilled, and higher level and specialised skills such as drafting indictments and taxing barristers' and solicitors' fees were superseded by simplified and more mundane tasks that were reliant upon computer and other digital technologies. The theme of depersonalisation, and specifically the reduced level of direct contact between court clerks and vulnerable witnesses, defendants in custody, and jurors, is then explored. It is argued that the diminishment of the court clerk's role was a byproduct of a centralised system which increased managerial control, implemented computerisation and other technologies, and increasingly streamlined administrative processes in the name of greater efficiency and economy.

In contrast to the central theme of change, Chapter Six concentrates on elements of the court clerk's role that remained the same over the past 45 years, specifically in terms of *how* they enacted their role. The props and techniques that they used to perform justice are then identified and examined, namely, the wearing of official dress; uttering language according to a set script and using formal forms of address; and controlling their demeanour. Respondents' perceptions about the value and merit in these performative aspects of their work and how they helped to dignify proceedings and uphold respect for the law are also discussed. As the chapter progresses, the importance of the court clerk's participation in special and rarefied ceremonial occasions, as well as the everyday ritualised performance of hearings becomes apparent. The court clerk is recognised as a key player in the performance of justice and perpetuation of traditional practices in the Crown Court. Together with judges and barristers, they repeatedly and consistently carried out and enforced criminal procedure according to old and familiar patterns and forms of behaviour which gave the impression of the law's continuity and stability. It is suggested that court clerks can be viewed as custodians of continuity whose court performance actively upheld and bolstered the authority and legitimacy of the law.

Chapter Seven concludes the thesis with a discussion of the major findings of this study. It summarises the primary function and role of the Crown Court clerk, and the key ways in which their work significantly changed in recent decades. It argues that these changes were the direct result of the centralisation of the administration of justice system in 1972. The crucial elements of the court clerk's role that remained the same between 1972 and 2015 are then reviewed. These relate to how they enacted or performed justice. It is contended that court clerks can be viewed as custodians of continuity who upheld traditional practices, and their repeated and consistent performance of justice served to perpetuate the sense of authority and legitimacy of the law. The chapter ends with recommendations for further areas of research that have been inspired by this study.

Notes

¹ The typology presented in this section draws upon Parry's (2010) research which has argued that legal biography destabilises and extends the boundaries of legal scholarship, and advocated its potential value 'in deepening our understanding of the human context of legal phenomena' (p.208).

² Further examples of a range of legal autobiographies with these key features are: Lord Elwyn-Jones *In My Time: An Autobiography* (1983); His Honour James Pickles *Judge for Yourself* (1992); Thomas Edward Crispe *Reminiscences of a K.C.* (1909); G.D. Roberts *QC Law and Life: The Legal Memoirs of G.D. Roberts QC* (1964); Cherie Blair *Speaking for Myself: The Autobiography* (2008); Oliver Popplewell *Benchmark: Life, Laughter and the Law* (2003); David Napley *Not Without Prejudice: The Memoirs of Sir David Napley* (1982); Claud Mullins *Fifteen Years Hard Labour* (1948); Sir Gerald Dodson *Consider Your Verdict: The Memoirs of Recorder of London 1937-1959* (1967); Robin Dunn *Sword and Wig: Memoirs of a Lord Justice* (1993); James Comyn *Summing It Up: Memoirs of an Irishman at Law in England* (1991); James Comyn *Leave to Appeal: Further Legal Memoirs* (1994); Lord Henry Cockburn *Circuit Journeys* (1983); Sir Peter Bristow *Judge for Yourself* (1986); The Hon. Sir Neville Faulks *No Mitigating Circumstances* (1977); Peter Whiteman *No Bar to Success: An Inspiring Life Story* (2016); Seymour Gorman *Memories and Reminiscences* (2016); Michael Ogden *Memoirs of Sir Michael Ogden QC: Variety is the spice of legal life* (2002); Patrick Devlin *Taken at the Flood* (1996).

³ *The Discipline of Law* (1979); *The Family Story* (1981); *What Next in the Law* (1982); *Landmarks in the Law* (1984); *The Due Process of Law* (1980); *The Closing Chapter* (1983).

⁴ Further examples of biographies of eminent judges and barristers are: David Foxton *The Life of Thomas E. Scrutton* (2013); Thomas Grant *Jeremy Hutchinson's Case Histories* (2015); Sally Smith *Marshall Hall: A Law Unto Himself* (2015); Graham Lord *John Mortimer: The Devil's Advocate* (2005); Norman Poser *Lord Mansfield: Justice in the Age of Reason* (2013); Edmund Heward *Lord Mansfield: A Biography of William Murray, 1st Earl of Mansfield, 1705-93, Lord Chief Justice for 32 years* (1979); Dennis Bardens *Lord Justice Birkett* (1962); Charles Fairfield *A Memoir of Lord Bramwell* (1898); Iain Adamson *The Old Fox: A Life of Gilbert Beyfus QC* (1963); Arthur Smith *Lord Goddard: My Years with the Lord Chief Justice* (1959); Stanley Jackson *Mr Justice Avory* (1935) Fenton Bresler *Lord Goddard: A Biography of Rayner Goddard Lord Chief Justice of England* (1977).

⁵ Further examples of intellectual legal biography are: Jack Beatson and Reinhard Zimmermann (eds.), *Jurists Uprooted: German-Speaking Emigre Lawyers in Twentieth Century Britain* (2004); R.F.V. Houston *Lives of the Lord Chancellors, 1885-1940* (1964) and *Lives of the Lord Chancellors 1940-1970* (1987); Robert Stevens *Law and Politics: the House of Lords as a Judicial Body, 1800-1976* (1979); R.F.V. Houston *Judges and Biographers* (1967).

⁶ A further example is Ruth Dukes research on Otto Kahn-Freund *Constitutionalising employment relations; Sinzheimer, Kahn-Freund, and the role of labour law* (2008); and *Otto Kahn-Freund and Collective Laissez-Faire: An Edifice without a Keystone?* (2009).

⁷ See also, Patrick Polden *The Lady of Tower Bridge: Sybil Campbell England's first woman judge* (1999); Barbara Babcock *Woman Lawyer: The Trials of Clara Foltz* (2011); Anne Logan, *In Search of Equal Citizenship: The campaign for women magistrates in England and Wales, 1910-1939* (2007); Hector MacQueen *Scotland's first women law graduates: an Edinburgh centenary* (2009).

⁸ Nine of the barristers whom Mr Bowker worked with took silk while he was their Senior Clerk. He worked with famous advocates such as Lord Norman Birkett and Sir Edward Marshall Hall.

⁹ It is worth noting that a few of these studies pre-date the creation of the Crown Court clerk's official post.

¹⁰ George Pleydell Bancroft was the Clerk of Assize of the Midland Circuit for 25 years and Francis Dyson Yeatman was Clerk of Assize of the Western Circuit between 1945-1963. There are a few other writings that include details about the post of Clerk of Assize and recollections of Assizes that date back to 1676. These include: Anon. (1676) *The Office of the Clerk of Assize: continuing the form and method of the proceedings at the Assizes, and general Gaol-Delivery, as also on the Crown and Nisi Prius side. Together with the Office of the Clerk of the Peace etc.*, London: Henry Twyford; Carlton, H. (1914) *The Grand Assize: As reported by a humble clerk*, London: William Heinemann; Bradley, R.M. (1934) *Sir Herbert Stephen Bart LLM: Barrister at law, formerly Clerk of Assize for the Northern Circuit: a memoir*, Cambridge: W. Lewis at the University Press; Anon. (1786) *A short inquiry into the fees claimed and taken by the Clerk of Assize on the home circuit, and other officers*. London: printed for J. Debrett.

¹¹ Between 1885-1971 it was known as the Lord Chancellor's Office. In 1971, it became a Department of State and was called the Lord Chancellor's Department. In 2003, the Department's name was changed to the Department of Constitutional Affairs, and in 2007, it became the Ministry of Justice. The Constitutional Reform Act 2005 made the Lord Chief Justice the Head of the Judiciary. Since 2007, the Department has been headed by the Secretary of State for Justice (Mulcahy, forthcoming).

¹² The Lord Chancellor's Speech at the Central Criminal Court Journalists' Association Dinner at Cutler's Hall, 5th November 1971. HLSM 3/4/17, Hailsham papers in the Churchill Archives Centre, Churchill College, Cambridge. Additionally, Hailsham's predecessor and the originator of the Royal Commission of Assize and Quarter Sessions, Lord Chancellor, Lord Gardiner, stated that this was 'the greatest reform in the administration of justice this century and possibly in legal history' (*The Times*, 29th December 1971).

¹³ [Track 1: 56:14-56:16] Derek Oulton interviewed by Linda Mulcahy and Dvora Liberman March 3, 2014.

¹⁴ See Derriman, J., (1955, Appendix 1, pp.213-14) for further detail about circuit variations at different times.

¹⁵ The judges were issued Commissions of Assize by the Crown, which included Commissions of *Oyer and Terminer* and *Gaol Delivery*, and they tried the most severe criminal offences. Assizes initially only dealt with questions relating to lands and other heritable rights, that is civil cases, *mort d'ancestor* and *novel disseisin*, and later the jurisdiction of Assize increased to include civil and criminal cases (Graham, 2003, p.39; Anon, 1865, pp.71-73).

¹⁶ For example, during the reign of King John (1199-1216) the practice of holding an Assize in each county was once a year, whereas later Assizes were held in the provinces twice a year during the legal holidays of Lent (February/March) and Trinity (July/August) (Ward, 1948, p.11; Graham, 2003, p.39).

¹⁷ The ancient office of Clerk of Assize can be traced to Edward 1 (1239-1307).

¹⁸ Memorandum of Evidence by the Staff Side of the Supreme Court Administrative Whitley Council, May 1967, Royal Commission on Assizes and Quarter Sessions, LCO7/166.

¹⁹ For example, how long counsel had taken to prepare the case, how many witnesses for the Crown, and how many exhibits (Yeatman, 2000, p.99).

²⁰ Under the Poor Prisoner's Defence Act, 1930 (Hyde, 1964, p.71).

²¹ In addition, by the Act of 1869, a person who had served three years in the Office of a Clerk of Assize on Circuit was eligible to be called to the Bar (Royal Commission, 1971a, p.23; Yeatman, 2000, p.99).

²² Clerk of Assize, Francis Dyson Yeatman wrote in his memoir that from the passing of the Clerk of Assize Act 1869 to the Clerk of Assize and Circuit Officers Act 1946, the appointment of Clerks of Assize and Circuit Officers was made by the senior Judge on the Winter or Summer Circuit. The result was that at one time, nearly every Clerk of Assize was either the son or the son-in-law of a judge (Yeatman, 2000, pp.97-98).

²³ George Pleydell Bancroft described the Assize ceremonial, which typically began with the Assize service in a local church or cathedral with the reading of the Bidding Prayer (see Appendix B). This was followed by a fanfare of trumpets signalling the judge had left the church and was processing to the court. All who were present in court would await the judge's arrival in silence. The Under-Sheriff would enter the court first, followed by the High Sheriff's chaplain, the High Sheriff, and then the Assize Judge wearing a robe of scarlet and ermine and a full-bottomed wig. All would stand while the Clerk of Assize read the Commission (Bancroft, 1948, p.219).

²⁴ Early in the fifteenth century, Quarter Sessions were required by statute to meet quarterly, or more often if necessary, and hence their name (Royal Commission, 1971a, p.24; Graham, 2003, p.40). In some regions, Quarter Sessions sat more frequently and for longer periods of time in order to deal with rising crime levels and increasing number of cases entering the system.

²⁵ Quarter Sessions were usually held in the same county town, yet in the larger counties they were held in different parts of the respective county (Chalklin, 1998, p.27). By the late 1960s there were 58 courts of County Quarter Sessions and 93 Borough and City Courts throughout the country (Rock, forthcoming).

²⁶ In 1292 Edward 1 directed his judges to provide a Clerk of the Peace for every county. The Clerk of the Peace was also called Clerk and Attorney of the Crown or Clerk of the Crown. Until the seventeenth century, the Clerk of the Peace was the only officer of the court of Quarter Sessions (Stephens, 1960, pp. 31-40).

²⁷ Quarter Sessions courts originated around the year 1200 when groups of 'worthy' knights in each county were chosen by the Crown to keep the peace. In 1361, they were appointed by a Commission of the Peace and named Justices of the Peace (JPs) or justices.

²⁸ Interview with Michael McKenzie, interviewed by Dvora Liberman 19 May, 2014.

²⁹ Rock (forthcoming) noted that Peter Robinson played 'a leading role throughout the course of the Commission's work' and was asked at the end of November 1967 to present a model scheme for the North-Eastern region.

³⁰ Complaints about the Assize system did not begin in the 1960s. Since the mid-nineteenth century various commissions and committees had been set up to resolve the system's perceived inefficiency and wastefulness. The Judicature Commission (1869) stated that the 'cause of serious evil' was because there were too many circuit towns with too little business, and proposed amalgamating a few counties into districts for the trial of civil and criminal cases. Along similar lines, a Council of Judges (1892) recommended that civil cases should be heard at a reduced number of 18 centres throughout England and Wales. Yet neither of these initiatives were followed up, nor were subsequent recommendations posed by the Gorell Committee (1908) or St. Aldwyn Royal Commission (1913). The Peel Royal Commission on the Despatch of Business at Common Law (1936) surmised that efforts to alter the county basis of the Assize system would be fruitless. In its First Interim Report, the Evershed Committee on Supreme Court Practice and Procedure (1949) suggested fixing dates for trial of civil cases at Assizes but concluded that this would not work under the existing circuit system. The Streatfeild Committee on the Business of the Criminal Courts (1961) primarily addressed the issue of reducing delays in bringing defendants to trial. The implementation of its recommendations resulted in judges visiting the larger and busier Assize towns four times a year as well as holding Assizes simultaneously at more than one town on a circuit. These changes did enable the judges to deal with more cases and reduce delays in trials of criminal cases at Assizes and Quarter Sessions, yet often at the expense of civil cases which were not heard (as criminal cases were given priority). In addition, many cases were committed to courts far away from the Magistrates' Court where the charge was first heard. Though repeated attempts had been made to rectify long-standing problems with the administration of justice, the system had fundamentally remained unaltered (Gardiner, 1966, pp.1-3).

³¹ Lord Hailsham noted in a debate in Parliament about the Courts Bill (1970) that there was a backlog of 701 cases at the Central Criminal Court, and in the Inner London Sessions, there was a backlog of 1,438 cases (Mulcahy, forthcoming).

³² 10,000 people were granted legal aid in 1960 compared to 30,000 in 1967.

³³ By the 1960s dissatisfaction with the Assize system came to the attention of Whitehall. In 1964, the new Labour Government under Harold Wilson appointed Lord Gerald Gardiner as the new Lord Chancellor. Lord Gardiner is known as a reforming Lord Chancellor (Sugarman, 2009, p.17; Heuston, 1987, p.226) and was instrumental in implementing major reforms in English Law including the abolition of the death penalty, setting up the Law Commission, and legalising homosexuality (Box, 1983, pp. 178-9). He was also instrumental in the Theatre Bill (1966) which abolished the pre-censorship of plays, the Divorce Reform Bill (1969) which helped married couples obtain divorce more easily, and he established the first Ombudsman in England (Box, 1983, p.184, p.190, p.194). In interview, Oulton (2014) noted that when Lord Gardiner became Lord Chancellor he asked his staff what areas most needed reform and was advised that the Assizes and Quarter Sessions needed attention among a list of other potential reforms (Oulton, 2014).

Then the Lord Chief Justice Lord Parker, delivered a speech on 30th June 1966 (at the Lord Mayor's Dinner to H.M. Judges at the Mansion House) and decried that the system was breaking down, something had to be done about it, and there was a need to radically reduce the number of Assize towns (Gardiner, 1966, p.2). Oulton was of the opinion that it was the urgency of Lord Parker's speech that galvanised Lord Gardiner to set up a Royal Commission to consider reform (Oulton, 2014). One month after Lord Parker's speech, Gardiner addressed the Society of Public Teachers of Law and stated that justice is: '... essentially a social service provided by the government for the benefit of the public at large. It is not in some mysterious way self-justificatory as an institution. It can and must be judged solely by the efficiency with which it is as far as humanly possible quick, simple, humane and cheap. We must therefore constantly be examining our legal system from top to bottom... to make sure that it is properly fulfilling its social function' (Gardiner, 1966b, p.190-191, also cited in Sugarman, 2009, p.17).

Undaunted by romantic notions of the preservation of an ancient system and tradition, or by the prospect of local resistance that had deterred previous attempts at reform, Lord Gardiner sought out Lord Richard Beeching as the Commission's Chairman. Lord Beeching was a controversial figure for his report *The Reshaping of British Railways* (1963), which had led to reforming and modernising the railways. In order to make the railways economically viable 'Beeching's Axe' had closed down 250 railway lines and 2,363 railway stations and halts which was 55 per cent of the total (Patmore, 1965, p.72; Munby, 1963, p.181; Box, 1983, p.189; *The Guardian*, 1969, p.22). This reform proved to be very unpopular, particularly for those using and staffing the railways. According to Oulton, Lord Beeching was 'a mathematician, a statistics man' (Oulton, 2014), and Lord Gardiner explicitly wanted an expert administrator who would tackle the administration of the courts as an issue of economical management, rather than a judge-led inquiry which would be unlikely to result in radical reform of the legal system (Oulton, 2014; Box, 1983, p.189; Mulcahy, forthcoming). This was clearly reflected in the Royal Commission's terms of reference to report on reforms for 'the more convenient, economic and efficient disposal of the civil and criminal business' (Royal Commission, 1971a, p.15).

³⁴ The Royal Commission was appointed by the Crown upon the advice of Lord Gardiner and the progressive Home Secretary Roy Jenkins. Most significantly, there were four non-legal administrators of the nine members including two chairmen of large public companies, one man representing the interests of local authorities, and a president of a large trade union. The other members were lawyers who represented the bench, bar, and solicitors, and two officials from the Lord Chancellor's Office (Royal Commission, 1971a, p.3; in Rock, forthcoming). The Royal Commission Committee members were: Lord Beeching, Mr Hugh Purslove Barker, Mr Richard Martin Bingham, Mr Leslie Cannon, Sir George Phillips Coldstream, Sir Denys Theodore Hicks, Sir Arthur Gordon Norman, The Right Hon. Lord Justice Phillimore, Sir Andrew Wheatley (Royal Commission, 1971a, p.3). The Committee's work began in November 1966 with collecting oral and written evidence from a range of sources including Clerks of Assize, Quarter Sessions and Clerks of the Peace, the Judiciary, Barristers, Law Societies and Associations, Local Authorities and Solicitors. Lord Beeching commissioned surveys on the length of delays to trials and requested that every Assize and Quarter Sessions in the country submit a report for each case it dealt with during 1967 (*The Guardian*, 1967, p.2). There were approximately 60,000 returns which were analysed with the help of the Home Office research unit and statistical adviser of the Institute of Criminology in Cambridge. Detailed mapping of areas of population and links with transportation services were also carried out (Rock, forthcoming).

³⁵ Memorandum from the Clerk of Assize for the Northern Circuit, Royal Commission of Assizes and Quarter Sessions, LCO/31.

³⁶ In 1966, the 61 Assize towns were nearly all the old county towns. Fifteen Assize towns had less than 10,000 inhabitants. For example, Presteigne (Radnorshire), Beaumaris (Anglesey) and Appleby (Westmorland) all had less than 2,000 inhabitants. Yet places with large populations that needed an Assize such as Coventry, Hull and Bradford didn't have one (*The Times*, 1971, p.8). The British Legal Association said in evidence to the Royal Commission: 'The present circuit system sub-divided into County Assizes which has gone unchanged and unchallenged over the centuries takes no account of the Industrial Revolution and the consequent concentrations of the Community in large industrial areas and the inevitable depopulation of the rural areas' (Memorandum from the British Legal Association, March 1967, Royal Commission on Assizes and Quarter Sessions, LCO7/85).

³⁷ Memorandum of Evidence by the Staff Side of the Supreme Court Administrative Whitley Council, May 1967, Royal Commission on Assizes and Quarter Sessions, LCO7/166.

³⁸ Memorandum from the Clerk of Assize for the Western Circuit, Royal Commission of Assizes and Quarter Sessions, LCO7/34.

³⁹ This perspective is very different to much of the existing literature that has focussed on buildings that housed courts pre-reform. These writings have tended to highlight the grandeur of the courts and their symbolic representation of civic pride and the enduring authority of the law, particularly those that were erected during the Victorian era (Mulcahy, 2011, p.7, p.24, p.25; SAVE, 2004, p.2; Girouard, 1990, p.207; Briggs, 1963, p.179; Graham, 2003, p.97).

⁴⁰ Memorandum from the Clerk of Assize for the Western Circuit, Royal Commission of Assizes and Quarter Sessions, LCO7/34.

⁴¹ Memorandum from the Clerk of Assize for the Oxford Circuit, Royal Commission on Assizes and Quarter Sessions, 15th February 1967.

⁴² Memorandum from the Clerk of Assize for the Wales and Chester Circuit, Royal Commission on Assizes and Quarter Sessions, 10th February 1967.

⁴³ Another strain on the system was that the 57 High Court judges were not able to manage the workload (Royal Commission, 1971a, p.22, p.39). At times when there was a severe overloading of cases at Assizes, Commissioners (who were usually Queen's Counsel and sometimes County Court judges) were sent from London to assist. Yet there were concerns that this last resort measure compromised the quality of justice (Royal Commission, 1971a, p.39). Moreover, magistrates would commit a case to an Assize if it was expected to be more than three days, which was regarded as a waste of High Court judge time, as it could have been dealt with at Quarter Sessions (Royal Commission, 1971a, p.42).

⁴⁴ Second Memorandum from the Clerk of Assize for the North-Eastern Circuit, Royal Commission on Assizes and Quarter Sessions, 3rd November, 1967.

⁴⁵ Clerks of Assize did emphasise the importance of local justice in terms of summoning jurors from the local area.

⁴⁶ Initially the Royal Commission Inquiry was expected to take 18 months but Lord Beeching requested its terms of reference be extended twice. Firstly, to include the Assize and Quarter Sessions in the Greater London area (the original intention was to inquire into Assizes and Quarter Sessions outside London), and secondly, to cover the entire courts system apart from magistrates' courts.

⁴⁷ The Report recommended that criminal courts be reduced from 180 to 77, and civil courts from 60 to 19 (*The Guardian*, 1969, p.22).

⁴⁸ Crown Courts would incorporate the criminal jurisdiction of Assizes, Quarter Sessions, the Central Criminal Court, and the Lancashire Crown Courts (Royal Commission, 1971a, p.65). Two pilot Crown Courts had been established in Manchester and Liverpool in 1956 to cope with the heavy increase in criminal work in the South Lancashire region after the Second World War. These Crown Courts sat permanently throughout the year and dealt with the work of Assizes and Quarter Sessions (SAVE, 2004, p.7; Rock, forthcoming).

⁴⁹ The appointment of 175 full-time Circuit judges was recommended, as well as additional part-time judges, to be called Recorders, to serve for limited periods. They would be drawn from existing County Court judges and full-time judges exercising criminal jurisdiction (*The Guardian*, 1969, p.22; Royal Commission, 1971a, p.65; Stockdale, 1970, p.189; Mars-Jones, 1973, p.84). Furthermore, the Report recommended three tiers of Crown Courts, according to the seriousness and complexity of cases to be heard. There would be 24 first tier centres, which would be served by High Court and Circuit judges. They would deal with the most serious civil and criminal cases, and would be tried by High Court judges. Nineteen second tier centres would hear criminal cases only, and 46 third tier centres would be served by Circuit judges only and would deal with less serious criminal cases (*The Guardian*, 1969, p.22; *The Times*, 1971, p.8).

⁵⁰ The proposed six circuits and their headquarters were: Midland and Oxford Circuit (Birmingham), the Northern Circuit (Manchester), the North Eastern Circuit (Leeds), the South Eastern Circuit (including London), the Wales and Chester Circuit (Cardiff), and the Western Circuit (Bristol).

⁵¹ The system was estimated to be costing local government about £25 million a year and it was considered likely that the new system would be less expensive (*The Guardian*, 1969, p.22).

⁵² There was no need even for a White paper about the Courts Bill in Parliament. In fact, when the Bill was debated, the Attorney General mentioned that it was rare for a report of such importance to be so well received by the judiciary and advocates and solicitors (Mulcahy, forthcoming). The Royal Commission Report was accepted by the Labour Government in November 1969, and debated in the House of Commons on May 7, 1970. The Wilson Government fell on June 18, 1970, and the Conservatives took office and adopted the policy to reorganise the courts which came into effect with the Courts Act on 12th May 1971. The new Prime Minister of the Conservative Government was Edward Heath, and Lord Gardiner was replaced by Lord Hailsham of St Marylebone, Quintin Hogg who oversaw the implementation of the new Courts Service (Osmond, 1971, p.3; Mars-Jones, 1973, p.81). In terms of the broader socio-political climate, there was a growing credibility and faith in evidence, statistics, and new technologies, which was in accord with the political rhetoric of the time to innovate and modernise Britain (Morris, 1989, p.114; Martineau, 2000, pp.155-6). Sugarman (2009) has observed that in the 1960s, 'England seemed to be in the midst of breathtaking political, cultural and technological change' (p.17). As an illustration, he referred to a 'celebrated speech' by Harold Wilson in 1963 which espoused the language of 'revolution' and a new 'scientific age' that had 'no place for restrictive practices or for outdated methods' (Sandbrook, 2006, p.4, cited in Sugarman, 2009, p.17). Beeching's Report chimed with the emerging ideology that promoted reason and evidence rather than tradition and custom (Mulcahy, forthcoming). Indeed, Oulton (2014) claimed that reform was 'a *tour de force* by Beeching [who] put forward an unanswerable case backed up by statistics'. Beeching had clearly presented a convincing vision of an urgently needed functional, efficient, and economically managed courts system (Mulcahy, forthcoming).

⁵³ The office of the Crown Court clerk appears to have originated with the two pilot Crown Courts that were established in Manchester and Liverpool in 1956, and then became an officially recognised and national post with the introduction of Crown Courts throughout England and Wales as a result of the Courts Act 1971.

Chapter Two

Oral history methodology and research methods

Introduction

This study's primary aim was to find out about the everyday lives of Crown Court clerks from their perspectives. A methodological framework was required that would obtain data about the minutiae of daily life in the court, and give primacy to court clerks thoughts, feelings and words. Oral history or life history research was chosen as the most appropriate approach, precisely because of its capacity to draw out personal stories and experiences in great detail.⁵⁴ Moreover, it has often been used to uncover and disseminate the testimonies of people who have been marginalised and hidden, and whose stories have not been told (Perks and Thomson, 2016, p.xiii). This approach is fitting for a study of Crown Court clerks whose lives have not been given attention in legal or historical scholarship and have remained unknown.

This chapter first provides some essential background information about the uses and motivations of oral history. This is followed by a discussion of core theoretical and methodological debates within the field that are relevant to researching the lives of Crown Court clerks. These include: the use of life history accounts to analyse a narrator's subjective experience and construction of their identity; the relationship between personal and cultural memory; the ways in which the narrative produced is a co-construction between interviewer and narrator; the importance of the researcher's reflexivity; the potential impact upon the narrator of participating in an in-depth life history interview; and conceiving of the interview as a relationship and performance. The chapter then describes the process of planning and preparing for the interviews, the steps taken to ensure that the research would be carried out within an ethical framework, and that the data collected would be thorough and comprehensive. This is followed by outlining sampling decisions and how interviewees were selected and recruited; their personal characteristics and the locations of the courts in which they worked throughout

the country. Finally, practicalities concerning accessioning the body of interviews to the British Library Sound Archive, and the approach taken to analyse and interpret court clerks' narratives are addressed.

It was anticipated that oral history methods would yield rich, nuanced and multi-faceted responses related to this project's central research interest in the lived experience of Crown Court clerks. A number of key questions have guided this exploration. These include: What was the nature and function of the Crown Court clerk's role between 1972 and 2015? What socio-economic and cultural backgrounds did interviewees come from? To what extent were Crown Court clerks involved in organising and orchestrating legal ceremonies, and in what ways did they also play a more public performative role in these events? How were their daily working lives affected by the profound shift from the ancient Assize system to the new Courts Service in 1972? How has their role changed during the past 45 years? What feelings and attitudes did they hold towards their work? It seemed logical that speaking to court clerks directly and inviting them to articulate their first-hand experience would be the most effective method to glean responses to the questions that this study was primarily interested in.

The uses and motivations of oral history

Oral history or life history research creates and interprets recorded interviews that reflect upon past experiences (Abrams, 2010, p.2, pp.18-19; Ritchie, 2003, p.19; Yow, 2005, p.3). Grele (1991) has described oral history as 'the interviewing of eye-witness participants in the events of the past for the purposes of historical reconstruction' (Grele, 1991, p.viii). It is well-documented that a major contribution of oral history has been to redress neglected areas of knowledge; to record untold stories which would otherwise be lost to history; and to offer alternative historical accounts.⁵⁵ It is immediately apparent that these motives are well-aligned with this study's intention to capture the unheard voices of Crown Court clerks. Official historical accounts typically represent the voices of those in authority. Since the 1960s in Britain, oral historians have reacted against history being made by the educated elite and a driving

incentive has been to actively encourage the expression of previously silenced and oppressed voices, such as the working class, women, people with disabilities, indigenous peoples and other minority groups (Perks, 2010, p.220; Perks and Thomson, 2006, p.2; Abrams, 2010, pp.4-5, p.97, p.153).⁵⁶

Constructing history ‘from below’, valuing the testimonies of ordinary people, and embracing a multiplicity of perspectives has been at the heart of oral history’s mission (Plummer, 2001, p.90; Thompson, 1988, pp.7-8; Wieder, 2004, p.23).⁵⁷ This more inclusive and democratic approach can offer a fuller understanding of an event or issue (Sugarman, 2015, p.10; Thompson, 2000, pp.7-8). For instance, scholars have pointed out that oral history can illuminate how abstract and high-level changes to organisational structures directly impact upon people in their day to day lives and in different localities (Bornat, 2001, p.221; Frisch, 1990, p.xxi, p.15).⁵⁸ This is highly relevant to the current project which looks at how the centralisation of the courts system in 1972, and the changes that ensued, affected the everyday experience of court clerks in different areas around the country. In addition, oral history often delves into realms of experience that are not commonly found in more conventional historical accounts, such as domestic life, personal relationships, and intimate thoughts and feelings. Access to this type of material tends to paint a richer, more alive, more human, and more accessible historical picture (Abrams, 2010, p.5; Thomson, 1998a, p.584; Grele, 1991, p.3.)⁵⁹ As such, this project can contribute to a field that has opened up new avenues of inquiry and expanded and enriched the scope and content of history (Abrams, 2010, p.153; Thompson, 1998, pp.7-8; Rouverol and Chatterley, 2000, p.77; Thomson et al., 1994, p.37).

This thesis is based on data derived from in-depth life history interviews, and so can also be positioned within the broader genre of life writing. According to Sugarman (2015), life writing includes the stories of individuals, groups, objects and institutions, and incorporates ‘biography, autobiography, memoir, letters, diaries, personal essays, obituaries and eulogies, anthropological data, oral testimony, eye witness accounts, visual images, and digital form, such as blogs and email’ (p.29). Sugarman (2015) has added that writing a collective biography and examining common features amongst

members of a group can increase our awareness of the ways in which organisations, networks and communities operate, and their effects upon those who participate in them (p.26).⁶⁰ This idea resonates strongly with this study's intention to shine a light on the workings and interrelationships within Crown Courts, from the perspectives of court clerks.

Life history narratives

Oral history interviews take a number of forms. They can focus on a specific historic event or period, a phase of life, key issue, or cover an individual's life course. The fuller life history approach which includes conversation about ancestors, childhood, education, work, leisure and later life was chosen for this study because it was considered the most effective method to ascertain detailed responses to this study's core research questions (Holstein and Gubrium, 2003, p.113). The in-depth life history interview is particularly useful to gain a greater understanding about how respondents experience, interpret and navigate their lives. It reveals the social and cultural worlds in which they live, the world views they take for granted, beliefs and values, or 'cultural habitus', and the social, material and cultural capital transmitted across generations (Plummer, 2001, pp.18-19, p.130; Bertaux-Wiame, 1993, p.39).⁶¹ Being privy to, and understanding more about court clerks' backgrounds and life trajectories allows us to theorise about why they may have expressed particular attitudes and feelings towards their professional role. Furthermore, a major aim of this study has been to create a collection of interviews for National Life Stories (NLS) and the British Library Sound Archive. Longer life history interviews are NLS's standard practice, and the fact that the interviews are multi-layered, broad-ranging and touch upon numerous areas of life increases the likelihood that they will be of use to future generations of researchers (Ritchie, 2003, p.61).

The in-depth life history interview was also used because this study was primarily interested in capturing the experiences of older and retired court clerks, and this is a particularly appropriate method for investigating the lives of older people. Research

indicates that it is natural, universal and positive to reflect on meaning in later life, and to produce a personal record for future generations (Bornat, 2010, p.48; Andrews, 2014, pp.52-53; Ritchie, 2003, p.31).⁶² Robert Butler, psychiatrist and former director of the National Institute of Ageing in the United States, asserted that reminiscence is an essential feature of ageing (cited in Bornat, 2001, p.224). It has been argued that life reviews can greatly benefit and affirm older people (Gluck, 1977, p.5; Thomson, 1998a, p.588; Thompson, 1988, p.11).⁶³ The fact that another person is interested enough to listen intently to one's life can be emotionally satisfying, and the act of creating a narrative can provide a sense of unity and coherence (Plummer, 2001, p.137, p.243). Conversely, the process can also trigger distress and destabilise an individual's sense of themselves, particularly if they become aware of regrets, unfulfilled dreams and unresolved conflicts (Slim and Thompson, 1993, p.152; Plummer, 2001, p.243).⁶⁴ This is important to be aware of, and a careful consideration of best practice will be discussed later in the chapter.

Underpinning the choice to use in-depth life history interviews is the idea that narratives are central in our lives. Andrews et al. (2000) have claimed that 'human beings are constructed by stories' and the stories we tell about ourselves endow our experiences with meaning (p.1, p.75, p.77).⁶⁵ The ways in which court clerks framed and recounted their stories, and the aspects of their lives they selected and perceived to be worth discussing tell us something about how their identities have been constructed (Andrews, 2007, p.11; Portelli, 1998, p.69; Wieder, 2004, p.26).⁶⁶ Each narrative account is the product of an interview encounter that invited the narrator to recollect and reflect on their memories. They are partial tellings of complex lives, and crafted out of a much greater mass of life experience. As Adler and Leydesdorff (2013) noted: 'Life will always be more chaotic than the stories we construct to make sense of it' (p.ix).

Life writing has been criticised for just this reason, for being too simplistic and reductive and 'rendering the story too smooth' (Sugarman, 2015, p.15). Avoiding this pitfall becomes even more of a challenge when writing and drawing conclusions about a *group* of people. This study's participants are multi-dimensional men and women whose lives cannot be conflated into neat and discrete categories. There are complexities and

contradictions within every life story. Bearing this in mind, this thesis has attempted to not only identify common patterns and themes that emerge from their narratives, but also to underline their individuality and uniqueness (Uglow, 2005). For this reason, numerous extracts of respondents own words are presented, and divergent and more unusual voices are also acknowledged.

The use of life history narratives to explore memory, subjectivity and culture

Since the early 1970s, the use of life history narratives as historical evidence has been criticised for two major reasons. The first relates to the unreliability of memory; and the second to the contention that oral history sources are subjective. Oral history has been perceived as lacking in rigour as a social science method because memory can be fallible, inaccurate, prone to deteriorate with age, and cannot always be verified.⁶⁷ Confronting this argument has been vital to oral historians, whose primary data is based on remembered events and experiences (Abrams, 2010, p.78). One strategy to ensure the validity of oral testimony has been to check for internal consistency and reliability within the account itself, as well as to adopt triangulation methods, and compare the content of the account with other sources (Thomson, 1998a, p.584; Ritchie, 2003, p.11, p.34, p.110).⁶⁸ This study has corroborated court clerks' accounts with various other pieces of evidence. For instance, I scrutinised criminal procedure textbooks and law journals to check various alterations in procedure that affected court clerks' involvement in drafting indictments and taxing barristers' and solicitors' fees, as well as the dates that these changes occurred. I also wrote to the Ministry of Justice requesting information to verify interviewees' memories concerning the names of computer systems and when they were installed in Crown Courts. I also compared respondents' narratives, and many of their stories mirrored one another even though the narrators had never met and they lived and worked in different parts of the country.

Oral historians have also responded to the challenge of the unreliability of memory by countering that rather than conceiving of memory merely as a mine from which to

excavate a static or fixed store of facts and information, memory work is a dynamic and malleable process of selection and interpretation (Thomson, 1995, p.62; Slim and Thompson, 1993, p.11).⁶⁹ Indeed, Alessandro Portelli (1991) has argued that ‘memory is not a passive depository of facts, but an active creation of meanings’ (p.52). The past is not fixed or given, but rather, re-constituted as it is remembered, and through the telling of life stories (Grele, 1991, p.243). Moreover, past events and experiences are framed, understood and reinterpreted differently at different times in a person’s life.⁷⁰ As American historian, Michael Kammen explained, ‘we arouse and arrange our memories to suit our psychic needs’ (cited in Thomson et al., 1994, p.41). Our memories, and the meanings we ascribe them, are coloured by subsequent experience, present understandings, concerns, attitudes and wider cultural discourses (Grele, 2006, p.247; Frisch, 1990, p.12; Abrams, 2010, p.85).⁷¹

Oral history has brought the pivotal issue of memory in historical reconstruction to the fore. Critically, it recast the perceived problems and ‘distortions’ of memory to be seen as potential resources and strengths (Thomson, 1998a, pp.584-85; Thomson, 1999, p. 292; Frisch, 1990, p.10). It was argued that analyses of life history narratives can increase knowledge of the ways individuals remember and reconstruct the past, as well as offer a glimpse into their self-concept and identity (Abrams, 2010, p.8; Slim and Thompson, 1993, pp.40-41).⁷² As Adler and Leydesdorff (2013) asserted, ‘Memory and oral history are, more than anything else, personal interpretations of the past that assign meaning to events’ (xvii). Remembering and personal interpretation are inseparable. This raises the second challenge directed against oral history, namely, that its’ data is subjective and cannot be verified (Abrams, 2010, p.34). To this, oral historians responded that objectivity is not their goal. To the contrary, they celebrated the undeniable subjectivity of their sources (Grele, 1991, p.245; Thomson, 1998a, p.584; Abrams, 2010, p.6; Yow, 2005, p.9). Every life history narrative is embedded within the narrator’s subjectivity, or sense of self, and shaped by the narrator’s experience, perception, language and culture (Abrams, 2010, p.54; Passerini, 1979, p.85).

Accounts of past events are always and inevitably mediated through the narrator’s subjectivity (Thomson, 1999, p.296; Abrams, 2010, p.53, p.82).⁷³ Eminent oral

historians such as Alessandro Portelli, Luisa Passerini, Ronald Grele, Michael Frisch and Valerie Yow emphasised that the personal *meanings* laden within narrators' recollections are the gems that narrative accounts reveal (Passerini, 1979, pp.84-85; Portelli, 1991, p.50; Yow, 2005, p.3).⁷⁴ Grele (1991) succinctly stated that oral histories tell us, 'Not just what happened but what people thought happened and how they have internalised and interpreted what happened' (Grele 1991, p.245). Portelli (1991) is well-known in oral history circles for having posited that even when stories are not factually correct, they contain a psychological truth which informs us about an individual or group identity. He wrote:

The first thing that makes oral history different is that it tells us less about events than about their meaning... But the unique and precious element which oral sources force upon the historian and which no other sources possess in equal measure is the speaker's subjectivity (Portelli, 1991, p.50).

From this perspective, the life history narrative is appreciated as a rich resource. Historians are often not privy to an individual's interior world when working with other sources such as official letters, diaries or reports (Grele, 1991, p.27; Abrams, 2010, pp. 22-23, p.39; Yow, 2005, p.9; Ritchie, 2003, pp.26-27). Yet oral historians can inquire directly about motivations behind certain decisions, and the influence of key figures and relationships in the unfolding of significant events (Yow, 2005, pp.9-12).

Life histories also provide insight into the narrator's culture. As Andrews (2007) stated, 'the life story told is a cultural product – we understand, live and recount our lives to others in ways culturally accessible not only to others, but ourselves' (p.53). Scholars have explained that the memory stories people tell fall within socially accepted public discourses, or 'cultural scripts' (Roper, 2000, p.183; Green, 2004, p.39; Summerfield, 2013, p.350).⁷⁵ This allows for a sense of self-coherence or 'composure'. Thomson (2016) elaborated:

We compose our memories so that they will fit with what is publicly acceptable or if we have been excluded from general public acceptance, we seek out particular publics which affirm our identities and the way we remember our lives (p.344).

People speak about their lives differently in different cultures. Within western capitalist society, the teller typically casts themselves as the central protagonist. In other cultures that are less individualistic and materialistic and more oriented towards a collective mentality and sharing resources amongst the community, the teller tends to use the 'we' voice, rather than the individual 'I', to convey their experience (Wang and Brockmeier, 2002, pp.48-49; Smith, 2007, p.88).⁷⁶ The essential point here is that life histories offer a prism into a particular culture and how broader social and political forces and conditions are experienced (Baum, 2007, p.20; Rosenwald and Ochberg, 1992, p.7).⁷⁷

How does this theoretical discussion about the selectivity of memory and the inevitable subjectivity and cultural influence embedded within narrative accounts inform this study of court clerks? An awareness of these issues prompt us to interrogate their narratives on different levels and to ask key questions such as: How did court clerks describe their lives? What do their self-portrayals reveal about their values and outlook? What can their accounts tell us about the society and culture they grew up in? What types of stories did they consider to be worth sharing about themselves? What cultural scripts did they feel were acceptable to tell, and rendered legitimate by the wider culture? It is worth acknowledging here that there is much that court clerks would have censored and chosen not to disclose. Omissions may reflect aspects of their experience that felt too uncomfortable to expose, either consciously or unconsciously, and may have conflicted with their self-image or image they intended to project during the interview (Abrams, 2010, p.48). They told stories that they deemed would be approved of by me, as the interviewer, and suitable for the British Library Archive, and future listeners of their interview recording. This begs the question – how does the audience impact on the creation of life history narratives?

The life history interview as a relationship and performance

The interviewer's/researcher's presence, intervention, and bias in creating and interpreting the data is another matter that has faced critical scrutiny. Yet many oral historians, as well as social scientists, have suggested that the positivist belief in

objectivity, or value free research devoid of the researcher's interference, is a misnomer (Ritchie, 2003, p.116; Yow, 1997, p.58, p.71).⁷⁸ Feminist scholars in particular, have urged researchers to investigate our own subject positions and investments in our respective fields of study (Anderson and Jack, 1991; Oakley, 1981, pp.30-59).⁷⁹ In addition, oral historians have pointed out that many documentary sources are also records of spoken events, and consequently equally partial, selective and biased (Perks and Thomson, 2006, p.3; Lummis, 1998, p.12; Thomson, 1999, p.292). All evidence is socially constructed and has emerged out of a particular agenda and vantage point (Thompson, 1998, p.102; Abrams, 2010, p.80; Jessee, 2011, pp.290-91).⁸⁰ It is misguided to uncritically accept the inherent credibility of archival written documents without asking questions about their authors, and how and why they came to be produced.

Oral historians do not approach the narrator with a view to extract pure or pre-formed stories, untainted by the interview encounter (Holstein and Gubrium, 1997, p.116, p.126). They recognise that the active and dialogic relationship between interviewer and narrator is a vital part of the process (Abrams, 2010, p.24; Grele, 1991, p.246).⁸¹ Interviewer and narrator influence one another and the narrative that is produced is the result of their unique collaboration (McMahon, 1989, p.6; Riessman, 2008, p.23; Bornat, 2001, p.230).⁸² Different interviewers and different narrators will produce different narratives. The same interviewer and narrator will also create a different narrative at a different point in time. This is the nature of social interaction. It is fluid and changeable and people respond differently to each other according to the ways they have been conditioned and their life experiences.

The interview is a dynamic and complex exchange between interviewer and narrator (Yow, 1997, p.71). Factors such as gender, age, race, ethnicity, class, regional identification, status, appearance, dress, body language, language and tone of voice, can influence the interview (Abrams, 2010, p.8, p.10, p.60; Yow, 2005, p.1).⁸³ These variables affect the relationship dynamic, and in turn, the memories that are recalled and the narrative told (Abrams, 2010, p.16, p.27; Pattinson, 2011, p.258). Thomson (2011) noted that we each bring to the interview situation 'emotional baggage from prior

experience and from other, similar relationships, and this influences how we feel and what we say in an interview' (p.74). The particular questions the interviewer asks, and the leads pursued also significantly impact upon the narrative that unfolds (Yow, 1997, p.58; Abrams, 2010, p.54; Bennett and McDowell, 2012, p.27; Andrews, 2007, p.3).

An alternative perspective has been put forth that the interviewer's influence on the life history narrative can be minimal. This view claims that well-rehearsed and frequently told stories become 'frozen', and are then repeated in a similar way irrespective of their audience (Pattinson, 2011, p.258; Jessee, 2011, p.294). The robustness and fixity of certain life stories may indicate an overriding need of the narrator to present a particular self-image or identity (Pattinson, 2011, p.245; Jessee, 2011, p.294). However, research has found that people who haven't been interviewed before and don't have a set repertoire of stories they want to tell, tend to be more open and responsive to the interviewer's questions (Pattinson, 2011, p.258). In this study, many court clerks expressed that they had never been interviewed before and it was evident that their life stories were not already well-rehearsed or frozen. In fact, a number of them admitted to having surprised themselves by how much they remembered and were willing to expose and share.

Oral history studies have attempted to investigate how various intersubjective factors influence the interview situation. For instance, some have looked at the impact of a female interviewer on male and female narrators (see for example, Pattinson, 2011; Schwalbe and Wolkomir, 2001). Pattinson (2011) has described women narrators as more candid, open and emotionally expressive, and Schwalbe and Wolkomir (2001) claimed that the 'nondisclosure of emotions', or 'very limited disclosure, is a key part of signifying a...masculine self' for male narrators (p.95). However, this issue is much more complex than these studies would seem to indicate. Firstly, gender intersects with other variables, such as, age, class and ethnicity. And secondly, the ways in which men and women relate to a female interviewer would depend upon their previous relationships and communication patterns with women, and this is highly individual. Interviews with court clerks defy the more stereotypical notions of gender presented in these studies. It was notable that a number of both male and female respondents were

very forthcoming and emotional during their interviews, especially when they recounted difficult and painful memories, often concerning the deaths of close family members and friends. In fact, the only interviewee who, at times, became irritated about being asked about feelings, was a woman. Yow (2005) noted that questions about feelings invite the narrator to be vulnerable, and this can be uncomfortable, for men and women (Yow, 2005, p.174). Nevertheless, Yow (2005) also found that many older men who agreed to undertake in-depth life history interviews were willing to reflect on their feelings (Yow, 2005, p.174). I too found this to be the case with older male court clerks.

Another facet of the interview relationship that oral historians and feminist researchers have problematised is the power imbalance and potential exploitation of narrators (Seale et al., 2004, p.35).⁸⁴ This argument maintains that the interviewer/researcher ultimately defines the project's terms and conditions, and shapes, interprets and reproduces the narrative (Stacey, 1991, p.113; Sangster, 1994, p.11). To address this issue, a non-hierarchical and more cooperative approach, often discussed in terms of co-authorship or 'shared authority', has been advocated (Frisch, 1990, p.xx, p.94; Gluck and Patai, 1991, p.3; Riessman, 2008, p.23). This involves consulting with each narrator about how their narratives will be interpreted and written about. Although I completely agree with the principle of sharing authority with narrators, I chose not to use this approach for this project because with 21 interviewees, logistically, it would have been extremely time-consuming and much more complex. I would have had to revisit interviewees all around the country, as much of this work would need to be done in person rather than by email or telephone, and this would have exceeded the project budget and timescale.

In contrast to the idea that the power in an interview resides with the interviewer, others (see for example, Layman, 2009) have asserted that narrators exert a strong degree of authority in shaping narratives and the subsequent historical accounts that get told by declining to answer particular questions or refusing to speak about certain topics, and steering the interview in another direction. Layman (2009) observed that narrators tended to avoid exposing personal information about others, recounting potentially offensive stories, naming names, and disclosing their own pain, fear and embarrassment (Layman, 2009, p.217). Schwalbe and Wolkomir (2001) recommended that the

interviewer make a note of any issues that are evaded or swiftly glossed over, as this is also useful information (p.99). This issue of withholding information arose when two interviewees indicated that they wanted to move on from a topic I raised about conversations they had with judges in chambers. In each case, I probed a little further yet very quickly realised that it would have been counterproductive to press the matter. As Layman (2009) recommended, the interviewer should try to prevent important research topics from being shut down or dismissed without sufficient exploration, yet at the same time, respect the narrator's wishes (p.210).

Age and status can work to attribute power to the narrator. In examining the power dynamics that were operating in her interviews with Irish nuns, McKenna (2003) stated that the nuns were substantially older than she was and familiar with holding positions of authority, which made her *feel* as though her interviewees held the power (p.65, p. 68). In relation to this study, most court clerks were considerably older than me, and similarly accustomed to holding responsible positions. I was very conscious of treating them respectfully, largely due to their age and experience. However, I did not feel uncomfortable and I was not aware of this impeding my questioning. Certainly, none of them attempted to dominate or control the interview. Even though interviewees can clearly exert agency in the interview and influence the historical account by virtue of what they do and do not articulate, the historian is often the final arbiter and decides how to use and interpret the data (Sheftel and Zembrzycki, 2010, p.206).

A core debate related to the interviewer's influence upon the narrative revolves around their position of either being an 'insider' or 'outsider' to the research participants (Wieder, 2004, p.24; Portelli, 1997, p.xii; Naples, 1996, p.84). The thrust of the argument in favour of insider researchers is that they are already familiar with the field under examination and draw on their own direct experience, memories and understanding (Perks and Thomson, 2006, p.117). According to this view, narrators may be more quickly and readily able to respond to insiders with whom they feel common ground and a shared culture (Thomson, 1998a, p.583; Gluck, 1977, p.7; Ritchie, 2003, p.226). However, the insider interviewer may assume a similar perspective with narrators, and fail to question or tease out particular topics (Bennett and McDowell,

2012, p.21). It may also be difficult for narrators to express their thoughts and feelings if they perceive the interviewer holds a different view. This is especially the case concerning contentious issues, and when the narrator and interviewer are engaged in insider political struggles and aligned with opposing sides (Strobel, 1977, pp.78-79).

A critique of outsider interviewers is that they miss out on vital information because they are simply unaware of certain issues and circumstances to raise, and therefore unable to capture the intricate workings, atmosphere and complexity of a particular culture (Wieder, 2004, p.25). Nevertheless, it has been countered that outsider interviewers tend to probe interviewees to a greater extent because shared knowledge cannot be taken for granted. Topics are discussed more thoroughly and therefore the data is more specific and detailed (Letherby, 2003, pp.130-31). Moreover, the outsider's lack of direct involvement in the area being researched, can also work to give the narrator permission to speak more openly and freely (Strobel, 1997, p.79; Burton, in Perks and Thomson, 2003, p.167).

I have come to this research as an outsider on a number of levels. Firstly, I do not have a background in law. Furthermore, at the outset of this study I had no awareness of the office of Crown Court clerk, or of criminal procedure or the administration of justice. Before I began the interviewing phase of the project, I visited a Crown Court (the Central Criminal Court) for one day and spent time observing a range of cases. Once I began interviewing court clerks, I was keenly aware that they were speaking about a world that was far removed from my direct experience and seemed foreign and alien to me. I was also conscious of cultural differences between myself and interviewees. I grew up in a middle-class, professional Jewish family in Melbourne, Australia, and have lived in England for a little over a decade. My parents and grandparents are Eastern European, from the Czech Republic and Poland, and arrived as refugees in Australia after the Second World War. In comparison, nearly all interviewees were born and raised in England (except one who was Irish), as were most of their parents and grandparents, and they identified strongly with their British nationality. Most court clerks lived in regions of the country I had never previously travelled to nor knew much about. Moreover, I recognised that I do not possess an ingrained knowledge about

regional differences in this country, or the class system, and associated assumptions and judgements, to the same degree as native Britons. At the commencement of this project, my knowledge of British social, political and legal history, particularly the 1960s and 1970s, was negligible.

At first glance it might seem that the extent of my outsidership was a severe limitation. However, as Linda Shopes (2014) stated, ‘We interview across lines of difference, otherwise why bother if it’s something we already know?’ It could be perceived that my lack of prior knowledge has been an asset in that I am less encumbered by stereotypes and presumptions, and have been more open to relate to respondents as individuals rather than pigeonholing them into pre-conceived categories. A major advantage of my outsider position has been that I am not invested in portraying any particular image of the law or casting the court clerk in a particular light. I was wholly interested in, and receptive to, the ways in which court clerks spoke about their lives. I also brought a substantial amount of oral history interviewing experience to this project. I have initiated various projects in collaboration with NGOs, government departments, arts organisations, cultural institutions, and schools, to develop and deliver programmes that use life stories in innovative ways, such as to create films, theatre productions, exhibitions and publications, and to stimulate debate and discussion and bring people together. I also have a Masters Degree in Oral History and my final dissertation focussed on telling traumatic autobiographical stories in empowering ways and avoiding re-traumatisation.⁸⁵

Having set out the various ways in which I regard myself an outsider to this study, it also felt natural to understand and empathise with narrators on the basis of our shared humanity and common and universal experiences. In addition, as Andrews (2014, 2007) suggested, the researcher’s task is to exercise ‘narrative imagination’ and to consider other perspectives and ways of life that are different from one’s own (2014, p.79; 2007, p.40). It may be more helpful to conceive of insidership and outsidership on a continuum rather than an either/or dichotomy, and that the position of the interviewer can shift as the project develops (Wieder, 2004, p.23, p.25; Shopes, 2014). For instance, I found that as the interviews progressed and my understanding of the court clerk’s role

developed, I was able to ask questions of latter interviewees that I would not have known to ask earlier on. Furthermore, the perceived divide between narrator and interviewer at the beginning of the interview can dissolve as the rapport grows and the narrator gains more trust in the interviewer (Wieder, 2004, p.25).

These reflections about my relationship to the research project, and its participants, are considered to be an integral part of oral history practice. I found that keeping a research journal helped to develop this reflexive capacity. After each interview session, I took the time to critically evaluate my interview practice and the questions I had asked and not asked, and the responses I had given, verbal as well as non-verbal. I also described the quality of the rapport, and how I felt the interview was progressing, and anything I might have done differently, as recommended by other scholars (Sitzia, 2003, p.96; Yow, 1997, p.56).⁸⁶ This reflective self-evaluation helped me to learn to ask questions more skilfully. For example, I initially tended to speak more quickly because I was slightly anxious and self-conscious. However, after I had done a few interviews and gained more comprehension about criminal proceedings and terminology, I became calmer and gave the narrator more time to formulate their responses, and also gave myself the time to choose the next question in a more considered way.

The research journal was also an extremely useful tool in helping me to write about and resolve the tension between giving narrators space to speak about what interested them and also covering the research questions (Norkunas, 2011, p.73; Hamilton and Shopes, 2008, p.36). I believe I developed a style of working which allowed the narrator to speak more freely and organically for at least the first few hours of the interview. I asked open-ended questions and followed their narrative trajectory, and asked many follow up questions to extend their stories and memories. If certain key topics had not been covered during this time, I then became much more directive and asked about those missing areas in particular. The extent to which I asked questions and steered the interview naturally varied according to each narrator. Some were more verbose, while others needed more prompting to elaborate further. This required responding sensitively and intuitively to each interviewee, and leads on to a discussion about how to conduct life history interviews effectively.

Oral historians have advised that the overriding aim of the interview is to establish a relationship with the narrator and listen deeply (Portelli, 1997, p.48; Yow, 2005, p.102, p.116). The essential qualities of empathy, curiosity and respect encourage the narrator to speak more freely (Norkunas, 2011, p.64, p.73, p.90; Grele, 1991, p.137).⁸⁷

Interviewing demands the interviewer's full engagement, and I find that much of this is conveyed to the narrator non-verbally by maintaining eye contact, smiling, nodding and shaking the head, shrugging, raising eyebrows, and other facial expressions (Yow, 2005, p.99; Slim and Thompson, 1993, p.76). I was genuinely fascinated to learn about the lives of my interviewees and believed that they had valuable stories to add to the historical record (Riessman, 2008, p.24, p.26; Yow, 2005, p.98, p.160).⁸⁸ I hope that my curiosity and manner encouraged their openness and willingness to share. Also, the conversations we had before I turned on the recording device were invaluable for beginning to feel comfortable and at ease with each other. According to interviewees' preferences, nearly all of the interviews took place at their homes, except for two which were conducted at a recording studio in the British Library. Most interviewees kindly offered to pick me up from a nearby train station and the journeys in the car provided opportunities to begin to get to know each other. We typically spoke about my journey from London, local landmarks they recommended I visit while I was staying in the area (which was usually three days), and so on. When I arrived at their homes, we often had a cup of tea and chatted informally about a range of topics such as how long they had lived there, or their gardens, or family photographs on display, etcetera, and I asked if they had any questions about the research project or the interview.

Interviewing older people requires an awareness of, and responsiveness to, their particular needs. Hearing difficulties, memory loss, confusion, repetition, concentrating for shorter periods, and tiring more easily are quite common (Holstein and Gubrium, 2003, p.113, p.119, p.127; Gluck, 1977, p.10). A few respondents mentioned that they felt 'tired' or 'wrung out' at the end of the interview. This is not uncommon. Recalling and articulating past experiences can be demanding, concentrated and emotional work. Interviewing also involves a sensitivity to narrators' emotions and vulnerabilities. Field (2006) remarked, 'all oral history dialogues evoke feelings. Oral historians have an

ethical responsibility to respond appropriately to the emotions that their interventions evoke in the interviewee' (p.35). Moreover, it is important to attend to highly emotive subjects because they are obviously important for the narrator (Bornat, 2010, p.50; Jones, 1998a, p.55; Yow, 2005, p.113). A number of court clerks became upset and tearful when they spoke about painful and difficult times in their lives (Yow, 2005 p. 113; Ritchie, 2003, p.96). It felt very natural to acknowledge their sadness and gently ask if they would like to take a break, or move on, or return to that part of their story another time (Yow, 1995, p.60; Field, 2006, p.37). When painful feelings and memories were provoked, I was careful to bring the interview session to a close on a less emotionally charged note. For example, I concluded by asking a couple of questions about the narrator's plans for the evening or week ahead. This shift in attention can help to contain the difficult events in the past and reorient the narrator back to the present day (van der Kolk et al., 1996, p.419).

Some interviewees need encouragement and assurance that their lives are interesting and they have something worthwhile to say. In addition, a few respondents who had been retired for many years feared that they would not be able to remember the details of their work or dates that key changes occurred. An 80 year old respondent in particular, who had had three strokes and lost much of his memory was very concerned that he would not be able to answer my questions adequately.⁸⁹ I assured him that whatever he was able to remember was of value and appreciated. Moreover, an advantage of the longer interview (between 6-13 hours each) was that it allowed time for the rapport to grow and memories to return. I was able to broach more personal questions during the second or third session that I would not have felt able to ask during the first meeting. This enabled conversations of greater depth and emotional honesty (Riessman, 2008, p.26; Greenspan, 2014, p.230; Ritchie, 2003, p.87, p.115).⁹⁰

Life history research is a deeply personal approach and has the potential to be a meaningful exchange for both narrator and interviewer. The interview can impact upon the narrator profoundly, particularly those who have not had the opportunity to reflect on their lives before (Bornat, 2010, p.48; Plummer, 2001, p.213). The process may assist them to discover new insights and greater self-awareness (Slim and Thompson,

1993, p.66; Sitzia, 2003, p.95).⁹¹ As one of Alistair Thomson's (2011) interviewee's said to him, 'You have made me look at those memories in new ways and some of them even make more sense now' (p.78). A number of court clerks reflected similar sentiments about the effect of the interview upon them. Michael Bishop commented:

It's an amazing experience. I hadn't thought that I would ever get the opportunity to talk about my family... It's given me the opportunity to think in a little bit more depth and a bit more seriously about what's influenced me and made me the person that I am today.⁹²

Michael McKenzie expressed:

I have never bared my soul nor my life's experiences in such a way before and there were times when I chuckled with laughter at some of my memories but there were others when I wept as I relived my childhood and early career memories. I realised how much I miss some of the judges and friends I talked about who have now passed away. I suppose I *realised* that I could still talk about them and their personalities, but that they are now gone forever except in my memory, and I find that very hard. You have given me such a gift of the long conversation we had and I will treasure it forever.⁹³

Both of these interviewees were largely motivated to participate in the interview to leave a record for their children and grandchildren. This point highlights that the interview recording can be viewed as a 'performance' in the sense that the narrator presents a particular self to an audience (the interviewer) (Abrams, 2010, p.132; Thomson, 1998a, p.592; Ritchie, 2003, p.38). As well as being conscious of addressing their families during their interviews, a few court clerks were aware of future generations who might listen to their archived recording at the British Library (Perks and Thomson, 2006, p.312, p.335; Green, 2004, p.40).⁹⁴

My presence as an interviewer impacted upon the narrator's performance. They were aware of performing, or fulfilling an expected role, for me. A number of interviewees asked me, 'Is this the sort of thing you want to hear?', 'Is this useful for you?' This performative aspect of the interview has a significant bearing on the narrative told. The narrative is co-constructed by what happens relationally between a narrator and their audience (Squire et al., 2014, p.199; Reissman, 2008, p.31). It is created within a particular context for a particular purpose, and is also influenced by what the narrator

thinks the interviewer wants them to say (Abrams, 2010, p.45, p.59; Grele, 1991, p. 203).⁹⁵ As Borland (2016) noted, ‘as performance contexts change, as we discover new audiences, and as we renegotiate our sense of self, our narratives will also change’ (Borland cited in Perks and Thomson, 2016, p.413). This statement maps well onto Erving Goffman’s (1959) analysis of human interaction, which he similarly conceived of in terms of a performance. Goffman (1959) argued that we compose particular impressions of ourselves, or personas, according to the situation (p.56). Goffman’s (1959) theoretical framework is discussed in greater detail in Chapter Six. Within the interview context, narrators are continually negotiating how they want to be perceived through the ways they present themselves and the stories they develop in collaboration with their actual and imagined audiences (Holstein and Gubrium, 2003, p.337).

The performance analogy is also useful because it broadens the researcher’s attention from focusing solely on the content of what is spoken to its embodied expression. Gestures, facial expressions, breathing rates, tears, laughter, vocal tone, volume, and pace, emphases, and hesitations, all convey meaning and the emotional resonance of memories (Anderson and Jack, 1991, p.11; Field, 2006, p.35; Grele, 1991, p.5).⁹⁶ These bodily features are a core part of the storytelling and communication (Squire et al., 2014, p.130). They are not typically discernible through archival written sources which again illuminates the multi-dimensionality and richness of oral history data (Abrams, 2010, p.22, p.131; Portelli, 1997, p.vxii; Perks and Thomson, 2006, p.301).

Interview preparation, sampling, the actual sample, and archiving the interview data

Life history research is undertaken in the pursuit of knowledge. Yet it is also a social practice that comes with the ethical responsibility to treat participants with respect and regard for their welfare (Kvale and Brinkmann, 2009, pp.16-17).⁹⁷ There were a number of steps that I took to ensure that this study was grounded in, and complied with an ethical framework. Firstly, The London School of Economics required approval for

the project from its Ethics Review Committee. I submitted an Ethics Review Questionnaire and detailed self-evaluation form about the project which encouraged me to reflect on various issues, such as how to succinctly articulate the purpose of the research to potential interviewees, and how to ensure that all participants were well-informed in advance about what the life history interview would entail, and how their recording would be archived, and assuring them that their recording would not be used in any way without their signed consent. The self-evaluation form also prompted me to devise a plan about how to respond to any queries or problems that participants might raise during the course of the study. In the first instance, I would encourage respondents to speak to me about any concerns or difficulties they might be experiencing. If I was not able to address their issue directly, I would seek the guidance of my supervisors at the British Library and London School of Economics. Throughout the project, I also worked according to the guidelines and protocol of National Life Stories (NLS), which is a recognised sector leader in procedures for maintaining confidentiality of information, and dealing with ethical issues and intellectual property rights concerning oral history recordings. Furthermore, I have received ongoing training from the NLS in the sense that I have attended team meetings every two or three months which provide all NLS interviewers with the opportunity to share and seek advice about issues that have arisen in their practice.

There were a number of tasks that I was required to complete in preparation of the interviews. For instance, I wrote an 'Approach Letter' (see Appendix E) which invited potential participants to take part in the project and create life history recordings. The introductory letter also explained the purpose of the research project, the recording process, and NLS confidentiality procedures. I drafted an accompanying 'Project Information Sheet' (see Appendix F) which outlined the nature and aim of the research project in further detail and was sent to all potential interviewees. It assured participants that their involvement was voluntary, their consent could be withdrawn at any time, and they could place an embargo on all or part of their recorded interview. It was important that these documents were worded in a straightforward and accessible way, and also impressed upon potential interviewees that their life histories and experiences were very valuable for the purpose of recording legal and social history (Yow, 2005, pp.83-84;

Sheftel and Zembrzycki, 2010, p.196).⁹⁸ In addition, I familiarised myself with two essential NLS documents used for all interview recordings across their collections. The first was the Recording Agreement or Informed Consent (see Appendix G) which addresses the details of consent, access and copyright, and was signed by each participant at the conclusion of their interview. The second is a four page leaflet which explains copyright and how the interview recording becomes part of the British Library's collections; how the form that the interviewee is asked to sign ensures that the Library provides public access to the recording in accordance with the interviewee's wishes; and how people use recordings at the British Library. I talked through both of these documents with respondents at the end of their interview and gave them a copy for their reference (see Appendix H).

The next stage involved developing a 'Question Structure' (see Appendix D as referred to earlier), which was a comprehensive set of interview questions. These questions centred around the study's key research questions which were informed by having absorbed the relevant literature and thinking critically about gaps in the field (Norkunas, 2011, p.72; Thompson, 1988, p.203).⁹⁹ The review of the existing literature that I undertook about court clerks and the Beeching reforms was essential. This preliminary knowledge helped to formulate clear and concise research questions. Later on, this background research also increased my credibility in the eyes of respondents. Various scholars have similarly noted that thorough pre-interview preparation engenders greater respect and trust from interviewees (Keulen and Kroeze, 2012, p.27; Thomson, 1998a, p.582; Slim and Thompson, 1993, p.75; Kvale and Brinkmann, 2009, p.147).

I aimed to use the Question Structure as a guide to the areas that I wanted to cover rather than a series of questions to be automatically followed in order (Slim and Thompson, 1993, p.76; Yow, 2005, pp.71-73).¹⁰⁰ In constructing the questions, my intention was that they would provoke vivid detailed descriptions and discursive responses, and would give the respondent room to respond and shape the narrative in a way that they choose, and to tell the stories that were important to them concerning a particular question or topic (Norkunas, 2011, p.72; Abrams, 2010, p.108, p.124).¹⁰¹ To this end, the questions needed to be straightforward and brief, and devoid of academic

language or jargon (Payne, 1951, p.124, p.129, p.177; Riessman, 2008, p.24).¹⁰² They began with phrases such as, ‘Can you tell me about...’, ‘Can you explain... discuss... expand... describe’, ‘How did you feel about...’, ‘What was that like for you?’ ‘Can you give me an example?’ ‘Is there anything else you would like to add?’ (Thompson, 1988, p.200; Abrams, 2010, p.124).¹⁰³ These sorts of open-ended questions encourage the narrator to elaborate further and also capture their uniqueness and individuality (Bauer and Gaskell, 2000, p.60; Ritchie, 2003, p.92; Payne, 1951, pp.32-33, p.37, p.49). Closed questions were only necessary when I was seeking precise information, for example, ‘What was the name of ...?’ or ‘When did that happen?’ (Slim and Thompson, 1993, p.77).

The next phase was to consider the sample and who exactly I wanted to interview. Sampling typically refers to techniques used to ensure representativeness (Bauer and Gaskell, 2000, p.21). For instance, in survey research, respondent selection is based on how well the characteristics of those sampled represent the characteristics of the whole population under study. It is presumed that a representative sample of participants would reflect the responses of the population at large if all members of the respective group were interviewed (Holstein and Gubrium, 1995, p.21). Findings could then be generalisable to that population or group (Seale et al., 2007, pp.409-12). However, representative sampling of the population of court clerks was not the aim of this study, nor would it have been possible. Instead, the objective was to use non-probability sampling and deliberately skew the sample to find court clerks who would be able to respond to the research questions (Holstein and Gubrium, 1995, pp.74-75). I developed a flexible set of criteria for the selection and recruitment of interviewees. I wanted the sample to be comprised of older, long-serving and retired court clerks, and especially those who had served in Assize and Quarter Sessions Courts. I was also interested in speaking to those who had clerked in different parts of the country to gain insight into regional differentiation, as well as currently serving court clerks. I anticipated that I would rely upon the snowballing technique, whereby one interviewee personally recommends another (Ritchie, 2003, p.89; Yow, 2005, p.81).

To find former and currently serving court clerks, I pursued numerous different avenues. I contacted networks of legal scholars such as the SOLON Network for the Studies of Law, Crime and History, and the Cambridge Law Oral History project. I approached individual judges and law professors including Judge David Lynch, Professor John Baker, Professor Paul Rock, Professor John Baldwin, and Justice Ross Cranston. I spoke to people who worked in legal museums around the country to ask if they could assist me in my search, namely, The Judge's Lodging in Presteigne, Nottingham Galleries of Justice, South Molton Museum, and Bodmin Shire Hall. I reached out to the Circuit Administrators of each Circuit; the High Sheriff Association of England and Wales; The Magistrates Association; Oral History Society regional network; the Leicester Legal History Project; Record Offices and Local History Societies around the country; and Witness Support and Citizens Advice Bureaus in different areas. I advertised and promoted the project through The National Association for Retired Police Officers website; the University of the Third Age; and BBC Radio for West Midlands and Wales. I sought assistance from a number of departments within Her Majesty's Courts and Tribunals Service at the Ministry of Justice, namely the HR Directorate, Office of the Chief Executive, and the Press Office.

It was challenging to find former Crown Court clerks, and even more so, those who were willing to be interviewed. I spent a considerable amount of time following up leads which proved to be dead-ends, either because potential interviewees had been court clerks in the Magistrates' Court; or they had been court clerks in Crown Courts but didn't want to take part in an in-depth life history interview; or they were keen to participate but they were still clerking and required special permission from the Ministry of Justice. I decided not to follow this latter route as the application would have been laborious and time-consuming and I thought it would be best to devote my attention to tracing former court clerks who I imagined would feel less constrained and more able to speak openly about their previous work. Even though I was not able to interview currently serving court clerks, a few respondents had only recently left the courts.

Quarter Sessions Courts: one in the Assizes, and six in Quarter Sessions, and then carried on working in the Crown Courts post 1972. Fourteen interviewees worked in Crown Courts between 1972 and 2015, in a range of different courts around the country. Many had clerked in more than one court, usually within the same Circuit. Anonymity is not usually an issue in oral history and all respondents gave permission for their names to be used rather than pseudonyms.

The sample set

Name	Age (at time of interview)	Gender	Region/s they lived and worked in
1. Raymond Potter	82	Male	Western, North West, London
2. Bill Young	80	Male	North East
3. Jim Reid	64	Male	North West
4. Tom Brown	95	Male	North East
5. Irene Elliott	60	Female	North West
6. Ron Churcher	74	Male	Western, London
7. Michael McKenzie	72	Male	South East, North East, London
8. David Hoad	69	Male	Western
9. John Brindley	78	Male	Western, London
10. Shirley Hill	65	Female	North West, North East
11. David Dawson	66	Male	North East
12. Rita Holmes	66	Female	North West
13. Karen Hazell	43	Female	Western
14. Michael Bishop	67	Male	Western, London
15. Trevor Hall	69	Male	North East, Midland
16. Valerie Jerwood	64	Female	London
17. Geoff Walker	61	Male	North East
18. Leonard Dolphin	62	Male	North East
19. Pamela Sanderson	70	Female	London, South East
20. Keith Harrison	66	Male	North West
21. Patricia Douglas	67	Female	North East

Courts respondents worked in around the country, pre and post the Assize system

London and the South East: The Central Criminal Court; Court of Appeal; Middlesex Quarter Sessions; Brighton Quarter Sessions; Luton Crown Court.
Midlands: Coventry Crown Court; Birmingham Crown Court; Doncaster Crown Court.
North East: Durham Crown Court; Newcastle Crown Court; Teesside Crown Court; Newcastle Quarter Sessions; Leeds Crown Court.
North West: Queen Elizabeth II Law Courts Liverpool; St Georges Hall Liverpool; Sessions House Liverpool; Bromborough Court House; Preston Crown Court; Sessions House Preston; Lancaster Castle Crown Court; Manchester Crown Court.
Western: All Assize Courts on the Western Circuit: Winchester, Exeter, Bristol, Salisbury, Wells, Dorchester, Taunton, Bodmin; Bristol Crown Court; Westminster Crown Court; Salisbury Crown Court; Southampton Crown Court; Isle of Wight Crown Court; Bournemouth Quarter Sessions.
Wales: None.

Unfortunately I could not find anyone who had served in courts in Wales, and only one person in the sample had worked in the Assize courts. Yet I was told by a few interviewees that I was very fortunate to have found those whom I did, who had experience of clerking in Assize and Quarter Sessions courts.

The interviewing phase of the project took 11 months altogether. I received training from an NLS archivist regarding how to upload and accession the interviews onto the NLS computer system, which I proceeded to do upon completion of each interview. I made a CD copy of each respondent's interview recording which I sent to them. I also sent each interviewee a personalised hand-written thank you card expressing my appreciation to them for their participation and generosity. I reiterated the value of their contribution to the project, as well as something I had enjoyed or had moved me about meeting them in particular. The next major task to complete was to write a detailed summary of each interview according to specific NLS guidelines (see Appendix I for Oral History Interview Summaries Guidelines). These summaries are publicly available

at the British Library and aid access to the interview content (see Appendix J for a sample Interview Summary).

Interpreting and analysing life history narratives

Once the full set of interview summaries were completed, I began focussing on analysing and interpreting the narratives. Some narrative researchers view the narrator as a unified and whole self ‘behind the story’ who orders events and experiences they have lived through as they tell their life story (Plummer, 2001, pp.195-96). Other more deconstructionist scholars have challenged the notion of a stable or coherent subject and claimed that the narrator’s subjectivity is re-created through the performance of telling their life story (Plummer, 2001, p.197; Squire et al., 2014, p.6). The stance that I have adopted assumes there is a core individual subject/storyteller and the interview narrative is influenced by the relationship with the audience, both immediate (the interviewer) and imagined others (Thompson, 1993, p.14; Riessman, 2008, p.29).¹⁰⁴

These narratives can be analysed on a number of levels. For example, as Abrams (2010) has suggested, in terms of what the narrator finds acceptable to their own self-image and sense of composure, and how broader social and cultural discourses influence their self-understanding. The analysis can also hone in on the relationship between interviewer and narrator, and how the conversation unfolds (Abrams, 2010, p.34, p.76). I chose to look at how respondents wanted to represent themselves in interview, as well as how the social and cultural worlds in which they were embedded shaped their experience and outlook, and their attitudes towards being a court clerk. I wanted to discover how they felt and thought about their contribution to the administration of justice, and to identify common patterns and themes that thread through their life histories.

I began my analysis by reading through each interview summary and identifying all the sections that related to the research questions. These were clearly spelled out in the interview Question Structure which provided me with an initial framework. I then listened to the original audio interview recordings of those selected extracts and

transcribed them fully in order to be able to compare the similarities, variations and nuances of how each narrator spoke about a particular issue, event or experience. I was keenly aware that much of the vibrancy and emotional expressiveness of the voice was lost through the transcription process and converting an oral form to written text. There are various ways of transcribing and researchers have debated the extent to which a transcript should attempt to accurately reflect the original speech, or be tidied up for the sake of legibility (Riessman, 2008, p.29; Ritchie, 2003, p.67).¹⁰⁵ In the first instance, I transcribed verbatim, and included all umms, ahhs, and repetitions, and used punctuation such as full stops, commas and hyphens to try to reproduce the rhythm, flow and pace of the narrator's language. It was only in the final editing stage that I removed some of these elements if I thought they were confusing and prevented the meaning of the prose from being clearly understood (Plummer, 2001, p.150; Yow, 2005, p.317; Holstein and Gubrium, 2003, p.270; Kvale and Brinkmann, 2009, pp.177-78; Ritchie, 2003, p.67).

After transcribing hundreds of selected extracts that were grouped around particular themes and topics, I combed through each of them searching for commonalities, contradictions, and discrepancies. I looked for experiences that were typical and those that were unique (Perks and Thomson, 2003, p.267; Adler and Leydesdorff, 2013, p.x).¹⁰⁶ It was immediately striking that almost all respondents presented themselves as being very earnest and dedicated to their court clerk's role. It is worth pointing out that they voluntarily agreed to be interviewed and the majority had served in the courts all of their working lives. It is to be expected that those who came forward would have been more loyal to, and invested in their work. Their accounts may have differed dramatically from those who had only clerked for a brief period and were not suited to the job. It is purely hypothetical to speculate about accounts that I was unable to attain. Yet these musings acknowledge that other court clerks may have had very different sorts of stories to tell. This is not to say that all respondents' views consistently mirrored each other, and in no way did they paint a glossy picture of their service to the courts without complaint or grievance.

It was notable that one interviewee, Shirley Hill, expressed a divergent perspective compared to other respondents concerning the value of ceremony and pageantry, and the impact of court dress. Acknowledging dissenting opinions is an important theme that was raised by Sugiman (2013) concerning her research with Japanese Canadians who were interned in camps during the Second World War. Sugiman (2013) grappled with a woman whose positive memories contrasted sharply with other interviewees, and risked minimising and discrediting the testimonies of those who had suffered greatly in the camps. After much deliberation, Sugiman (2013) concluded that this lone discordant voice also deserved to be heard and understood, even if not agreed with. Shirley Hill's alternative viewpoint was not as provocative, sensitive or fraught as the issues that Sugiman (2013) encountered surrounding incarceration and the after effects of war. Nevertheless, Sugiman's (2013) work elucidates that giving a place to disparate voices produces more nuanced and balanced research.

I confronted two particular methodological dilemmas during the interpretative and writing up stage of this study. The first centres around the issue that oral history principles dictate that respecting and protecting narrators is fundamental. Yet a commitment to honest and rigorous research and not misrepresenting or withholding research findings is equally important (Perks and Thomson, 2016, p.424; Sheftel and Zembrzycki, 2010, p.205).¹⁰⁷ Thomson (1995) encapsulated this quandary succinctly:

Historians may feel that they have no right to use people's memories to make histories that are challenging or critical towards their narrators, that this involves a breach of trust and confidence. On the other hand, oral historians may feel that they have another duty to society and history... Perhaps all researchers live with this dilemma, but for oral historians it is particularly acute because we have personal relationships with our sources (p.73).

Thomson (1995) continued to explain that in writing his book *Moving Stories* about four British women who emigrated to Australia in the 1960s and 1970s, his conclusions had to be acceptable to the women whose lives he was writing. Even though he tried not to censor himself, particularly when writing about the women's marriages, he did feel 'constrained' and referred to the 'tension between being frank and sparing people's

feelings' (Thomson, 2011, pp.78-79). A similar example can be drawn from folklorist Katherine Borland's (2016) experience of interviewing her grandmother and interpreting the narrative from a feminist perspective. Yet her grandmother adamantly disagreed with the interpretation. Borland (2016) raised the question, 'How, then, might we present our work in such a way that grants the speaking woman interpretive respect without relinquishing our responsibility to provide our own interpretation of her experience?' (Borland, in Perks and Thomson, 2016, p.414). There is a further issue at stake here concerning the narrator's well-being and sense of self. Borland (2016) reflected:

I continue to be concerned about the potential emotional effect alternative readings of personal narratives may have on our living subjects. The performance of a personal narrative is a fundamental means by which people comprehend their own lives and present a 'self' to their audience. Our scholarly representations of those performances, if not sensitively presented, may constitute an attack on our collaborators' carefully constructed sense of self (Borland, in Perks and Thomson, 2016, p.419).

In this study, respondents predominantly came from working class backgrounds. Yet I was apprehensive about interpreting the ways in which their class background may have influenced their aspirations, choices and beliefs. I know that conversations about class in this country can potentially be fraught and emotionally loaded, but I am not aware of the subtleties of the English class context to be able to appreciate what might cause offence. I felt uncomfortable writing about an issue that I do not have a thorough understanding of and this is still a tension I have not yet reconciled.

The second dilemma I faced concerns the capacity of any researcher to write about and interpret the lives of others. How can we avoid projecting our own thoughts and feelings onto others? How can we gain a critical distance and respect that others have lived in ways we might find hard to imagine? After all, our understandings regarding what we hear and observe are fed through our own filters and life experiences (Andrews, 2014, p.14, p.25, p.28).¹⁰⁸ As Andrews (2014) has noted, 'all imaginations are situated and one can only ever imagine the position of another from one's own point of view' (p.80). Narratives are inevitably interpreted through the researcher's subject position (Squire et al., 2014, p.206; Borland in Perks and Thomson, 2016, p.421).

I found it very instructive to read the works of narrative researchers who have recognised that life histories are complex psychological, social and linguistic accounts and can be interpreted in many different ways (Andrews, 2000 et al., p.1; Sangster, 1994, p.14). Fresh insights and discoveries emerge at different points in time. For instance, Andrews (2000) explained that when she returns to interviews that she conducted many years ago, she views them differently and discovers layers of meanings that she hadn't seen before because she herself has evolved. Similarly, Bornat (2010) wrote about revisiting an interview she had conducted 26 years earlier, and becoming aware of a fundamental shift in her perception. Previously, Bornat (2010) 'saw the interview as just another source of evidence to be extracted...it was well-intentioned but with one aim in mind: the eliciting of 'usable' material' (p.48). In contrast, more recently, Bornat (2010) realised that she and her narrator 'were involved in a two-way process. It was a relationship with people who were parting with something which was personal and often very private' (p.48). Bornat's (2010) revised understanding exemplifies that life history research is a deeply personal approach and open to reevaluation and reinterpretation.

New approaches and thinking are also made possible by broader political, ideological and socio-psychological transformations (Andrews, 2007, p.5, p.28, p.75).¹⁰⁹ Moreover, we will interpret narratives differently from one another. From this stance, there is never 'an end point' or final and definitive analysis or authoritative version (Squire et al., p. 212; Sugarman, 2015, p.15; Parry, 2010, p.228). However, rather than regarding this as a problem that potentially discredits the validity of any interpretation, it can be argued that this reflects the richness and potential of life history research. The data can be reanalysed at different points in time, by different researchers, and can continue to generate new knowledge and alternative understandings (Freeman, 2010, p.85, p. 185).¹¹⁰ There is no singular or correct story to be told, and this thesis offers one interpretation of the everyday lives of Crown Court clerks, among other possibilities.

Conclusion

The purpose of this research is to fill a recognised gap in the academic literature concerning the everyday lives of Crown Court clerks and to glean their perspectives on the contributions they made to the administration of justice. The discussion in this chapter has explained why life history research was considered the most appropriate method to gain access to court clerks' lived experience, and especially their perceptions, feelings and attitudes towards their work, as well as their broader social and cultural contexts. I have reflected on how oral history theory has informed and enriched this study, and illuminated key debates in the field such as how to work with memory as historical evidence; how life histories can be seen as a window on the narrator's subjectivity and the culture in which they are embedded; and how the interview relationship bears upon the narrative that is produced. I have considered the potential impact of my position as an outsider to this field of study, and tracked critical insights related to the development of my interviewing practice.

Throughout this chapter I have documented the series of steps that I took in order that the project was built upon an ethical framework; how I prepared for the interviews; sampled and recruited respondents; and further efforts I made to ensure that the material collected in interview would be extensive, thorough and multi-layered. I believe that the in-depth life history interviews I conducted have generated a rich and evocative body of data that captures the nature and function of the Crown Court clerk's role, as well as the changing face of the administration of justice between 1972 and 2015. Moreover, these interviews have made a valuable contribution to the historical record. They have been archived with the British Library Sound Archive and are publicly accessible for future generations of researchers. The common thread that weaves throughout this chapter is that creating life histories is a deeply personal practice. This mode of research raises the thorny issue about how to strike the appropriate balance between treating participants and their stories respectfully, with care for their welfare, and also interpreting their accounts with discretion and a degree of critical distance. I have described the ways in which court clerks' narratives are open to multiple interpretations and how I have approached the process of analysis. In the subsequent chapters, I make extensive use

of respondents' words to bring their experiences to life, and their voices form a central part of this thesis.

Notes

⁵⁴ This study has predominantly drawn upon literature from the field of oral history to inform its methodological framework and understanding. However, it is important to recognise that narrative interviews have been used to investigate personal experience, identity and culture in diverse disciplines including psychology, law, history, literature, sociology, anthropology, folklore, feminism, gender studies, linguistics, education, race theory, queer theory and cultural studies (Sugarman, 2015, p.17; Andrews, 2007, p.9; Plummer, 2001, pp.10-11). A 'biographical turn' was instigated by feminist and postmodern scholars in the 1970s who rejected the idea of a dominant, master narrative and promoted scholarship that recognises there are multiple ways of knowing and experiencing (Chamberlain et al., 2000, p.5; Plummer, 2001, p.12, p.205; Kvale and Brinkmann, 2009, p.52).

⁵⁵ These points have been made by numerous oral historians. For example, see Perks and Thomson, 2006, p.iv, p.2, p.447; Freund, 2014, p.26; Abrams, 2010, p.155; Baum, 2007, pp.23-24; Pattinson, 2011, p.259; Wieder, 2004, p.23; Jessee, 2011, p.287; Hamilton and Shopes, 2008, pp.viii-ix; Frisch, 1990, p.xxivi; Trower, 2011, p.88, p.132; Thomson 1999, p.291; Pollock, 2005, p.2; Ritchie 2003, p.102, p.252

⁵⁶ A similar intention can be discerned amongst socio-legal scholars who have unearthed the life stories of individuals who were 'outsiders' by virtue of their 'gender, class, race, religion, politics and sexuality' (Sugarman, 2015, p.23). To read more about the ideological motivations of oral history, see for example; Keulen and Kroeze, 2012, p.16; Hamilton and Shopes, 2008, p.xii, p.3; Shopes, 2014, p.258; Grele, 1991, pp.200-01; Lummis, 1998, p.17; Frisch, 1990, p.8; Thomson, 1999, p.295; Bornat, 2001, p.226.

⁵⁷ For further writings see; Blee, cited in Perks and Thomson, 2016, p.424; Jessee, 2011, p.290; Wieder, 2004, p.24; Hamilton and Shopes, 2008, p.xii, p.117; Stuart, 1994, p.57; Ritchie, 2003, p.240. A classic example of inquiring into the everyday lives of ordinary people is E.P. Thompson's *The Making of the English Working Class* (Sugarman, 2015, p.22).

⁵⁸ Also see: Grele, 1991, p.87, p.202; Hamilton and Shopes, 2008, p.207; Adler and Leydesdorff, 2013, xiv; Trower, 2011, p.14.

⁵⁹ Also see: Yow, 2005, p.12; Slim and Thomson, 1993, p.7, p.14; Passerini, 1979, p.84; Thompson, 2000, p.3, p.8.

⁶⁰ Sugarman (2015) has informed us that writing about groups is an ancient form of life writing that can be traced to Plutarch in the late first century, and the more 'scientific' name for this form of writing is prosopography (p.23).

⁶¹ Also see: Sugiman, 2013, p.150; Kvale and Brinkmann, 2009, pp.50-1; McMahon, 1989, p.25; Thompson, 1993, p.20.

⁶² For further reading on this subject see; Thomson, 2011, p.75; Thomson, 1995, p.65; Smith and Nicolson, 2011, p.30.

⁶³ Also see: Thomson, 1995, p.66; Slim and Thomson, 1993, p.154; Sangster, 1994, p.12; Pollock, 2005, p.21

⁶⁴ Also see: Rickard, 1998, p.35; Andrews, 2014, p.52.

⁶⁵ Also see: Andrews, 2014, p.35; Andrews, 2007, p.42; Stuart, 1994, p.59; Plummer 2001, p.19.

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- ⁶⁶ Also see: Andrews, 2000 et al., p.79; Andrews, 2014, p.2; Merchant, 2013, p.65; McAdams, 1993, p.11; Blee, cited in Perks and Thomson, 2016, p.430; Rosenwald and Ochberg, cited in Rouverol 2003, p.68; Pollock 2005, p.23; Plummer, 2001, p.88, p.180, p.185; Yow, 2005, p.16; Rosenwald and Ochberg, 1992, p.1.
- ⁶⁷ Also see: Perks and Thomson, 2006, p.x, p.3; Abrams, 2010, p.5, p.23, p.80; Grele, 1991, p.5; Thompson, 1998, p.584; Hamilton and Shopes, 2008, p.201; Ritchie, 2003, p.27; Yow, 2005, p.4; Sugiman, 2013, p.164.
- ⁶⁸ For further discussion, see; Yow, 2005, p.20, p.52-3; Plummer, 2001, p.158; Squire et al., 2014, p.55; Perks and Thomson, 2006, p.3, p.211.
- ⁶⁹ Also see: Andrews, 2014, p.9; Freeman 2010, p.65; Holstein and Gubrium, 1995, p.4, p.17.
- ⁷⁰ Also see: Abrams, 2010, p.86; Rickard, 1998, p.40; McMahon, 1989, p.13; Holstein and Gubrium, 2003, p.341.
- ⁷¹ Also see: Lummis, 1998, p.12; Hamilton, 2005, p.17; Samuel and Thompson, 1990, p.8; Kirby, 2008, p.30.
- ⁷² Also see: Riessman, 2008, p.8; Freeman, 2010, p.4, p.24, p.52; Squire et al., 2014, p.215; Schacter and Scarry, 2000, p.3.
- ⁷³ Also see: Sitzia, 2003, p.100; Radstone, 2005, p.139.
- ⁷⁴ Also see: Hamilton and Shopes, 2008, pp.viii-ix; Portelli, 1997, p.43, p.50; Portelli, 1998, p.30; Perks and Thomson, 2006, p.3; Thomson, 1998a, p.584; Abrams, 2010, p.63; Grele, 1991, p.60; Slim and Thompson, 1993, p.141.
- ⁷⁵ Also see: Horowitz and Halpern, 1999, p.25; Perks and Thomson, 2006, pp.244-45; Abrams, 2010, pp.66-7. Anna Green (2004) has argued that individuals have the capacity to consciously critique, resist and reject 'cultural scripts' (Green, 2004, pp.40-3).
- ⁷⁶ Also see: Andrews, 2007, pp.12-13; Ritchie, 2003, p.37; Plummer 2001, p.43, p.87.
- ⁷⁷ Also see: Abrams, 2010, p.34; Andrews, 2007, p.51; Plummer 2001, p.39; Squire et al., 2014, p.215; Samuel and Thompson, 1990, p.2. A vivid example of the interplay between an individual life and the wider society is Sugarman's (2015) commentary on Pnina Lahav's biography of Israeli Chief Justice Simon Agranat, whose life is interpreted within the broader context of the founding of the state of Israel (p.19).
- ⁷⁸ Also see: Kerr, 2003, p.31, p.48; Holstein and Gubrium, 1995, p.18; Naples, 1996, p.87; Sugiman, 2013, p.162; Denzin, 1978, p.10.
- ⁷⁹ Also see: in Thomson, 1995, pp.55-56; Stuart, 1993, pp.80-83.
- ⁸⁰ Also see: Field, 2006, p.34; Lummis, 1998, p.12; Ritchie, 2003, p.117.
- ⁸¹ Also see: Hirsch and Dixon, 2008, p.189; Plummer, 2001, p.28, p.37.
- ⁸² Also see: Sugarman, 2015, p.15; Abrams, 2010, p.58; Kvale and Brinkmann 2009, p.17.
- ⁸³ Also see: Ritchie, 2003, p.100; McMahon, 1989, p.xiv; Grele, 1991, p.84.
- ⁸⁴ Also see: Yow, 1995, p.53; Yow, 2005, p.137; Gluck and Patai, 1991; Sangster, 1994.

⁸⁵ I have developed a range of oral history projects. These include: The Aboriginal Life History Project, for which I interviewed Aboriginal men and women in Sydney, Australia, and worked with their life stories to produce two edited books, an exhibition, and theatre productions with local secondary school students, funded by the Department of Ageing, Disability and Home Care. I established the Pembridge Palliative Care Centre Oral History Service in London and recorded and produced numerous life stories in the form of audio recordings, written manuscripts and documentary films. I was commissioned by Amnesty International to interview refugees and asylum seekers in Sydney and write a play about their experiences. I interviewed musician and activist, Farida Musanovic and created a documentary film about her life for Women for Women International UK. I conducted interviews with rehabilitated leprosy patients and people with other physical disabilities and made a film for Anandwan, a leprosy colony in Central India. I devised a course in life history research which I taught to Year 10 and 12 students for the UK charity, The Brilliant Club. I was the oral history interviewer for the University of the Arts Institutional Memory Project, among other projects. I obtained a Master of Arts in Life History Research: Oral History and Life Story Documents from the University of Sussex in 2011.

⁸⁶ Also see: Field, 2006, p.37; Ritchie, 2003, p.226; Plummer, 2001, p.152, p.208; Yow, 2005, p.166; Riessman, 2008, p.191; Norkunas, 2011, p.68; Thompson, 1988, p.216; Andrews, 2007, p.16; Rickard, 1998, p.34; Yow, 1995, p.66, p.68; Squire et al., 2014, p.199; Field, 2013, p.81; Jones, 1998, p.49.

⁸⁷ Also see: Thompson, 1988, p.210; Ritchie, 2003, p.124; Plummer, 2001, 140, p.144-45; Greenspan, 2014, p.231; Kvale and Brinkmann, 2009, p.31.

⁸⁸ Also see: Andrews, 2007, p.16; Thomson, 1998a, p.582; Field, 2006, p.36; Gluck, 1977, p.9; Kvale and Brinkmann, 2009, p.138; Plummer, 2001, p.144-45.

⁸⁹ In previous oral history and reminiscence arts projects I have been involved with, I have used a range of stimuli to trigger memories such as objects, photographs, role play, music and song. I learned about these creative approaches in my training as a reminiscence facilitator with the European Reminiscence Network. However, for this research project it was not necessary to use any other techniques to prompt memory as all interviewees were able to speak in considerable detail about different phases of their lives.

⁹⁰ Also see: Holstein and Gubrium, 2003, p.161; Slim and Thompson, 1993, p.66.

⁹¹ Also see: Kvale and Brinkmann, 2009, p.28, p.129; Yow, 2005, p.159.

⁹² Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 7 [2:00:42-2:01:31]

⁹³ Email correspondence from Michael McKenzie, 24th April 2015.

⁹⁴ Also see: Summerfield, 2013, p.346; McKenna, 2003, p.69; Thomson, 2011, p.74; Harding, 2010, p.35; Grele, 1991, p.137; Friedman, 2008, p.473; Trower, 2011, p.172.

⁹⁵ Also see: McKenna, 2003, p.69; Bauer and Gaskell, 2000, pp.65-66; Plummer, 2001, p.156.

⁹⁶ Also see: Gluck, 1977, p.12; Perks and Thomson, 2006, p.246; Abrams, 2010, p.107, p.133, p.137, p.141, pp.151-52; Norkunas, 2011, p.68, p.80; Sangster, 1994, p.9; Trower 2011, pp.8-9; Squire et al., 2014, pp.130-31.

⁹⁷ In an effort to establish an ethical research framework the UK data archive has devised principles and guidelines to be adhered to: '1. duty of confidentiality (not necessarily anonymity) towards participants; 2. duty to protect participants from harm, by not disclosing sensitive information; 3. duty to treat participants as intelligent beings, able to make own decisions on how information they provide can be used, shared and made public - through informed consent; 4. duty to inform participants on how information and data obtained will be used, processed, shared, disposed of, prior to obtaining consent; 5. duty to wider society to make available resources produced by researchers with public funds' [online] Available at: <<http://www.ohs.org.uk/advice/ethical-and-legal/2/>> [Accessed 4 November 2016].

⁹⁸ Also see: Thompson, 1988, p.207; Pattinson, 2011, p.255; Ritchie, 2003, p.89.

⁹⁹ Also see: Bauer and Gaskell, 2000, p.40; Yow, 2005, p.71, p.100.

¹⁰⁰ Also see: Holstein and Gubrium, 1995, p.56, p.77; Kvale and Brinkmann, 2009, p.124; Slim and Thompson, 1993, p.77; Bauer and Gaskell, 2000, p.40.

¹⁰¹ Also see: Hamilton and Shopes, 2008, p.36; Wieder, 2004, p.26; Thomson, 1998a, p.583; Yow, 2005, p.39, p.87; Ritchie, 2003, p.32.

¹⁰² Also see: Kvale and Brinkmann, 2009, pp.131-33; Yow, 2005, pp.75-76.

¹⁰³ Also see: Bauer and Gaskell, 2000, p.60; Slim and Thompson, 1993, p.77.

¹⁰⁴ Also see: Squire et al., 2014, pp.5-7; Ritchie, 2003, p.67.

¹⁰⁵ Also see: Kvale and Brinkmann, 2009, p.129, p.178; Holstein and Gubrium, 2003, p.273.

¹⁰⁶ Also see: Andrews, 2007, pp.51-52; Bauer and Gaskell, 2000, p.54; Yow 2005, p.208; Riessman, 2008, p.74.

¹⁰⁷ Also see: Blee cited in Perks and Thomson, 2006, p.216; Yow, 1995, pp.51-52, p.56, p.65; Thomson, Frisch and Hamilton, 1994, p.35.

¹⁰⁸ Also see: Squire et al., 2014, p.205.

¹⁰⁹ Also see: Squire et al., 2014, p.6, p.205, p.215.

¹¹⁰ Also see: Squire et al., 2014, p.219; Holstein and Gubrium, 2003, p.274.

Chapter Three

Aspirations and values: Where did Crown Court clerks come from?

Introduction

This chapter will explore two central questions. What types of social and cultural backgrounds did this study's respondents come from? What were their core values, motivations, interests and aspirations? It is argued that inquiring into the respondents' broader life contexts beyond their work in the courts invites an appreciation of the *individuals* who have informed this study. The life history method adopted has revealed the circumstances that led them to enter the courts, their career trajectories, and how their previous life experiences might have influenced their career opportunities and choices. Viewing interviewees in a more holistic way rather than solely as court officials, allows for a fuller, deeper and more nuanced understanding of their attitudes, beliefs, and aspects of their lives that were important and meaningful to them (Abrams, 2010, p.35; Portelli, 1998, p.69). In turn, this information offers insight into how their personal histories and outlook may have influenced the ways in which they perceived and carried out their work as court clerks.

A substantial part of the interviews were spent discussing respondents' early lives and how they were brought up.¹¹¹ A rich body of data has been collected and close readings of interviewees' narratives have illuminated three major themes which will be examined in the following sections. The first charts the pathway of upward social mobility that almost all respondents experienced. It identifies their parents' aspirations for them, their ambitions for themselves, and the shift from relatively poor upbringings with scarce resources to greater material wealth and security through employment in the Courts Service. Part of their experience of upward mobility that is explored here is the awareness of moving away from working class roots, as well as social and material distinctions between themselves and more privileged and well-educated judges and barristers.

The second theme focusses on the concept of public service, as it was notable that nearly all interviewees were actively engaged in a diverse range of voluntary involvements, and made significant contributions to their local communities throughout their working lives, as well as in retirement. The third theme speaks to the observation that many respondents were brought up within hierarchical social institutions that operated according to strict moral and behavioural codes – the Courts Service; disciplinary school systems; and a religion they were devoted to. It was noticeable that they felt comfortable with, conformed to, and embraced the overt and covert rules within these highly structured environments. The chapter ends by considering how these systems may have shaped their outlook, and in turn, influenced their attitude towards working in the court environment, which was similarly rule-bound and hierarchical.

It is important to point out that the findings of this study are based on the perspectives of a relatively small and specific group of people. Respondents were self-selecting and accepted the opportunity to record their life histories because they had stories they wanted to tell about being court clerks. Many of them had spent some 40 years working for the courts system and relayed that they had been extremely conscientious and dedicated employees. Almost a quarter were high achievers and had progressed to the most senior levels within the Courts Service. It is likely that quite different narratives and themes would have emerged if the interviews were conducted with currently serving court clerks, or with those who began clerking more recently, or if they had only clerked for a relatively short period of time. What has emerged strongly from this study's sample is a group of people who were upwardly mobile and proud of what they had achieved in their lives.

Upwardly mobile

Almost all interviewees described their parents as 'ordinary working class people' and 'from working class stock'. It is interesting that in interview they weren't specifically asked about their perceived class background. They were invited to reflect on a range of

subjects including their material circumstances growing up, their parents' employment, the type of house and neighbourhood they lived in, the school they attended, and their social relationships. Their self-identification in terms of working class roots supports Skeggs' (2004) observation that the concept of class has 'traversed the academic boundaries and entered into the lives of the everyday' and that 'class is also how we learn to know and speak the social and the self' (p.41).¹¹² Most respondents spoke at length about the financial hardships their parents endured. Unlike themselves, who had attained long-term, secure employment and comfortable pensions, their parents tended to survive on a variety of low paid, mainly manual jobs including those of heavy goods driver, bus driver, miner, labourer, milkman, postman, ice-cream salesman, housekeeper and cook, chimney sweep, window cleaner, waitress, school dinner lady, domestic service and baker.¹¹³ There were four exceptions where their parents worked as a general practitioner, electronics engineer, pharmaceutical company consultant, and social services senior manager. Even though the majority of interviewees did not grow up in families that were materially well off, many mentioned that they didn't necessarily feel deprived. Irene Elliott elaborated:

I never thought when I was growing up that we were poor. It never crossed me mind because you lived in an area where everyone had the same sort of circumstances. And you went to school with everyone that were in the same sort of circumstances. And we were never made to feel that we were second class or, I was never aware as a child, of feeling that we were poor. But it's only as an adult discussing it with me mum...that I realise quite how poor we were, and how difficult it was for her. But I certainly never had a sense of it.¹¹⁴

It is only with hindsight as adults, and speaking from more affluent positions, that many interviewees looked back and acknowledged the hardship, poverty and scarcity in their early lives.

Respondents' testimonies can be situated within a much wider debate about social mobility in postwar Britain. Sociologists and historians (see for example, Mandler, 2016; Todd, 2017; Goldthorpe, 2016) have claimed that there was a trend of rising upward mobility between the late 1940s to early 1970s (Goldthorpe, 2016, p.89, p. 93).¹¹⁵ They explained that the major reason for this pattern was due to a large-scale

growth in the number of higher white-collar jobs which more than doubled during this period (Mandler, 2016, pp.3-5, p.15; Platt, 2011, pp.30-31). There were subsequently more opportunities and approximately a third of people who filled higher white-collar or professional jobs during this period came from working class backgrounds (Mandler, 2016, p.3; Goldthorpe, 2013; Platt, 2011, p.32; Reay, 2013, p.674; Giddens, 1997, pp. 267-68; Giddens, 1997, p.268).

Even though a pattern of upward social mobility during the postwar period has been identified, Todd and Young (2012) have underscored that it was still a minority experience. They stated:

A conspicuous handful of working class young people were to achieve significant upward social mobility in the later 1950s and 1960s. For most young working class people, opportunities for mobility, even for apprenticeships, remained limited (p.460).

The important implication of this claim for our purposes is that it brings into sharp relief that this study's respondents were amongst a distinct minority who achieved the benefits of upward social mobility.

The degree to which educational attainment impacts on upward social mobility has been central to this field of analysis. Academics (see for example, Goldthorpe, 2016, p.93; Mandler, 2016, p.4; Todd, 2017a) have asserted that there is a prevailing 'myth' or 'folk wisdom' which was first instigated by politicians about the importance that education played in upward mobility during the postwar period. Mandler (2016) and Todd (2017a) have dismissed the popular belief that upward mobility was the direct result of the introduction of the Education Act 1944 which enabled pupils from working class backgrounds to gain entry into selective academic grammar schools based on their performance in the 11+ examination.¹¹⁶ They asserted that during the 1970s only a fifth of working class children had any experience of grammar school but about a third were upwardly mobile primarily due to the 'buoyant' conditions of the labour market (Mandler, 2016, p.6, p.11; Todd, 2017a; 2017b).¹¹⁷ As Todd (2017b) stated:

It is true that between 1945 and the 1970s a larger proportion of children ended up in higher social classes than their parents than ever before or since. But this wasn't thanks to grammar schools, whose very few working class pupils were disproportionately likely to leave by 16 with minimal qualifications. What made the difference was Labour's investment in public sector employment.¹¹⁸

Even though receiving a grammar school education generally may not have directly lead to greater upward mobility, it is still notable that more than half of this study's respondents did obtain a place in grammar schools. This fact is even more pronounced in light of Todd's (2017a) assertion that only 'a tiny minority of working class children passed the exam and 80% attended secondary modern schools during this period' (Todd, 2017a). Twelve out of this study's sample of 21 interviewees attended grammar schools, six others went to secondary modern schools, one to a comprehensive, and two were in private schools for a short period of time.

Based on respondents' accounts, it can be surmised that a key factor that contributed to a significant proportion of them gaining entry into grammar schools was because their parents were aspirational and held high expectations of them. This idea is supported by Mandler's (2016) statement that, 'public opinion became more and more fixated on access to grammar schools, especially among those families most aspirational' (p.10). Michael McKenzie shared a story that spoke directly to this issue:

We took the 11+, it was called, because you took the exam to see whether you would qualify for a grammar school education when you were 11. We took a dummy run at the junior school I was in and I passed. My mother and father were very pleased. My older brother hadn't, he'd already gone through that. Then we took the proper 11+ and the results came through in a letter to my mother which said that I would not qualify for the grammar school, but that I would go to a local secondary school. My mother was quite a strong woman and she went down to see the education office in Brighton and demanded to know whether the point system that I'd got for my exam results had been properly added up or not, because, 'How could he possibly fail having passed the mock exam only three months earlier?' And believe it or not they did a recheck of the marking system and found that I had in fact qualified for grammar school. My mother...[was] of course, absolutely delighted... She then spent the whole of the summer working harder than she had before at the hotel, working in the mornings as well as the afternoons and the evenings, because somehow her son had to have a

school blazer and a school cap and a satchel and plimsoles and physical training shorts and things, and she didn't have a bank account to call on. She had to earn the money to do it. By the time I came to go to school I had all the equipment I needed and she was very, very pleased to have done it.¹¹⁹

Other respondents also recalled that their parents prized the value of education, in the belief that it would be a stepping stone for their children to achieve better jobs and greater financial security than they had. Irene Elliott recollected:

I think me mum wanted more for us than she had and she was quite keen on us getting a good education and doing better than she had. So she would read to us and encourage reading. So we always had books. And I remember me dad bought a set of Encyclopaedia Britannica, because he wanted, again, I think they were quite ambitious for us to do better with our lives than they had. And they were quite keen. They pushed us to go to the grammar school, passed our 11+ and that sort of thing. And looking back it must have been quite a big expense to buy these Encyclopaedias for us but he wanted us to have that resource.¹²⁰

Beyond conversations revolving solely around their parents high hopes that they would attend grammar schools, respondents' narratives are peppered with anecdotes that demonstrate their parents' aspirations for them 'to do better than they had done themselves'. For instance, John Brindley came from a mining family and commented: 'That would have been my father's great fear that I would finish up going down the mine.'¹²¹ Bill Young, whose father was also a miner, expressed a similar view:

My father was determined I wouldn't go down the mines because it was a terrible job, people working in the dark in 16 inch, 18 inch seams as they called them, digging out coal. But it was where the vast majority of boys of my age ended up working, but I didn't, fortunately... He wanted us to do better than he'd done. He didn't want us to be a manual worker. He wanted us to work in an office.¹²²

Bill's mother also, was determined for him to obtain a white-collar job and instigated his entry into the then esteemed Shire Hall, which was the County Council headquarters in Durham:

Well, to work in the Shire Hall to my parents was quite a pinnacle, you know. You really made it if you got into the Shire Hall, you know, because everybody went in collar and ties and you got quite a good wage etcetera.

So I remember coming home, my mother said, 'There's a job in the paper for the Shire Hall.' And I said, 'Well, I don't think I'll ever get in there,' and she says, 'Well, you'll want to try.' Anyway I went for an interview, to cut a long story short, and had a couple of interviews and I got appointed.¹²³

Respondents' memories of their parents' ambitions for them were similar to those reported by Todd and Young (2012) in their study of how working class teenagers and their parents in Coventry and Liverpool remembered the 1950s and early 1960s. Drawing upon 22 life history interviews, they found that parents encouraged 'their children to lead more fulfilling lives than they themselves had experienced' (Todd and Young, 2012, p.452), and pushed them to 'have a go' and said things like, 'You can do that...I never had a chance to do it, I couldn't do it, but you do it' (p.459). Moreover, 'these parents encouragement was based on their expectations that their children – unlike themselves – would have secure jobs' (p.460). It is notable that Todd and Young (2012) also found a small sample of aspirational families during this period. Their interviewees were self-selecting and responded to advertisements that the researchers placed in the local press. All of their respondents 'self-identified as being working class and were the sons and daughters of manual workers or clerks' (2012, p.453). It could be surmised that they were proud of their achievements and wanted to participate in the research study and record their experiences for posterity.

Despite their parents' best efforts and intentions for their children, it is interesting that a few of this study's respondents felt that their parents' aspirations for them were narrow and limiting. Bill Young reflected:

What I wanted to do when I was at school was to be a pilot. I don't know why. But that's what I wanted to do. But then I began to realise where I was and what I was doing, there was just no chance of doing that. So I suppose I thought, well, the next best thing was to try and work in an office somewhere, you know. At least I would have a collar and tie job. I suppose, really, looking back, that our parents' knowledge was very limited because they were limited to a degree in their expectations.... The thought of somebody being a barrister or a solicitor or something of that nature was far beyond them. That was not the sort of thing you could do for us really. But as I said, my father was determined I wasn't going to work in the pit. He said he would buy a horse and cart and I would go and collect rag and bones rather than go down there.¹²⁴

Being encouraged 'up to a point', or within the bounds of certain types of jobs that were considered to be suitable or attainable were reflected in others' narratives. Female interviewees particularly, remarked that they were restricted by social mores and notions about which sorts of jobs were deemed acceptable, or even possible, for women entering the work force in the 1970s. For example, Rita Holmes expressed her disappointment that her parents were unable to respond to, or nurture her ambition to be a barrister. Irene Elliott shared similar sentiments:

Life was very different then. Options for women weren't as great as they are now. And I don't remember getting careers advice. I think it was a case of, you can go and be a typist, a nurse, a teacher, a vet's assistant. No one would ever have said you can go and be a lawyer, a surgeon, a vet. They were for the men. Again, we didn't question it. It was just the way it was. And I went to teacher training school. But I don't ever remember having a burning desire to be a teacher and as it turned out I hated it... I only did about six months... And I left, and I remember me parents being so disappointed.¹²⁵ ... But once I went into the Courts Service... I'd felt I'd come home. And I think with hindsight, and putting an old head on young shoulders, if I'd have known about the opportunities as a young person, I would have liked to have gone into the law. I think I would have liked to have been a solicitor or a barrister... And I think I was capable of achieving it. But I wasn't aware of it, I didn't know anything about it then... I did occasionally think, ooh...if I'd have been born in a different time or the school was more enlightened or I'd been encouraged more by adults or something... I think I could have achieved more than just becoming a civil servant. I think I would like to have been in the profession and more involved in it.¹²⁶

Rita and Irene's experiences point to the ways in which not only their social class, but also their gender narrowed the range of occupational choices and possibilities that were available to them (Platt, 2011, p.24; Cannadine, 1998). Speaking to this issue, feminist sociologist and Professor of Education at Cambridge University, Diane Reay (2013), has discussed her working class background and personal struggle with her head teacher and deputy head teacher in her sixth form grammar school who wanted her to withdraw her application 'to read politics at university in favour of a primary teacher training course at a women's college.' They said to her, 'girls like me didn't go to university' (p. 672). Although Reay (2013) herself was able to defy those in authority who were

advising her and become a university professor, her experience was not at all typical, and indeed exceptional, for working class women who grew up during the 1960s.

Despite some respondents feeling that they were not afforded opportunities to pursue the careers they would have wished to follow by virtue of their class and/or gender, the opportunities that they did enjoy were far greater than their parents generation. They recounted stories about beginning to meet and socialise with people who were more educated and affluent, and recognising that they were encountering a different strata of society. In the following passage, David Dawson highlights the cultural divide between those who lived on his estate when he was growing up in the 1950s and 1960s in Newcastle, to those he later came into contact with through the grammar school. He elucidated:

They had a certain working class pride, you know. You belonged to the trade union. You went to the social club... It was the lifestyle, and it's something that I grew away from because of, you know, going to the grammar school, [and] getting the qualifications that enabled me to go into white-collar employment. Well it, it wasn't entirely unusual for young people on the estate to do that, but it was, we were in the minority I think...and so, yes, you were distanced from other people I think, then, because your friends were friends you made at school and many of those were living in privately owned houses with parents who had professional occupations, so you came into contact with different types of people. And there was quite a marked divide between the secondary modern who were educating people for the labouring and skilled working class jobs and the grammar school which expected their people, their products, a few to go to university, and the rest to go into white-collar employment.¹²⁷

David's words bring to the fore his direct and lived experience of stark class divisions – economic, social and cultural.¹²⁸ His testimony is corroborated by Rogaly and Taylor's (2009) study of residents' lived experience of Norwich housing estates.¹²⁹ Their research noted that in the 1950s and 1960s secondary modern schools were held in far less esteem than grammar schools and were predominantly attended by working class pupils who were being prepared 'for manual and factory work or for home making' (2009, p.145).

A number of this study's respondents discussed becoming aware of surpassing their parents' material circumstances. Shirley Hill contrasted her own lifestyle and assets to those of her parents, and touched upon the complex feelings involved in achieving greater financial security than they had:

I've got a lot more than me parents ever had. I mean, well, they lived in rented accommodation all their lives. I mean, me Dad was scrabbling around trying to do, well, three jobs at once to try and keep food on the table. I mean, they never had anything, at all. I've got a car, I've got a house, I've got a pension that's adequate for me needs. I got me lump sum out of it. And you know, it's just a completely different thing. The expectations are different. We've got a lot more than the last generation ever had... Well, I feel sorry for them in that they didn't have it and they didn't have the comfort and all the rest of it. I can remember the first time when, when I got me promotion from a CO [Clerical Officer] to an EO [Executive Officer]... and the salary I was on was £1,000 a year, the new salary I went on to. That was more than me father earned and I was terrified of telling him because I thought that's going to make him feel absolutely awful... Normal wages were so low, and it was, it was so difficult, but I knew that I couldn't not tell him... I was still sorry for him. I felt, this is ridiculous. He's bringing up a family on, on less than this, and I'm earning this money for doing next to nothing. You know it didn't seem right. It didn't seem fair. But it was the way the wages were in the Civil Service as opposed to a factory wage. Which was why... I knew that I had to be out earning money... I needed to bring money into the house because they needed money.¹³⁰

Shirley's comments accord with Todd (2017a) and Reay (2013) who have written about the inner tensions that can often be experienced in relation to upward social mobility. Their writings unravel the sense of guilt felt by those who had opportunities that were denied to their siblings or parents. Reflecting on her own experience, Reay (2013) admitted that 'social mobility can often be a difficult, alienating process' (p.672), and 'despite immense relief and gratitude at my privilege, I have an enduring ambivalence about what I have and who I have become that characterises many of the upwardly mobile' (2013, p.673).

When interviewees began working in the courts, they came into contact with judges and barristers whom they perceived to be from higher classes, and they were highly conscious of the social distinctions between them.¹³¹ The following depiction of a dinner at the judge's lodgings in Preston exemplifies the ways in which social

hierarchies and class divisions were played out. Keith Harrison was invited to the dinner as a 'thank you' from the High Court judge for clerking him. Keith commented:

I always dined with the clerk, High Court judges clerk. They have their own live-in accommodation within the lodgings. So you'd be met by the housekeeper at the front door and you'd be shown into the clerk's accommodation and you'd have drinks and dinner with them... It was always on a night when the Judge was having a dinner party. So he would be on the other side of the building having a dinner party with other judges, other notaries, the [Lord] Lieutenant, and the High Sheriff, Deputy High Sheriff, whoever he invited. You would be having the same meal as them... The food was top class restaurant food. It really was... You have a starter, you have a main course, lamb, beef, fish, and then dessert... And then later in the evening the High Court judge would come in and have quarter of an hour with you, 20 minutes. He'd leave his guests and come through. And some would just pop in and say, 'Hope you've enjoyed the evening. It's lovely to see you.' Others would come down, sit on the settee and have a cup of coffee with you... It just depends how friendly they were, what the closeness was between you... I loved them [these evenings]. It was nice to be thanked. Some people thought that you were second [class] citizens because you were going left to the clerk's quarters. I never felt that, you know. You know your place. You know that they are professional people, they are their working colleagues, you're just the clerks... it's class distinction, well, it wasn't class. It was just hierarchy.¹³²

The segregated dinner that Keith describes can be viewed as a stark example of 'class work'. According to Gray and Kish-Gephart (2013), this is when individuals conform to and reinforce the distinction between different classes in their everyday micro-level social interactions (pp.670-71). Keith's willing participation and enjoyment of the dinner demonstrates how 'class work constructs and legitimates organisational norms and routines as appropriate and expected behaviour' (Gray and Kish-Gephart, 2013, p. 671), and thereby preserves the status quo (2013, pp.671-72).¹³³

How else were class distinctions experienced by interviewees? Michael McKenzie was acutely aware of the gap between his humble background and the wealth and privilege of many of his barrister colleagues. He was called to the bar, which is not typical of other court clerks in this study (with the exception of Raymond Potter), and was only able to afford to study for the bar because he was generously sponsored by Ewan Montagu, a judge and Chairman of Middlesex Quarter Sessions. Michael remembered:

My mother and father came up to my call to the bar. And I don't think my mother had, with respect to her, the first idea what was happening. I did try to explain it but it didn't mean anything much to her. But I think that's partly it, part of it too, wanting to, wanting to make the best of my own talent, whatever it was. I didn't know what it was. Wanting to say perhaps to my family, I've really tried. I was the first person to go to work wearing a shirt, collar and tie. Nobody in my family had ever worn a tie to work. They weren't in that sort of work. To work in an office was something quite different.¹³⁴

Michael's pride in being the first in his family to work in an office speaks to other research that has investigated how people feel about their class position and the intense emotion that conversations about class can evoke (see for example, Savage, 2015; Sayer, 2005; Hebson, 2009; Lawler, 2005). Sociologist Lucinda Platt (2011) stated, 'Those who are 'on their way up' experience all the pride, discomfort and defiance that that brings' (p.24). These are apt descriptors of the feelings that permeate Michael's memories of navigating his way and claiming a new-found authority and status when he was called to the bar, and consequently promoted to Deputy Clerk of the Peace of Middlesex Quarter Sessions in 1970:

I think the most important thing to me was, believe it or not, was that I could stand for the first time ever, in a criminal court and argue with a barrister who had a wig and gown on, and not be looked down [on] by that barrister who would say, 'But why are *you* telling me this?', or 'What qualifications do you have?' (if he knew I didn't have any)... I got that quite often. But suddenly, I could stand equal to those people. Many of them, of course, came from silver spooned families. I didn't. But my own commitment had put me on a level where I could argue with them, or disagree with them, or agree with them. But I was confident in myself because of what I knew now I could do. I had proved that I could. I had no education from university, as I've said. I couldn't afford to go to university. And most barristers would say, 'Which university did you go to?' And I, I felt quite hesitant, until I got used to the idea of saying, 'Well I didn't go to university, couldn't afford it.'... You know, they'd gone to university and then just done the finals as if it's [a] normal, every day thing. I felt very, I'm not sure if pride came into it, but I felt very, very satisfied that I had done the best I could from where I came from, and I don't wear my background on my sleeve by any means. I'm very pleased with the parents I had and how hard they worked. But I also needed to prove that I could work hard and provide for a family, and now I knew I could. And that was satisfying.¹³⁵

To what extent were this study's respondents similarly ambitious? Were they interested in progressing in the Courts Service, or perhaps in another field? How did they feel about what they had accomplished in their careers? Four respondents who had spent their working lives in the courts from the time they were teenagers until their retirement, obtained posts that were among the highest levels of responsibility and seniority in the administration of justice. Raymond Potter progressively worked his way up through the ranks of the courts system from a third class clerk at the Royal Courts of Justice at 15 years of age in the 1950s, to be called to the bar, and later to become Deputy Secretary and Head of Her Majesty's Courts Service between 1989-1993, and then a Bencher of Inner Temple. John Brindley rose from beginning as a junior clerk at Stoke on Trent County Court to Under-Secretary of State and Circuit Administrator of the South Eastern Circuit between 1995-1997. Michael McKenzie was appointed Queen's Coroner and Attorney and Master of the Crown Office, Registrar of Criminal Appeals and of Courts Martial Appeal Court and Master of the High Court of Justice (Queen's Bench Division) between 1988-2003, and was a Governor and Bencher of Middle Temple. Michael Bishop started his career as a clerical officer in Penzance County Court and became a Grade 7 Principal Chief Clerk and Group Manager for the Court of Appeal Criminal Division and the Crown Office List of the High Court (later to become the Administrative Court) at the Royal Courts of Justice in 1994, and was in charge of computerising the Royal Courts of Justice in the early 2000s. Raymond Potter, John Brindley, Michael McKenzie and Michael Bishop all expressed great pride in their achievements. Reflecting on the factors that helped them to succeed, they identified a fierce drive and determination. Michael Bishop attested:

I got to the top of where I felt I deserved to get. Why did I deserve to get there? Because I was good at what I did. And why was I good at what I did? ... Application, motivation, a desire to succeed, a willingness to do whatever was necessary and legal to obtain what I needed, an ability to actually read people, an ability to read situations, an enjoyment for what I did. I like to win.¹³⁶

Although other interviewees did not advance to such senior positions in the Courts Service, being a court clerk was equally satisfying and the fulfilment of their ambition.

For example, Pamela Sanderson described the seminal moment when she was working in the office at Luton County Court and realised that she could strive to be promoted and become a Crown Court clerk.

I remember going home in the car and one of the things I was thinking [was], you could develop this job, you know. This is not just to help pay the mortgage and buy the kids shoes. You could develop this for you as a person... It was something that I'd never even considered as a career. In fact I don't think I'd considered, career, career, at all, you know. I was just a mum, who needed a job. And I'd managed to find a Civil Service job... I was quite content at that stage, you know, to think that, well, if I stick with it I'll get a pension... And it was just sort of a lightbulb moment really. I thought, I could do this!¹³⁷

Pamela continued to explain her motivation and interest in becoming a Crown Court clerk:

They [the court clerks] were in charge of that courtroom. Well, even with my lack of education I could do that. I never had the opportunity to take my A Levels, you see. I had to leave school at 16. So I never had the benefit of A Levels or college or anything like that. And mine was the era where you couldn't take A Levels at evening class or anything like that, you know everything's changed, so I could do something that was professional without a specific professional qualification. At a Magistrates' Court I would never even have thought about it because they have to be trained solicitors or barristers.¹³⁸ But you didn't need to, on this. You could get dressed up just like them and you could run your courtroom because, you know, the main thing you needed was common sense and I thought that would be great.¹³⁹

Pamela, as well as other respondents chose to remain in their post as Crown Court clerks because they 'loved' their work, even though a promotion to an office management level would have offered a higher wage and pension. In terms of their aspirations, two thirds of interviewees remarked that they were not particularly ambitious and didn't prioritise ongoing career advancement. For example, David Hoad remembered being advised to go to London because 'that was where all the opportunities for promotion were available'. However, working in departmental headquarters and writing reports and recommendations was not appealing to him, nor was living in London and contending with the noise, pollution and crowds. David, from Christchurch in Bournemouth described himself as 'a small town guy', and others

similarly preferred the quality of life in their smaller towns and cities such as Winchester, Preston and Durham. Yet in retrospect, David wondered whether it might have been wiser to move to London ‘money wise and pension wise.’ He mused:

I enjoyed what I did and I just tried to do it to the best of my ability. But I think I could have done better for myself, maybe a bit of a regret there... There are three things to working isn't there? There's job satisfaction, there's the environment you work in, and there's the pay. There's three principal facets to employment. And I enjoyed the environment I was working in, there was a lot of job satisfaction,... could have done better on the pay front. I don't think I was paid commensurate with my ability.¹⁴⁰

Although some interviewees were much more ambitious and driven than others and progressed to higher levels in the Courts Service, a common strand that runs through their narratives is that they possessed a strong work ethic. They believed that they would succeed and achieve career enhancement through their own merit and efforts. Many court clerks were young adults in their twenties and thirties during the 1980s, and they may well have been influenced by the wider political, economic and social policies of the Thatcher government and the promotion of aspiration, independence, individuality and self-determination (Skeggs, 2004, p.47). Indeed, Mandler (2015) has stated that Thatcherism¹⁴¹ heralded a ‘Social-Darwinist approach to social mobility which encouraged competition between individuals and families for social position, based on hard work and other forms of self-help’ (p.14, p.21). Government policy and rhetoric during this era may well have exacerbated the need and value of working hard and taking responsibility for one’s own life and livelihood. However, many respondents spoke about internalising a work ethic much earlier in their lives through witnessing their parents struggle for the family’s survival. Savage (2000) has posited that the meritocratic notion of charting one’s future and obtaining ‘just rewards’ through hard work and self-motivation is deeply ingrained in many people’s psyches (pp.73-75).¹⁴² This point is exemplified in the following comment by Irene Elliott:

This work ethic was definitely instilled in us, that you had to work hard, and you had to work hard to get on in life, and if you wanted to improve your lot in life you had to work hard... And I agree with that. I brought my children up with that same ethic. Me children all had Saturday jobs and holiday jobs.¹⁴³... I wanted them to have a work ethic. I wanted them to realise that you don't get anything in life for nothing. I don't think you do. And I think

if you want to achieve anything in life, you've got to be prepared to work for it. It doesn't get handed to you on a plate. So I wanted them to have that.¹⁴⁴

As articulated in Irene's extract, other interviewees discussed their intention and efforts to inculcate a work ethic in their own children. They were pleased with their children's work-related achievements, and the ways in which they had actively encouraged and supported them, which Michael Bishop termed as 'the historic passing down of the chalice.'¹⁴⁵ A few remarked that they wanted their children to exceed them educationally and materially, as their own parents had wished for them. The adult children of three respondents made their careers within the law and administration of justice. Michael Bishop's eldest son, Anthony, headed Information Technology and Computing for Her Majesty's Prison Service which is part of the Ministry of Justice. Jim Reid's son, Martin, became a barrister and held a tenancy in the prestigious Harrington Street Chambers in Liverpool. Tom Brown's son, Gordon, was a solicitor and set up his own practice in Chester-Le-Street, County Durham.

The fact that most of the respondents' children had not ventured into the law raises an interesting counterpoint to the occupation of the barrister's clerk which was historically passed down from father to son. This was not the case with any of this study's interviewees and none of their parents or relatives had ever been court clerks or members of the legal profession. Nearly all respondents' sons and daughters attained university degrees and entered a range of different professions and positions including: primary school teacher, finance manager, computer programming manager, vicar, quality surveyor, business analyst, super yacht captain, overseeing a film production company, and business project director for a call centre company. Many earned more than the court clerk's themselves and extended the course of upward mobility to the next generation.¹⁴⁶

The concept of public service

The concept of public service is the second core theme that has been identified in respondents' narratives. Thirteen interviewees undertook voluntary roles of significant responsibility and public engagement during their working lives and in retirement. In interview, they described the nature and demands of these commitments, and the reasons why they were important and worthwhile to them. A number of interviewees demonstrated their social conscience and desire to benefit society and help others through work-related initiatives. Jim Reid was a trade union representative for 35 years, as well as a disability representative for the Northern Circuit, and member of the National Disability Executive for the Lord Chancellor's Department and all government departments in the Civil Service. Jim explained that his commitment to people with disabilities stemmed from his childhood experience:

Well, the reason why I have a strong inclination to help people with disability is I was born with very badly clubbed feet, both legs. My ankle bone was the bottom of my foot when I was born, so there were basically two clubs on the bottom of, two stalks when I was born. And when I was, I suppose young, and I don't suppose it makes any difference which era you talk about, children can be cruel. And my father always taught me that... you're judged by what you do yourself and you don't let anybody interfere with the plan to keep you on an even keel. And he always said to me, 'You know, you've got to learn to stand up for yourself.' And I did. I learnt flaming quick, you know, because you can only be called nasty names so often... And I always thought well, if I can help people who've got a problem then I'll help people who've got a problem... And I always found that that was something I had an ability to do for people who had a problem. And I used it not only for people with disabilities but also people who just had a problem. And you know, often as not, as I say, if you could help somebody to climb up the other side and get on the straight and narrow again you'd do it, and I considered it a privilege. So that was why I always had an interest in people with disability. Because I could relate to them.¹⁴⁷

Valerie Jerwood was similarly motivated by her direct and personal experience, and organised many different fundraising events at The Central Criminal Court from coffee mornings to quizzes that were popular for bringing together judges, barristers, solicitors, ushers and court clerks. Valerie was absent from work for six months recovering from ovarian cancer, and when she returned to court clerking at the Old Bailey, she raised

more than £10,000 for an ovarian cancer charity. Leonard Dolphin called upon his work connections and colleagues at Newcastle Crown Court to help raise vital funds and equipment for the Milton Margai School for blind children in Freetown, Sierra Leone, when he was working in Sierra Leone setting up the United Nations Special Court of Sierra Leone for a few years in the early 2000s.¹⁴⁸ Further examples of Leonard's commitment to voluntary work were serving as a school governor of his children's primary school, and accompanying Year Five and Six students on field study trips to the Lake District for 26 years. Leonard discussed the personal rewards he gained from assisting young people overcome their fears and achieve physical challenges that 'they never dreamt they would do'¹⁴⁹ such as orienteering and rock climbing. He enthused, 'It makes me feel good to see them achieve things and ...that's a lovely feeling.'¹⁵⁰ Contemplating the source of his impulse to serve others, Leonard reflected:

I think it's inbred to some extent and it's fostered by my Catholic faith and something in me as well. I've always wanted to help other people...even at work I would never see somebody struggle without helping them in some way, whereas I've seen other people who would quite happily see somebody struggle. So I think that has something to do with having a conscience maybe... My father always used to say, she [my mother] would give her last penny away if somebody knocked on the door and they needed something. And me dad used to tell me that she'd often done that, but if she did that she would have some luck afterwards, so she'd put her last farthing on the collection and she'd win a raffle the next day or something. But my mother was always kind, so was my dad. It probably comes from them, you know, they were both very giving sort of people.¹⁵¹

Michael Bishop also spoke about being deeply influenced by the example set by parents, and more precisely, the generosity of his father, Jimmy, and father in law, Desmond, whom he described as 'two of the finest people that I knew.'¹⁵² Similar to Leonard Dolphin, Michael was eager to help empower young people. Michael became a school governor of his son's school, Merton Abbey for 25 years and the Priory Church of England School for four years. He was also responsible for dealing with admission appeals and exclusion appeals and chaired tribunals in the London borough of Merton for 14 years. Additionally, Michael coached junior league football for six to 10 year olds on Saturday mornings for 14 years because, as he said, he wanted to 'provide youngsters with an outlet.'¹⁵³ He continued:

There's a council estate just at the end of the road there [and] the youngsters never had anything provided for them¹⁵⁴... Youngsters are the future, and the resource of the future. And I gained a great deal of satisfaction from seeing them develop and advance. And if I've had any hand in it, I've enjoyed that.¹⁵⁵

Two other respondents have had long-term associations with the Women's Institute. At the time of interview, Pamela Sanderson was the Treasurer of Hertfordshire Women's Institute and Patricia Douglas was on the Board of Trustees for the Northumberland Women's Institute. They were inspired by certain campaigns and resolutions instigated by the Women's Institute to improve society and promote women's leadership, and they enjoyed being part of a movement that was socially aware and active. Moreover, for more than a decade Pamela delivered talks about the Old Bailey's history and architecture to the Women's Institute, Townswomen's Guild, and other women's groups and church groups throughout Hertfordshire, and she also led guided tours of the Old Bailey.

A number of interviewees undertook a variety of public service duties after they retired, which evolved out of their long-standing work experience in the justice system. Raymond Potter adopted a quasi-legal function as an independent Chairman for the National Health Service (NHS) inquiring into the conditions and treatment of people in care homes and the funding of care accommodation. Raymond was also appointed President of the Southwestern Rent Assessment Panel and delivered judgements on cases concerning fair rents and leasehold arrangements. Irene Elliott and David Dawson were both keen to use and develop their knowledge of legal processes and to become magistrates in their retirement. David Dawson commented:

I think it's because of the experience of court clerking... I was familiar with the court procedure and...I'd worked in the law all my life. It was what I knew. And I thought, well, here is something I can usefully do in retirement other than sit on me backside and play golf and do the garden. And so I did.¹⁵⁶

Irene Elliott articulated why becoming a magistrate appealed to her:

Well, I think the magistrate is a lay magistrate. He's just like a member of the public that he's making judgements on, and he's sentencing. And I think it's one of fairest systems we have. You've not got somebody that's much more educated than you, you've not got somebody that's much richer than you. We've just got, we're all taken from the same population. And anybody can do it [and]...you're putting something back, and playing your part in the community.¹⁵⁷... I've had a good life. I've had a lucky life. I have a wonderful home. I have lovely children and grandchildren. And they're all healthy, they're all happy, they're all doing well... I just have a feeling that I want to put something back. It's payback really.¹⁵⁸

Michael McKenzie also discussed the notion of 'giving something back', and why he became a monitor of Lewes Prison in East Sussex after he retired:

I've done the jobs that I would like to have done. I hope I've brought up three children to be honourable members of the community. I've cared for people. I'm being careful not to say, 'What a good boy am I', but...I've tried to be somebody who others would say – does this sound awful – 'He made a difference somehow. He made a difference.' That's what I would like to think I'd done, in other people's lives.¹⁵⁹... If it doesn't sound holier than thou, I felt that when I retired...I wanted to do something, to give something back, if that doesn't sound arrogant, to the system.¹⁶⁰

As the above excerpts illustrate, interviewees felt compelled to 'give something back' to society. They were grateful for 'the system' that had sustained them, and wanted to repay some of what they had been given through 'good deeds' that would benefit others. When they spoke of 'the system' they were typically referring to the Civil Service, comprised of government departments and agencies, and in particular, the Courts Service. Why was the Civil Service considered to be so important and what did it offer them? This question leads to the third theme to emerge from interviewees' testimonies, namely, being part of, and acculturated into wider social systems.

Accepting and conforming to social systems

Most critically, the Civil Service provided respondents with stable employment and financial security. Recurring statements were that it gave them ‘a secure job that offered a pension at the end of it’ and ‘there were plenty of jobs available.’ Interviewees recollected that in their mid to late teens, when they left school or shortly afterwards, they were keen to start earning money and contribute to their parents’ income. Then in their early twenties, they needed to find a way to support their own young families. Many of them first entered the Civil Service by responding to an advertisement in the local newspaper and they were called to interview by a Civil Service Board. Subsequently, they were assigned to work in a particular department, most commonly the County Court or Probate Registry within the Lord Chancellor’s Department as Administrative Officers, Administrative Assistants or Clerical Officers. None of them had heard of the Lord Chancellor’s Department or the County Court before they applied to the Civil Service. Shirley Hill described a typical scenario:

I need[ed] to be earning because me mum and dad needed some money coming in really. They didn’t have any money to carry on supporting me... so that’s the point I applied for the Civil Service... It was just a General Entrance Board that was advertised in the local newspaper and that’s really why I just applied, it wasn’t really for a particular department. It was just the Civil Service in general, just announcing that they were having interviews on such and such a day and if you had these qualifications you could apply to be interviewed sort of thing... You had to have five O Levels and you had to have two A Levels. I knew it was something to do with government, government department, administration, that sort of stuff, and I knew it was an office job. But I needed to do something, you know... I was 19 but I was coming up to 20 and I needed to start thinking about earning... I got offered a job at the, what was it called? Probate Registry, which was part of the Lord Chancellor’s Department then... It was in Liverpool which is the local city and it was called the ‘Wills, Wives and Wrecks Department’ cos it was the Probate, Divorce and Admiralty Division of the High Court but it was part of the Lord Chancellor’s Department so that was when I first entered, you know, part of the Courts Service... I didn’t know anything about it until I turned up, knocked on the door and said, ‘I’m supposed to be starting work here today.’ I hadn’t got a clue.¹⁶¹

Two respondents discussed entering the Lord Chancellor’s Department via a Civil Service examination rather than an interview panel. And Valerie Jerwood and Keith

Harrison, had careers in other fields before they began working in the courts.¹⁶² All interviewees perceived that their placement in the courts system was happenstance rather than the outcome of any career plan or goal on their part.

A key characteristic of the court clerk's post was that it was a moveable grade. This meant that many were regularly moved between different court buildings, as well as between the Crown Court and County Court to fill vacancies and perform various functions within their grade. For example, within the Crown Court specifically, half of the interviewees were placed in the position of listing officers for certain periods of time.¹⁶³ What were their reactions to being moved to wherever they were needed, irrespective of their personal preferences? How did they feel about abiding by the rules of the system, and complying with the authorities who made decisions that governed where they would work, and when, and the type of work they would do? Jim Reid's response was common:

Well, I suppose when I was doing the criminal side of it I was actually doing a frontline job and I was in court and I was interacting with judges and I was interacting with barristers and defendants and running a team in the court and making sure things were done. Or when I was doing the listing I was responsible for making sure that the judges worked, the clerks worked, that the barristers had work to do...and time shot by... I just preferred crime. I would never have moved. I was actually moved. So I would never have chosen to move. I would have stayed in crime all the time... I was moved basically because I had a colleague who was having trouble in the civil side and had domestic problems and things like that, and she basically needed moving out, so they needed somebody to move in and they basically said, 'You're going' so that was it. So I mean...I don't worry about things like that. If somebody says you're going, then you just, you know, it's a movable grade, you get up and you go. Simple as that.¹⁶⁴

Shirley Hill's feelings towards the Civil Service were more ambivalent, demonstrated by the following anecdote about applying for a transfer to Newcastle Law Courts when she was living in Wigan and working at Bolton Combined Court:

1978 was when I moved to me house in Wigan... I applied for a transfer up here [Newcastle] because there was no family down there anymore and we had a lot of relatives up in this area...so 1978 at the latest I put the application in and [in] 1989 I found out that I got the transfer to Newcastle

and I had to start within a fortnight... The transfer came off but I mean that's 11 years down the line.¹⁶⁵

Shirley then had two weeks to move before she started in the new job. Karen Hazell was a court clerk for more than a decade before she was allocated to the post of assistant listing officer and then listing officer at Winchester Crown Court and Salisbury Crown Court remotely, about which she stated, 'I wasn't particularly happy with it. I enjoyed being a court clerk. I wanted to stay being a court clerk. But you know, I'm a movable grade and if I'm told to move, I move.'¹⁶⁶ As Jim, Shirley and Karen's accounts testify, the court clerk's role necessitated a large degree of acceptance and compliance with the rules by which the system operated. Interviewees revealed that they didn't feel constrained or oppressed by the hierarchical framework in which they worked, with its clear demarcations of roles and responsibilities, and they weren't necessarily seeking to express their autonomy or creativity through their work.¹⁶⁷ To the contrary, they shared their sense of pride in carrying out court protocol and procedure to the best of their ability in service to the administration of justice.

In scrutinising respondents' narratives, it became apparent that the highly formalised court environment echoed other social systems they were familiar with, particularly their schooling, families and religion.¹⁶⁸ A possible and common response to a rigid and highly disciplined upbringing is to rebel. But it is noticeable that rather than rebelling against the social structures they were exposed to, this study's respondents were inclined to conform to the rules imposed upon them.

Discipline at school and at home

Many respondents reflected on the legacy of their 'old school' education which prescribed formal and strict codes of behaviour. Almost half of them depicted violent, formidable, authoritarian teachers, nuns, and 'Victorian spinster style school marms' throughout their schooling. The following account by John Brindley conveys an example of the punishing and fearful atmosphere that they experienced:

In those days teachers had a certain status that perhaps they don't have now...some of them quite terrifying. I can remember in the infants school the three teachers there, the head teacher of the three, Miss Wally, was quite a ferocious lady. She had a box with, I suppose about 10 or 20 canes in it and if you talked in a lesson etcetera, you were sent out to the front. So at the end of a lesson you might have a line of about six or seven, usually lads, always lads I think, waiting for the cane at the end of the lesson. And she would start with the first one and increase her venom as you go down... I remember standing in the line and there was a lad next to me. I think his name was Tatten, and as the crescendo came towards us he started crying before she even got to him, which I was determined not to [do].¹⁶⁹

Along similar lines, David Hoad also graphically depicted scenes of boys being caned and other assorted punishments for misdemeanours such as detentions, writing 100 lines, offences recorded in the punishment book and being 'whacked with the slipper'. He was struck by the 'remarkable power' and 'high status' that the head boy and deputy head boy were given in his school and he recalled that they would regularly call whole school detentions. David recollected that every morning they would line up all the boys in the school quadrangle and upon their commands of 'school attention' and 'school at ease', all the pupils dutifully clicked their heels in unison 'like in the military'.¹⁷⁰ He commended this authoritarian and regimented behaviour:

It was pretty amazing that we had that system in operation in the school... It was a bonus for that particular school to have that system of discipline and prefect hierarchy and so on.¹⁷¹

David speculated that there may have been some relationship between the strict regime of his school and his own subsequent style of managing a courtroom. He pondered:

My school was quite strong on discipline, you know, for a secondary school....so that set some seeds probably on doing things right and having an order to things, so that may have subconsciously affected me.¹⁷²

Many other respondents also discussed their inclination towards 'doing things properly' and 'playing by the rules'. For example, Irene Elliott described herself as 'a great one for going by the book' and traced her disposition back to her 'very, very strict' convent school. She reflected:

I'm a great one for going by the book, which might seem a little bit boring... I've always been like that. I was like that when I worked in the County Court and the Crown Court. I always did everything thoroughly. If the judge made an order, we'd have to type them up and I always made sure – I liked it to be indented properly, the paragraphs and the spelling, and there was no way I'd put my name to anything that had a spelling mistake in. I think it goes back to my upbringing and education. When I was at school they were very strict on letters being set out properly, all that sort of thing. I'm sure it's all to do with that. Old school, I'm sure it is...and just part of me. That's just the way I am. And everything has to be done just so, and done properly, and upbringing and education probably.¹⁷³

David Dawson emphasised that he 'enjoyed the rules'. He told a story about going to the local Employment Exchange when he was a young man and being given a test to identify jobs that would suit him, and being advised to apply to the Courts Service because he was 'very rule-oriented.'¹⁷⁴ David sketched himself as 'a born prefect' who 'never kicked over the traces', and 'never broke the rules'.¹⁷⁵

Apart from strict school environments, what sorts of behaviours were expected of respondents at home? What were their parents' attitudes and approaches towards discipline? Geoff Walker's response was typical:

[My parents were] quite strict. Not unkind. But quite strict. You know, you knew what the boundaries of right and wrong were and...they would expect me to give my seat up on the bus to a person older than me, they would expect me not to be cheeky to people, not to answer back, to be polite and courteous, to hold me knife and fork correctly and just be generally civil to people and treat them as you wanted to be treated... I never really got into any trouble at all...cos the one thing I did know, if I ever did get into trouble outside I'd also get into trouble at home. There would be no question of the other way round, you know, there wouldn't have been, if I'd have gotten into trouble at school, for example, me dad wouldn't have gone down and hit the teacher.¹⁷⁶

Geoff's comment about 'getting into trouble' outside the home and then consequently getting into trouble again at home, and being reprimanded, spanked or worse, was common. However, it is important to note that not all interviewees spoke about being subjected to severe and harsh discipline and corporal punishment at school and at home.

As a group, respondents testified to growing up in a very different era compared to today. They highlighted the greater respect that was accorded to older people, and especially authority figures, namely, teachers, priests, nuns, policemen or ‘the local bobby’, and parents. Their narratives contain numerous vignettes that demonstrate the formality and politeness with which they would address their elders. Many respondents also discussed the emotional distance in their relationships with their parents, compared to the greater warmth, affection and openness that they share with their own children and grandchildren. They believed that the more distant and formal communication with their own parents was indicative of the times and the ‘keep a stiff upper lip’ mentality. They observed that British society as a whole has ‘thawed out’ and people had become more expressive and demonstrative than their parents’ generation.

Faith in god

Religion was another social system that was fundamental to many respondents’ lives and identities. It is illuminating to look at whether the high proportion of religious belief and observance among this study’s sample was reflective of broader social patterns and norms related to Christianity in Britain in recent decades. The changing landscape of religion in British society since the Second World War has been well-documented by scholars (see for example, Brown, 2009, Brown, 2006; Woodhead, 2012; Clements, 2015; Bruce, 2013; Field, 2014; Davie, 1994). Studies have measured religion based upon belonging to, and attending church, and they have found a significant decline during the last half a century (Giddens and Sutton, 2013, p.729; Clements, 2015, p.11, pp.15-17).¹⁷⁷ However, it has been countered that levels of church attendance do not of themselves accurately reflect people’s beliefs. In addition, people go to church due to family expectations and links to other social networks rather than necessarily believing in god (Giddens and Sutton, 2013, p.730). As a counterpoint to this narrow measurement of religion, other research has demonstrated that religious belief has not decreased as sharply as church attendance (Giddens and Sutton, 2013, p.728). Davie (1994) contended that the decline in church-going is linked to a weakening of the sense of belonging, rather than believing.¹⁷⁸ Giddens and Sutton (2013) similarly argued that

many people do not worship through the traditional framework of church organisations, yet their religious and spiritual beliefs continue to be powerful forces in their lives (Giddens and Sutton, 2013, p.733).

By way of contrast, further research on religion, and particularly British Social Attitudes Surveys conducted in 1991 and 2008 have shown a significant decrease in both religious behaviour *and* personal belief in god (Woodhead, 2012; Clements, 2015, p.11, pp.15-17).¹⁷⁹ The reasons for these shifts are complicated and contested and beyond the scope of this chapter. Yet this pattern of decline is relevant to this study because it highlights that a high proportion of respondents represented a diminishing group of people who deeply believed in, and practiced more traditional forms of Christianity. They were very active in their local churches, and their belief in god provided a moral compass that guided their everyday actions and involvements.

It is striking that 15 out of 21 interviewees spoke in detail about the importance of faith, and more specifically, their affiliation with Christian denominations.¹⁸⁰ For the majority of this sub-group, religion featured strongly throughout their childhoods and adolescence, and attending church, prayer, and religious observance were integral to family life. Two felt called to faith later in their lives and made their own private commitment to god.¹⁸¹ Because the centrality of religion recurred in a significant number of respondents' testimonies, it is worth inquiring into how their faith informed their outlook and guided their actions.

Jim Reid noted that his Catholic faith was entwined with his Irish identity and close-knit family. Jim described the ongoing monthly church services that he had coordinated for more than 10 years which brought together people with learning difficulties from different local care homes. Jim stated, 'preaching about goodness and preaching about people being nice to one another is what I do.' He was assisted by his wife, Pam, who helped with the administration; his son, Martin, who played the hymns on the organ; and his daughter, Sarah, who made the tea. The purpose of these services was to empower people through their participation in the church services and 'helping somebody who needs a helping hand.'¹⁸²

Bill Young and Shirley Hill also preached for many years to their local congregations in the North-East of England. Bill was raised as a strict Methodist and strongly influenced by his maternal grandfather who was a well-known preacher for more than 50 years, and the Chairman of the Parish Council and President of the Co-op Committee. Bill recalled listening to his grandfather's sermons as a child, and he greatly admired his grandfather's dedication to 'help his fellow man' and his keen sense of public duty. At the time of interview, Bill was Secretary of his local church, St Johns in Piddington in County Durham, where he spread the gospel and encouraged people to follow Christ. Shirley had a very different experience in that she wasn't brought up in a religious household – 'we didn't have a bible in the house'¹⁸³ – yet she felt called to Christ when she was 18 years old and attended a church service and heard the gospel for the first time. As well as preaching, Shirley spent two days a week preparing and serving a luncheon for elderly people who were linked to her community church in Prudhoe in Northumberland. She perceived her faith as an expression of her self:

The faith is who I am and how I relate to people and what I do and why I do it. And nobody necessarily has to know why I do what I do. They don't even have to know what I do, because he [God] knows.¹⁸⁴

Shirley elaborated further on how her faith informed her attitude to her work in the court and beyond:

Most religions have their own set of rules and regulations and what have you, but it's just trying to live according to the ones you believe in and hopefully be seen to be doing it. Because the last thing you want, anybody wants, is to be a hypocrite.¹⁸⁵... If you're sort of trying to live as a Christian then you're wanting to find out what does the bible say about what is required? You know, what does God require? What does the Law command? What do men want? What does it matter what men think of you, you know, that sort of thing? It tells you what's important, you know, about not putting money first and things like that, and don't worry about this, don't worry about that. And if you're taking on board those principles and you're trying to live by those principles it's going to affect every attitude of your life and how you approach people, how you talk to people, how you relate to people, whether you judge them or not.¹⁸⁶

It is interesting that Shirley drew parallels between religion and the law in the sense of following ‘rules and regulations’, and the importance of being seen to be living in accord with the scripture. Her viewpoint has echoes of the notion of ‘justice being seen to be done’ and behaving transparently and according to preordained principles. Shirley gave other examples of the ways her faith and work influenced each other. She explained that it was difficult for her to ask a witness to take the oath in court because ‘the bible says don’t swear by anything,’ and she personally would have affirmed. Yet she resolved her discomfort by telling herself that this was a matter for their conscience, not hers, and as the court clerk it wasn’t her role to impose her views on anyone. In addition, Shirley remarked that speaking publicly in the courtroom as a court clerk gave her the confidence to preach and stand up and speak in front of a congregation. Her faith also informed the way that she addressed the judge. Shirley elaborated:

‘Your honour’ didn’t bother me in the slightest...what I hated was calling the High Court judges ‘My Lord’. So I never said ‘My Lord’. I said, ‘My Lud’. Literally lud, L U D, because to me there is only one Lord and that’s Jesus Christ. And I’m not calling anybody else My Lord by any stretch of the imagination. So I compromised by saying ‘My Lud’.¹⁸⁷

Shirley revealed that when she was sitting in court there were times that she wanted to see a defendant ‘paying the price’ for the crime they committed. But she reconciled herself to the fact that ‘the bible says we’re not supposed to judge anybody so just leave the judgement to them whose job it is’,¹⁸⁸ and as a court clerk it was not her responsibility to cast judgements or influence a case. Leonard Dolphin raised a similar point in that his faith helped to guide his attitude towards defendants in court, as well as people more generally. He specifically discussed how he felt about putting a murder indictment to a defendant, which he linked to his Catholic faith. Leonard explained:

At the end of the day you’re only starting his [the defendant’s] trial and he may well be innocent. So I tried not to be judgemental... I think that’s a good way to be throughout your life actually, and I think that’s probably the approach I’ve taken throughout, and how you could be impartial with defendants, and just don’t be judgemental yourself. It’s somebody else’s job to do that... I think that’s part and parcel of the way I was brought up probably, and being a Catholic, and I think my Catholic education and upbringing has just made me that sort of person. I try not to judge others.¹⁸⁹

Reflecting on his Catholic upbringing, Leonard told a story about being an altar server for an old priest at St Bedes in South Shields when he was a boy of about seven or eight years old. Leonard vividly depicted serving the priest: ringing a bell, carrying the priest's book, passing the priest his book when it was required, and carrying a bowl of water and a cloth over his arm for the priest to wash his hands for communion. He felt very special and 'hugely honoured to be an altar server.'¹⁹⁰ Later in his interview, Leonard remarked that when he joined the Courts Service as a young man 'it seemed so important when you were working with judges, and so it always felt special to me.'¹⁹¹ It might be suggested that there are resonances between Leonard serving the priest as a boy and serving the judge as a grown man, particularly the ritual settings of the church and the courtroom, and the sense of specialness Leonard derived from these experiences. Indeed, scholars (see for example, Mulcahy, 2011; Chase, 2005) have made links between the sacredness of the church and court, and referred to the 'sacral architecture' and 'religious symbolism' of modern court design, such as the 'altar-like bench, the choir-like jury box, the lectern-like witness stand' (Mulcahy, 2011, p.19).

David Dawson made a direct connection between his faith and his work as a magistrate. He largely attributed the work he did as a magistrate to his faith, which motivated his desire to make 'a contribution to society...making it hopefully better than it might be otherwise.'¹⁹² As a magistrate sitting on the family bench and dealing with very sensitive and fraught cases concerning adoption and children in care, David explained that his faith supported and added another dimension to his decision making. He expressed, 'You're not just following the rules but doing what you think is *right* in certain circumstances, you know, what is the *right* thing to do. What would be fair, just, decent and reasonable.'¹⁹³ David also had pastoral responsibilities as one of the Elders and Assistant Secretary of his United Reformed Church in Northumberland.¹⁹⁴ David and other respondents professed that their faith was primarily an expression of love. Michael McKenzie reflected that his faith was implicit within his devotion towards his work which he tried to do 'with sympathy, with understanding, with compassion and humility.'¹⁹⁵

Michael McKenzie spoke about how his faith helped him to cope with what he saw and heard in court, particularly at the Old Bailey.

In some courtrooms there were some horrendous cases, dreadful cases involving children and death and mutilation, at the Old Bailey. There were times when I felt led to go to those particular courtrooms at half past nine in the morning before anybody was in there and just pray over the courtroom for the peace of god to reign in that place.¹⁹⁶... What I found the most difficult to deal with was the child offences. Innocent children who were murdered or molested and damaged in many ways. I found that the most difficult... I had to deal with my own horror of the stuff we were dealing with... I don't believe I could have done the Old Bailey job if I didn't have a faith because I don't think I would have been able to stand it.¹⁹⁷... But I suppose there's no point in having faith if you can only talk about having faith when life is good. When you need your faith is when life is difficult and then you call upon your faith to help you get through it. It's easy to have a faith if you're never challenged.¹⁹⁸

Michael's use of prayer to manage his distress supports other research that has found prayer cultivates resilience, and is beneficial in terms of coping with anxiety, depression and stress related to work. For example, LaBarbera and Hetzel (2016) discovered that a regular practice of personal prayer was linked to reduced stress and increased perseverance and job satisfaction amongst Christian educators. In a similar vein, Turton and Francis' (2007) study of Anglican parochial clergy in England found that a positive attitude towards prayer was associated with good work-related psychological health and lower levels of burnout and emotional exhaustion (pp.70-72).

This section of the chapter has addressed how respondents accepted and conformed to the rules and principles of the social systems in which they were raised. But is important to reiterate that not all of them were religious, nor were they all brought up in strict and punitive environments. Yet in searching for general patterns it became evident that many of them were embedded within highly controlled and formal systems, specifically pertaining to their schooling, families and religious affiliations. Swartz (2002) has discussed the ways in which actions and beliefs are often unconsciously patterned on early socialisation experiences, and people tend to find themselves in social situations and constellations that function similarly to those they were raised in (pp.63-64). This observation prompts us to ask how respondents' earlier experiences might have

contributed to their views and behaviours later in life, particularly in relation to working in the court? Most respondents perceived that they were assigned to the Courts Service by chance, and that the decision was imposed upon them by the Civil Service rather than as a result of their own choice or volition, consciously or unconsciously. Yet they might have been allocated to the Courts Service because in interview they exhibited traits and qualities that were assessed to be a relevant fit, and were the product of their earlier socialisation and conditioning. Furthermore, it could be suggested that once they began clerking, they were willing to accept, conform to, and remain loyal to the rules, conventions, and clearly delineated roles within the justice system because it represented a similar and familiar institutional setting, that operated on the basis of hierarchy, formality and morality.

Conclusion

What has emerged throughout this chapter is a picture of a particular group of people who predominantly came from working class backgrounds and attained financial security and social standing through their employment in the Courts Service. It was notable that many of their parents held high aspirations for them, and strove for them to receive a grammar school education. Once they entered the Courts Service, they were acutely aware of the social distinctions between themselves and judges and barristers, and the ways in which class dynamics played out in the court environment. In addition, they were committed to helping others and working towards improving society and were actively involved in a wide range of voluntary projects and organisations.

For a number of respondents, their public service represented an expression of their religious faith. They were raised at a time when it was customary for relationships with elders and authority figures to be characterised by greater formality and respect than exists today. A significant number of respondents were brought up within strict and hierarchical social systems, particularly in their families, schools and religions. Although these themes do not apply to all interviewees, they do reflect the most dominant patterns across their narratives. It is suggested that the formality of the court

environment, and the moral and behavioural codes that it imposed, mirrored other institutional frameworks that they were accustomed to and conditioned by earlier in their lives. This might, in part, help to explain their unequivocal acceptance of, and willingness to abide by the rules and conventions of the Crown Court. The specific ways in which they adhered to protocol and procedure and served the administration of justice day to day will be investigated in the following chapter.

Notes

¹¹¹ The 21 in-depth life history interviews conducted for this study took place over an extended number of hours (between six-13). Approximately one third of each interview was spent discussing phases of respondents' lives beyond their work in the courts, including their early lives, education, leisure, later life, and retirement.

¹¹² The terms 'working', 'middle' and 'upper' classes first emerged in the early nineteenth century in Britain as a means of classifying distinct social differences. For further information on this subject, Michael Savage (2015) has written extensively about the social divisions that still exist today, and the ways in which class terminology and identification continue to affect personal aspirations and career choices, as well as public affairs and political thought (p.25, p.31).

¹¹³ Other jobs and trades their fathers undertook were: plumber, ran a 'greasy spoon' cafe, wheelwright, carpenter, repairs for British Rail, electrical fitter in a factory, spot welder, joiner, bus conductor, delivering groceries, worked in a paper factory, cobbler, worked in a slaughterhouse, managed a butcher's shop, sold sandwiches to local factories, motor claims assessor, repaired radios and televisions, worked at a stall in a local indoor market, worked in a slate quarry, worked in a tannery, slate salesman, hound trailing. Their mothers worked as a secretary in a solicitors office, homemaker, shop work, guildler in the pottery industry, window dresser in a department store, sales assistant in a department store, home help work for the local authority, private domestic cleaning, bus conductress, worked in a sewing factory, typist, evening job in the mill, worked in an armaments factory, sewing in a local hospital, sold fancy goods and spares for hoovers and washing machines at a market stall, ran a confectionery shop, sold material, domestic work at a sanitarium, worked at the village supermarket.

¹¹⁴ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 2 [13:34-14:32]

¹¹⁵ The study of social mobility according to occupational categories across generations has been developed by sociologists at the Nuffield School at Oxford University since the 1950s. John Goldthorpe and colleagues devised a new occupational class scheme in the 1970s, which is the main class classification used by the Office of National Statistics Socio-Economic Classification (NSSEC) today (Savage, 2015, pp.39-40). This scheme comprises seven classes and distinguishes people according to their employment relations, occupation, and level of income (Goldthorpe, 2013; Savage, 2015, p.40, p. 190; Platt, 2011, p.26, pp.27-28). Within this framework, key differences are noted between people who work in 'professional or managerial occupations employed on a 'service contract' and people who work 'in routine or semi-routine occupations employed on a 'labour contract' (Savage et. al., 2013, p.220). Goldthorpe's 'class schema' consists of the following seven occupational categories: 1. Higher managerial and professional occupations; 2. Lower managerial and professional occupations - these are the Salariat; 3. Ancillary professional and administrative occupations; 4. Small employers (less than 25 employers) and own account workers; 5. Lower supervisory and technical occupations - these are the Intermediate classes; 6. Semi-routine occupations; 7. Routine occupations - these are the working class (Goldthorpe, 2016, p.90; Mandler, 2016, p.2). Since the 1990s, economists have measured social mobility by assessing patterns of income between generations (Mandler, 2016, pp.2-3; Savage, 2015, p.191).

¹¹⁶ The Education Act 1944 created a national system of grammar schools and secondary modern schools and was in place until comprehensive education was introduced throughout England and Wales from 1965 onwards. [online] Available at: <<http://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/>> [Accessed 4 August 2017].

¹¹⁷ [online] Available at: <https://www.theguardian.com/education/2017/aug/01/labour-social-mobility-educational-goal-schools?CMP=Share_AndroidApp_Gmail> [Accessed 1 August 2017].

¹¹⁸ Todd (2017a) argued that upward mobility can be explained by an increase in the number of people entering professions in the postwar period due to a growth in the NHS and secondary education and the expansion of infrastructure within the welfare state. According to Todd (2017a), nurses, technicians and teachers saw the greatest rise in working class entrants. In the second half of the twentieth century, a large proportion of professionals in Britain were public sector workers.

¹¹⁹ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 1 [39:22-41:19]

¹²⁰ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 2 [30:24-31:03]

¹²¹ Interview with John Brindley, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/09, Track 1 [56:46-56:54]

¹²² Interview with Bill Young, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/02, Track 1 [00:50-43:48]

¹²³ Interview with Bill Young, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/02, Track 1 [1:37:07-1:37:53]

¹²⁴ Interview with Bill Young, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/02, Track 1 [40:10-41:28]

¹²⁵ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 3 [36:55-37:57]

¹²⁶ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 7 [12:17-13:37]

¹²⁷ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 7 [5:39-7:09] Most interviewees did not go to university. Two exceptions were David Dawson, who studied at the Open University much later in life in the 1990s, and Raymond Potter, who obtained a Diploma in History at London University in the late 1950s.

¹²⁸ There is an extensive and growing body of literature in sociology about systemic social inequalities in British society. For a detailed exposition on this subject, Wendy Bottero (2005), has explored the factors that reproduce and sustain stratification and inequality in everyday life across generations.

¹²⁹ Rogaly and Taylor (2009) interviewed residents of the Marlpit, Larkman and North Earlham estates in Norwich.

¹³⁰ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 6 [57:18-59:58]

¹³¹ In this context, class denotes more than an occupational and economic classification, and is also associated with cultural and social capital (see for example, Skeggs, 2004, p.27, p.49; Platt, 2011, pp. 24-25; Savage, 2005; Le Roux et. al., 2008, p.1006). Mike Savage (2015) has drawn on Bourdieu's terms of social and cultural capital and explained that cultural capital can be understood as social advantage and power that is associated with knowledge and tastes that relate to different kinds of culture such as art, architecture, literature, film and music. According to Savage (2015), cultural capital distinguishes people from one another and is 'associated with self-assurance, pride, entitlement and authority' (pp.96-103). Moreover, social capital represents the social networks that people operate within, and their associated advantages (Savage, 2015, pp.149-61). In addition, relational or interaction approaches to stratification have acknowledged the 'high social distance' that certain groups of people have from one another due to their different lifestyles, tastes and 'patterned social relations', and that if it were not for their work, they would not otherwise have come into contact with one another (Bottero, 2005, pp.7-8).

¹³² Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 4: [28:06-33:05]

¹³³ Gray and Kish-Gephart's (2013) idea about 'class work' echoes Todd's (2013) claim that 'class is an active, dynamic relationship, lived out in different ways according to the context in which people find themselves – and which, in turn, they help to reproduce or change' (Todd, 2013, p.260).

¹³⁴ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 9 [22:10-22:48]

¹³⁵ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 1 [1:46:30-1:48:19]

¹³⁶ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 6 [1:24:29-1:25:19]

¹³⁷ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 2 [1:23:08-1:25:25]

¹³⁸ A court clerk in a magistrates' court is required to be legally qualified to advise the magistrates about the law.

¹³⁹ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 9 [59:35-1:00:36]

¹⁴⁰ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 11 [6:40-7:33]

¹⁴¹ Thatcherism represents the belief in a small state and free market economy, and an expectation that individuals take responsibility for their own lives and choices. Towards this end, Margaret Thatcher, the British Prime Minister between 1979-1990, pioneered the rolling back of the state through a range of radical policies including the privatisation of previously state-owned industries, including British Gas, British Aerospace, British Airways, British Telecom, and electricity companies, as well as the expansion of home ownership through the introduction of the right to buy for council tenants (Hennessy, 2000, pp. 397-436).

¹⁴² The subject of a work ethic, and specifically, Protestant Work Ethic (PWE) has generated a vast body of research within sociology, psychology, economics, and political science. Largely inspired by Max Weber's (1930) seminal and controversial essays *The Protestant Ethic and the Spirit of Capitalism*, much scholarship has concentrated on the validity of Weber's thesis, and the link between a Protestant ethic and the rise of modern capitalism (see for example, Campbell, 2006; Marshall, 1982; Rose, 1985; Furnham, 1984). Other studies in this area have focussed on measuring the work ethic amongst different groups of people, such as between the working classes and middle classes, and people in different countries (see for example, Furnham et al., 1993; Furnham and Muhiudeen, 1984).

¹⁴³ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [7:25-7:44]

¹⁴⁴ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 9 [34:16-34:38]

¹⁴⁵ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 1 [1:01:55-1:02:01]

¹⁴⁶ Though there was high unemployment especially for young people during the 1980s, overall there was still significant upward mobility through to the 1990s, when the pattern began to slow (Mandler, 2015, p. 11).

¹⁴⁷ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 1 [26:32-29:14]

¹⁴⁸ Through his work as a court clerk at Newcastle Crown Court, Leonard obtained a post to help establish the United Nations Special Court of Sierra Leone which tried crimes that had been committed during the country's civil war between 1991-2002.

¹⁴⁹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9 [16:46-16:49]

¹⁵⁰ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9 [18:14-18:23]

¹⁵¹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 4 [1:01:42-1:03:32]

¹⁵² Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 1 [59:40-59:46]

¹⁵³ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 1 [1:18:23-1:18:26]

¹⁵⁴ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 1 [1:18:27- 1:18:32]

¹⁵⁵ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 7 [1:58:48-1:59:07]

¹⁵⁶ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 6 [14:13-14:45]

¹⁵⁷ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 5 [54:26-55:34]

¹⁵⁸ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 3 [47:38-48:24]

¹⁵⁹ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6 [1:57:13-1:57:46]

¹⁶⁰ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 9 [0:00-0:32]

¹⁶¹ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 1 [54:55-58:10]

¹⁶² Valerie Jerwood entered the Courts Service in her forties after working for many years as a physical education teacher in a high school for girls, and then in sales in a ski shop. And Keith Harrison worked in the hospitality industry and managed hotel restaurants and bars before he entered the Courts Service in his mid twenties.

¹⁶³ The listing officer's role entailed devising the lists of all hearings, and was often referred to as the most demanding, powerful and challenging role in the court. Approximately half of this study's respondents spent a number of years in the listing officer post.

¹⁶⁴ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 3 [16:41-19:55]

¹⁶⁵ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 4 [29:36-30:55]

¹⁶⁶ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 3: [49:36-49:46]

¹⁶⁷ Nevertheless, there were also numerous examples of the ways in which they exhibited their individuality and agency in their roles as court clerks which will emerge later in this thesis.

¹⁶⁸ In this context, a social system refers to: ‘the patterned series of interrelationships existing between individuals, groups, and institutions and forming a coherent whole; and the formal organisation of status and role that may develop among the members of a relatively small stable group (such as a family or club).’ Merriam Webster Dictionary. [online] Available at: <<https://www.merriam-webster.com/dictionary/social%20system>> [Accessed 16 August 2017].

¹⁶⁹ Interview with John Brindley, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/09, Track 1: [31:33-33:03]

¹⁷⁰ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 1: [45:18-46:44]

¹⁷¹ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6: [31:11-31:31]

¹⁷² Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6: [30:31-30:50]

¹⁷³ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 3: [1:14:54-1:18:10]

¹⁷⁴ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 3: [10:56-11:34]

¹⁷⁵ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 2: [17:13-17:35]

¹⁷⁶ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 10: [22:06-24:35]

¹⁷⁷ The 2001 census in England and Wales reported that approximately 72% of people described themselves as Christian but a much smaller proportion attended church regularly (Giddens and Sutton, 2013, p.745).

¹⁷⁸ For a comprehensive analysis of religion in Britain since 1945, see Grace Davie (1994) *Religion in Britain since 1945: Believing without Belonging*, Oxford: Blackwell Publishers, pp.1-44.

¹⁷⁹ The decrease in faith was seen across all indicators. These were: *Belonging*: Has a religious affiliation; brought up within a religious background. *Behaving*: Attends services once monthly or more; takes part in church activities; prays once weekly or more. *Believing*: a range of beliefs about god, meaning and the afterlife. Parental religion: and their religious practices (Clements, 2015 p.11, pp.15-17).

¹⁸⁰ The denominations included: Methodist, United Reformed, Roman Catholic and Church of England.

¹⁸¹ Other scholars have similarly observed that even though people ‘come to god’ and convert later in their lives, religious identification is more commonly absorbed through the family at an early age and is strongly related to a ‘cultural inheritance’ (Davie, 1994, pp.29-30).

¹⁸² Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 5: [37:12-37:15]

¹⁸³ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 3: [9:22-9:23]

¹⁸⁴ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 6: [55:42-55:53]

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- ¹⁸⁵ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 6: [54:23-54:38]
- ¹⁸⁶ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 6: [52:05-52:45]
- ¹⁸⁷ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 3: [8:03-8:34]
- ¹⁸⁸ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 6: [52:46-52:51]
- ¹⁸⁹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9: [1:20-2:18]
- ¹⁹⁰ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9: [4:09-4:13]
- ¹⁹¹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9: [45:21-45:29]
- ¹⁹² Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 7: [17:58-18:03]
- ¹⁹³ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 7: [18:25-18:38]
- ¹⁹⁴ It is notable that the current Archbishop of York, Dr John Sentamu, has promoted ‘faithful capital’, and the important role played by faith based communities in British society (Cooper and Lodge, 2008, p.12).
- ¹⁹⁵ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 5: [1:46:49-1:46:54]
- ¹⁹⁶ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 5: [1:40:45-1:41:12]
- ¹⁹⁷ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6: [39:44-40:54]
- ¹⁹⁸ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 1: [36:26-36:44]

Chapter Four

Order in court: The demands of the court clerk's role

Introduction

Preliminary research conducted for this thesis revealed that very little has been written about what Crown Court clerks actually did, and it became a goal to uncover the range and detail of their duties. The court clerk fulfilled a central function in the Crown Court and this chapter focusses on the minutiae of their day to day tasks and responsibilities. Socio-legal scholars have recognised that giving sustained and detailed attention to the 'ordinary', 'mundane' and 'humble' is a valuable pursuit in its own right (Ewick and Silbey, 1998; Cowan and Hitchings, 2007, p.364). They have argued that this type of scrutiny into the everyday context can open up important areas of legal phenomena that have previously been overlooked (Ewick and Silbey, 1998).

The benefit of investigating 'the commonplace' has been advocated by Ewick and Silbey (1998), in their research about the multiplicity of ways that people use and interpret the law in their daily lives. Furthermore, and particularly relevant to this study, they have asserted that the rich and detailed descriptions that personal narratives often yield, can illuminate both individual experiences of the law and the wider structures and large-scale social institutions in which they are embedded (Ewick and Silbey, 1998, p. 29). An example of this approach is Cowan and Hitchings (2007) study of District judges and housing possession proceedings for rent arrears, which can potentially have enormous implications and lead to homelessness or acute housing need for social housing tenants. Clearly, ordinary and routine procedures are by no means irrelevant or inconsequential in their impact. Consistent with this idea, it is posited that court clerks' accounts offer unheard and important stories about the nature and function of their role, as well as their position within the overall operation of the Crown Court.

What has emerged from court clerks' narratives that was unexpected is the breadth and variety of their work. Respondents conveyed the often fast-paced, demanding, energetic and multi-faceted nature of their role. They gave numerous examples of having to 'think on their feet', to respond to rapidly changing circumstances, attend to a range of tasks simultaneously, and interact with disparate groups of court users and legal professionals. The court clerk's myriad of tasks can be grouped into three key responsibilities – orchestrating hearings and ceremonies; serving the judge; and preparing case papers and drafting orders. Some of their work was more visible and prominent but much remained unnoticed. In addition, it is contended that although largely unrecognised and unspoken, another crucial aspect of the court clerk's role was that they were required to manage and mask their emotions in court. All of their duties were vital to the smooth and efficient functioning of the courtroom, and will be examined throughout this chapter.

Maintaining order in the court – orchestrating hearings and ceremonies

A major component of the court clerk's role involved organising and orchestrating hearings and ceremonies. Before discussing the duties and skills that this entailed, it is worth pausing here to look beneath the multiplicity of tasks they performed to apprehend the significance of their function. How did court clerks contribute to the social world of the Crown Court? A major theme that permeates respondents' accounts is that they maintained *order* and worked to ensure the smooth and efficient functioning of the court.

By way of contrast, some academics have drawn attention to the apparent *chaos* of the criminal courtroom. Rock (1991) emphasised the underlying and ever-present sense of danger and potential for the outbreak of violence. He noted that in the heightened and emotionally charged courtroom arena, feelings 'threaten continually to erupt' (p.267). Trials often revolve around intense conflict, the stakes are high, and people's 'reputation and liberty are in jeopardy' (Rock, 1991, p.268). In addition, the adversarial system involves advocates' attempts to discredit each other's witnesses by goading and inciting

them to give vent to emotional outbursts (p.273). Rock (1991) observed that court users were characterised as ‘volatile’ and ‘unpredictable’. He perceived there to be ‘a continuous professional apprehension about the *possibility* of disorder... as if organisation could always collapse’ (p.272). Rock (1991) added that court staff needed to maintain vigilance around ‘all the strangers who flock in and out of the court every day’ (p.272). Furthermore, the routine surveillance of the court building by police officers and security guards exacerbated the impression of latent threat (Rock, 1991, p. 272).

Carlen (1976a) described the chaos and ‘chronic breakdown of communication’ (p.50) in the court from the defendant’s perspective. She highlighted their ‘dazed’ and ‘blank’ nods (p.50), and the bewilderment and confusion they experienced through a lack of comprehension about, or participation in proceedings. Carlen (1976a) portrayed the courtroom as ‘surreal’ and ‘a theatre of the absurd’ (p.49) in which the defendant has a ‘marionette’ (p.54) status. Examples she gave to support her claim were that the distance between the dock and bench meant that defendants were often unable to hear what was spoken; they waited for long periods of time without any explanation as to the reason why; and cases were unexpectedly reallocated to different courtrooms which meant that a defendant’s supporters might well be seated in the public gallery of another courtroom (Carlen, 1976a, pp.50-54).

In their work concerning the impact of Crown Court hearings on victims, witnesses and defendants, Jacobson et al (2015) stated that ‘there are many chaotic aspects to the public performance played out in court’ (p.111). They listed a series of commonplace scenarios that they witnessed which gave the impression of the court’s disorganisation and fragmentation. These included: the absence of court users and legal professionals who were needed for hearings; the technical failure of audio and video equipment; missing or incorrect paperwork and evidence; juries, witnesses and spectators in the public gallery being directed in and out of the courtroom; long waiting periods and delays to hearings; the urgency of court staff who searched for missing people, documentation and technical equipment (Jacobson et al., 2015, p.111). In addition to these types of logistical problems, Jacobson et al. (2015) noted that the court

environment was often ‘confusing’ and ‘discombobulating’ for court users because they lacked knowledge about criminal procedure. An example they offered concerned a witness who was giving evidence and was interrupted due to a point of law that had arisen, which then needed to be discussed by counsel. The witness was left floundering and wondering what had gone wrong (Jacobson et al., 2015, p.111).

Jacobson et al. (2015) coined the term ‘structured mayhem’ to encapsulate their observations of events that took place in the courtroom. They concluded that ‘despite the clamour and confusion, cases do progress and eventually reach some kind of logical outcome, thanks to the innately structured, mechanics of the Crown Court process’ (Jacobson et al., 2015, p.134). However, this study views courtroom activity from a different angle, and specifically from the perspective of an insider within the court. Although interviewees acknowledged that orchestrating certain hearings could be ‘demanding’ and ‘challenging’, they didn’t speak of the lengthy delays or ‘frantic action’ that Jacobson et al. (2015, p.14) referred to. In interview, respondents were keen to present themselves as being in control of the courtroom which was one of their core duties, and they may not have wanted to suggest that they were at the mercy of many uncontrollable factors. A caveat here is that they were very forthcoming about more recent technological problems that regularly stalled proceedings, which will be addressed in the next chapter. It is also not surprising that as insiders who were in charge of orchestrating hearings, court clerks held a different perception of proceedings from court users and researchers who had their own vantage points and agendas.

Court clerks underscored that they maintained *order* in the courtroom and were chiefly responsible for the efficient management of proceedings according to well-established patterns and protocol. They recognised the importance of their role. As they saw it, the court clerk provided and sustained the structure within which the court was able to function. Interviewees’ testimonies indicate that they helped to create a sense of order in a number of different ways which will be explored in the following sections.

Stage management

When asked to describe their role, respondents likened themselves to a *stage manager*, whose primary function is to make sure that the production runs smoothly.¹⁹⁹ Other studies have looked at the courtroom as a theatre but this is not the focus of this chapter. Nevertheless, a few theatrical terms will be borrowed because they are useful to clarify how the court clerk maintained order and managed the courtroom. Similar to the role of a stage manager, respondents explained that they set the props in the courtroom and ensured essential items were in the correct place. They typically entered the courtroom about half an hour before a trial was due to start and checked that the usher had laid out carafes of water and notebooks for the judge, counsel and jurors, and that the appropriate religious texts were available for witnesses of different faiths to take the oath.²⁰⁰ Further props were required when special measures were granted to child or vulnerable witnesses. These involved a screen in the courtroom that they would stand behind when they gave evidence, or video link devices if they were to give evidence from another room within the court building, or remotely.²⁰¹ The court clerk was responsible for setting up and taking down the equipment accordingly.

Another key facet of the court clerk's work that resembled stage management was to convene all parties together in the courtroom at the right time for a hearing.²⁰² They summoned counsel and witnesses, liaised with prison officers to bring in the defendant/s, instructed the usher to escort the jury, notified the judge when the court was ready for their entrance, and announced the court's official opening or asked the usher to do so.²⁰³ As a hearing progressed, there was usually a central point of focus and a momentum to the unfolding action. In this context, there was a unity of *time* (when proceedings occur), *space* (the courtroom setting) and *action* (what happens). This is significant because these three features have been considered the fundamental principles of dramatic composition, or 'dramatic unities'. The unity of action, which has been traced to Aristotle's *Poetics*, stressed the need for a single plot or purpose. Italian scholar and critic Ludovico Castelvetro, further developed the unities of time and place in the early sixteenth century, and all three unities were used by French classicist playwrights in the seventeenth century (Birch, 2016; Hartnoll and Found, 2003).

Though many dramatists have not adhered to these conventions, they are nevertheless still commonly used today by cinema and television writers (Walker, 2004, pp.92-93). The idea that the three unities work together to produce a powerful dramatic moment lends support to the characterisation of the court clerk as a stage manager who gathered people together at the same place and time and whose directions within the courtroom provided the framework that enabled dynamic public events to unfold.

Assembling all required participants in the courtroom was not necessarily a straightforward task. Karen Hazell gave a flavour of what it was like to be at the centre of a complex network, or interdependent web, and needing to liaise with each distinct branch to ultimately 'get the show on the road' and signal the official start to proceedings:

You're constantly trying to keep it ticking over, trying to keep it moving, liaising between the barristers and the judges... The barrister might have disappeared and you're putting out a tannoy for them, trying to find out where they are... You go round and you start looking in all the conference rooms... The judge is getting anxious and...phoning the court or pressing the buzzer and saying, 'What's going on, I need to know what's going on'. So you're the liaison and you're trying to keep it on the move... You've also got the listing officer saying... 'What's going on? I've got a floater trial waiting to get on. What's happening in your court?' And you've also got the jury officer saying, 'I've got a jury panel sat down here and 15 people waiting to come into court. What's happening?' So it's a matter of liaising with everybody.²⁰⁴

The organisational demands that Karen described became much more taxing when there were up to 30 hearings to 'get through' in one day. These were typically 'plea days' which involved court clerks' arraigning defendants, that is, reading the indictment aloud and putting the charge/s to them, and recording their plea/s.²⁰⁵ Arraignments could be short and uncomplicated, for example, if a single defendant was charged with one offence of burglary.²⁰⁶ However, many arraignments were considerably more complex and lengthy, particularly when a case involved multiple defendants who were each charged with a number of different offences. In these circumstances, the court clerk first identified all the defendants, then went through each count and the particulars of the

offence, in turn, and asked each defendant (to whom the charge applied) if they were guilty or not guilty, and marked each plea against each count on the indictment.²⁰⁷

Interviewees remembered 'busy list days' as 'challenging' and 'hectic'. The daily list of hearings could be compared to a running order. Yet the order in which each case was to be heard was subject to change at the last minute. Respondents explained that the court clerk's prime objective was to call on each case in quick succession so that the judge would not have to leave the bench. They needed to find an available 'matching pair' – an opposing prosecution and defence barrister – in order to be able to call the case on. Consequently, they frequently rearranged the list to avoid stalling the process, for example, if a defendant was late, or a barrister was occupied in another courtroom.

A related and vital feature of maintaining the efficient running of the court was being assertive with barristers. Karen Hazell explained why this was a necessary approach:

If I'm doing a busy list, I could have a list of 30 cases... You should be running to list order because generally there's a reason that the list's put in that order...but also I might have a barrister come in and say, 'I've got a conference in London at 2pm so I really need to be away by 11am.' So that's in your mind...so you make decisions...on the hoof, as to the running order based on what is or isn't ready, or someone will come in and say, 'My client hasn't turned up yet'... I said, 'Ok, you tell the usher when you're ready or I won't call your case on until you've said you're ready'... It gives you the power. It certainly gives you the power and the barristers know as well that you're the one with the power so in that respect they have to be nice to you, polite to you, and they know if they've upset you in the past. I know if a barrister's upset me in the past I won't be inclined to do them a favour again.²⁰⁸

In a similar vein, Irene Elliott described learning how to confidently stand by her decisions, and not be deterred by demanding advocates:

The barristers would always want to be on first because they were always so busy, and always [had] somewhere else to go. They would always want to be on first. So you had to learn to deal with them. But you had to learn to be quite firm and say, 'No, I've made me decision. This is the running order. You're number four on the list Mr Smith or whatever.' And they'd say, 'Yeah but I've got to be...' and 'I was here before him.' So you did have to learn to be quite firm and they had to accept that you were making the

decisions and they were the decisions you'd made.²⁰⁹ ... You based your decision on what was the best way to run it for the efficiency of the court, not the barrister's personal appointments.²¹⁰

Likewise, Keith Harrison discussed negotiating with barristers and needing to claim his authority to ensure the flow of cases through the court:

The more active role of the court clerk is when you've got, for instance, a long list...you'll have numerous barristers around the building because the barristers will be there with more than one case so...you're asking your usher to get a matching pair... You're trying to get matching barristers there. You may have in the list some prison video links which are timed at a certain time so you've got to be thinking, right, can I get another ...[one] in before I've got to go to Preston prison at 11am? If I get someone in the next three or four minutes... I can probably do it... So you're timetabling, you're juggling with barristers, you're juggling with various sorts of people... Barristers are coming to you saying, 'Keith, can you get me on next?' ... So you've got all these conflicting requests... You've got to be reasonable but sometimes you've got to be firm and you've got to say, 'Enough's enough. Sit there, he's [the judge] coming in now. He's waited long enough, he's coming in...you're here. You're not moving.' ... You've got to be fair to them but you haven't got to let them rule you. You're the clerk. You're in control of the court. You've got to make sure that there's fair play between everybody.²¹¹

So far this chapter has concentrated on the ways in which court clerks acted as stage managers during trials and plea hearings. Yet there were a number of other hearings that they managed in a similar fashion. These included: sentence hearings;²¹² bail application hearings;²¹³ hearings regarding a delay to a case;²¹⁴ applications to dismiss a case;²¹⁵ mention hearings;²¹⁶ public interest immunity hearings (PIIs);²¹⁷ police and criminal evidence applications (PACE);²¹⁸ and review hearings.²¹⁹

The court clerk also planned and coordinated a number of ceremonial occasions, specifically the swearing in of the offices of new Magistrates, Recorders and High Sheriffs. Respondents detailed the considerable preparation that each ceremony involved including: sending out invitations and finalising a guest list; checking whether candidates would take an oath or affirmation of allegiance to the Queen; drawing up a timetable and seating plan; and arranging refreshments. On the actual day of the respective ceremony itself, they briefed those who were going to be sworn in about the

running order of the event, and made sure all parties were present and seated in the correct place. As the ceremony progressed, the court clerk cued each magistrate to take their oath, in turn.²²⁰ Interviewees also spoke about organising and orchestrating ‘High Sheriff award ceremonies’ which honoured citizens who actively assisted in the conviction of a criminal, such as by contacting the police if they had witnessed a crime. These events typically took place approximately three times a year. The judge granted awards ranging between £50-500, and certificates and cheques were presented to recipients by the High Sheriff.²²¹

This section has focussed on the stage management and administrative tasks involved in producing hearings and ceremonial events. Chapter Six will consider how the court clerk behaved or performed during hearings and ceremonies, and how the manner and style of their performance contributed to the dignification of proceedings and bolstered the authority and legitimacy of the law.

‘Bit-part player’ – speaking publicly in court

Court clerks established a sense of order when they performed public speaking roles during key moments in hearings and ceremonies. At these times their presence became more visible, and as Ron Churcher remarked, the court clerk assumed their ‘bit part player’ act in the courtroom drama. They ensured that the correct language was spoken, in the correct order, and they directed court users as to where, and when, to sit, stand, speak their name, or take the oath or affirm.²²² The court clerk themselves followed a scripted performance that served to guide participants through proceedings in a logical and pre-ordained way.

Respondents explained that their public speaking parts were particularly important at the beginning and ending of trials. At the start of a trial, they guided the jury through the empanelment process, step by step, and put them in charge of the indictment.²²³ The court clerk was then less conspicuous until they were required to take the verdict.²²⁴ After a jury had deliberated and reached their decision, the court clerk asked the jury

bailiff to bring them into the courtroom. The court clerk then proceeded to educe the verdict from the foreman of the jury.²²⁵ Many interviewees expressed that taking verdicts could be emotive, confusing and nerve-wracking, and they had to focus intently on the foreman in order to record the verdict for every count correctly. This was critical because taking the verdict incorrectly could potentially provide grounds for appeal.

As well as asking questions that elicited crucial information, the court clerk's public speaking role served another function. They made various statements which were essentially a series of instructions that dictated a set sequence of actions and helped to regulate people's behaviour. For instance, during ceremonies such as the swearing in of new magistrates, the court clerk pronounced:

Ladies and Gentlemen, when your name is called, please stand. Take the book in your hand. Read aloud firstly your judicial oath and then your oath of allegiance. Then sit down and sign the book.

This example vividly depicts how the court clerk's scripted words gave a sense of clarity and direction to proceedings. Similarly, for High Sheriff Award ceremonies, court clerks read aloud précis of the courageous acts that were being commended and they called each citizen, in turn, to receive their certificate and cheque from the High Sheriff. The court clerk may have been 'a bit part player' compared to other more flamboyant legal personalities, notably, barristers and the judge. However, their public speaking role was essential to making sure that hearings and ceremonies were carried out in a coherent and orderly way.

The 'eyes and ears' of the court

Another means by which court clerks sustained order was that they were constantly overseeing and monitoring the courtroom. As Rock (1993) asserted, they acted as 'the eyes and ears of the court searching for signs of trouble and reacting to problems as they arose' (p.141). Indeed, two interviewees used this exact phrase of being the court's 'eyes and ears' to describe their work. Many respondents offered various examples of

how they watched over, and attended to the courtroom, such as surveying the public gallery to make sure that no-one was ‘eyeballing’ or intimidating the jury; alerting the judge if the jury was losing concentration and needed a break; and responding to the dock officer who might be signalling that a defendant required attention.

A related and crucial aspect of being the court’s ‘eyes and ears’ was to anticipate and prevent conflict amongst members of the public and to secure their safety. Respondents spoke about needing to separate the victim’s and defendant/s families and friends in an effort to reduce their level of contact with each other and the potential ‘for something to kick off’. They would typically allocate one group of supporters to the body of the court, and the ‘other side’ to the public gallery. Another tactic they employed was to stagger the times that each group was allowed to leave the courtroom in the hope that they would not cross paths on their way out. Leonard Dolphin mentioned that he often worried for the welfare of people after they left the courtroom and inhabited public areas in the near vicinity of the court building. In addition, interviewees acknowledged that attending court as a witness, family member, and/or friend of a victim or defendant was often enormously stressful and painful, and it was imperative that they were able to interact with court users appropriately. Irene Elliott elaborated:

Quite often they’d be upset and appear to be rude and aggressive when really it was anxiety and nerves that was making them like that. So you’d have to learn to speak to them and explain, ‘Well, there are several things listed and because your son’s case is going to take three hours, for example, it won’t start till we’ve dealt with all the little bitty things. But we have a cafeteria and if you want to go to the cafeteria and get a coffee I’ll make sure that we don’t call it on, and I’ll make sure the usher goes to get you so that you’re in court when your son appears.’ Just that sort of thing. You had to be compassionate and deal with people appropriately. And then there are those that were just downright rude and aggressive and again you had to be firm and say, ‘I’m sorry but that’s the way it is. It’s not going to be heard until such a time.’... I’ve had to call security when they’ve been swearing and shouting and kicking off, and you’ve just got to accept that nobody could have made them see reason.²²⁶

Gatekeeping and enforcing courtroom etiquette

Many respondents perceived themselves as a gatekeeper of the court. They explained that for many trials there were not enough seats in the public gallery to accommodate the victim's and defendant/s supporters. Consequently, they often had to ask people who they were, and why they were there, and decide who would be permitted to enter the courtroom. Irene Elliott recalled a death by dangerous driving case in which a teenage boy had been killed. The public gallery only seated some 15 people and Irene was obliged to intervene between the victim's and defendant's warring families. Irene recollected:

I had to say, well, 'There's only so many of *your* family can come in, and so many of *your* family.' And I remember this particular occasion and they were in the corridor shouting at each other. And I actually physically stood between them and I said, 'I appreciate it's very, very distressing for you both but all that will happen if you continue with this is that nobody will go in that courtroom because you will be asked to leave.'... But we just had to limit how many went in.²²⁷

The majority of interviewees noted that there were occasions when they had to be very firm with spectators in the public gallery. Either they, or the judge, would issue warnings or instruct people to leave the court, for example, if they were making threatening faces and disturbing the jury, or shouting out in response to a statement made by a witness. Many respondents highlighted that managing the courtroom necessitated projecting an 'air of authority'.²²⁸ Patricia Douglas stated:

When you stand up in court to arraign someone on an indictment, nobody, and I mean nobody should be moving or talking... So when I became very confident...I would actually stop if somebody was talking, and if there was noise coming from the public gallery, I would stop and ask the public gallery to be quiet... I'm not doing these things on a whim. That's how I was trained, that people don't move about when that's happening, they don't move about when the jury is being sworn in, when verdicts are being taken. There shouldn't be a distraction in the courtroom... It was a case of, I was going to run my court and that was how it was going to be.²²⁹

David Hoad expressed similar sentiments:

It's important that the courtroom is maintained properly, you know, that people in the public gallery are behaving themselves.²³⁰ ... My own personal way of acting as the court clerk... was quite stern and forceful in a way... I was quite loud, I was quite firm. I wouldn't tolerate people in the gallery... reading papers, wearing a hat, eating food, chatting away, disturbing the proceedings.²³¹ ... One of the things that I had a real bee in a bonnet about is newspapers... Newspapers in my courtroom were banned, you know. I'd sit there, and Winchester had big public galleries, and people would come in with a newspaper and start reading their newspaper even before a trial started. I'd go beserk... I'd say, 'This isn't a reading room. If you want to read the newspaper, go outside.'²³² ... If somebody was coming into a court and they're chewing gum I'd send them out the back to get rid of it, you know, and tell the dock officer to take him out the back to remove the chewing gum... This is only right and proper... I mean, no judge wants to see somebody chewing gum in a dock.²³³ ... When a person takes an oath that's an important moment in a trial. And so when that happens I expect everyone in the courtroom to stand still, not to move... If you see someone moving about, I stopped the proceedings and told the person to stop moving. 'Stand still!' ... When the judge is speaking... there shouldn't be any other movement around the court. Those sort of things are important to me... The etiquette of the court basically and enforcing it.²³⁴

Support from ushers and other colleagues

Many respondents reiterated that they could not have managed the court on their own. They explained that in order for proceedings to run smoothly, especially on busy plea list days, they relied greatly upon their usher. As Karen Hazell stated:

It is busy and it can be quite demanding on a court clerk to get things up and running and going on, but you're reliant on your usher to keep moving people behind the scenes and making sure that people are coming into court when they need to come into court.²³⁵

Geoff Walker elaborated further about the value of a competent usher:

Your usher is really important... If you've got a bad usher, your court doesn't run, particularly if you've got a busy court... If you've got a busy list and you've got 20 or 30 cases in your list, you need to have an usher who's on the ball, who knows what's in court, who knows what's coming on

next, who keeps in contact with you [the court clerk], because when you're running a list you're not necessarily going to stick to the list. So if you've got 20 cases, it's possible, if you've got a good usher, he'll say to you, 'I can get somebody, So and So, and So and So, from case number 15, I've got them outside, we can get it on now.' So that's the one you'll call on next. If you haven't got a good usher you don't know who you've got, so you'll start to go down the list, you'll have nobody there, your court just folds, doesn't work properly.²³⁶

In addition to the usher's indispensable assistance, at certain times when court clerks were managing busy lists they would need further support from colleagues. Some courts such as Preston and Winchester allocated two court clerks per court to work in tandem. While one took on the public speaking role and arraigned defendants, the other filled in the court log, noted the judge's directions, and drafted the orders, for example, for medical evidence to be presented by a certain date, or for a trial to be set on a particular date.²³⁷

Serving the judge

Respondents stated that serving the judiciary was one of their prime responsibilities. They spoke at length about how they assisted judges to work as efficiently as possible. Every afternoon, the court clerk prepared the judge's case papers for the following day, which interviewees noted needed to be done extremely carefully and in a specific order, namely, copies of the indictment; case summary; defence case statements; evidence and exhibits. Each morning before court, it was part of established protocol for the court clerk to greet the judge in chambers to make sure they had all the documents required and to discuss the business of the day ahead. For example, if they would be sitting on a trial, the court clerk would inquire as to whether the case was progressing on schedule and when the jury was likely to deliberate. This information was critical for the court clerk to pass on to the listing officer for the timetabling and allocation of cases to particular courtrooms.

Interviewees explained a number of key ways in which they provided support for the judge. They acted as a ‘conduit’ or ‘go-between’ not only between the judge and listing office, but also between the judge and barristers. Court clerks relayed messages back and forth concerning a range of matters, for example, if a barrister was delayed or would have to leave court by a certain time; if a defendant was ill and unable to appear in court; or if counsel wanted extra time to consult with their client. Moreover, court clerks acted as the judge’s prompt and advised them about making particular orders, for instance, an order of costs against the defendant, or a ‘no order’ of costs if they were on legal aid. A further example is that if a defendant was convicted of a sex offence and given a custodial sentence, they were required to be signed on to the sex offenders register. This needed to be said in open court and it was the court clerk’s task to alert the judge to do so.²³⁸ The court clerk’s presence was also mandatory during a host of appointments in the judge’s chambers, or open court, with barristers and the police. These related to a range of issues such as a problem with a juror; new information that had come to light about the evidence; a witness who didn’t want to attend court; or concern about public reaction after a verdict. The court clerk recorded these conversations and primarily served as a witness to safeguard the judge and what they had said.

Respondents attested that a collaborative working relationship between the court clerk and judge was paramount. The nature of their interactions and degree of closeness with different judges varied greatly according to how well they knew each other and their respective personalities. However, interviewees expressed a distinct division between the type of contact they had with Circuit judges and High Court judges. While Circuit judges were based permanently at the Crown Court, High Court judges travelled on Circuit usually three times a year and adjudicated at different Crown Courts for a number of weeks at a time.²³⁹ High Court judges tried the most serious criminal cases and were typically accorded a higher status and greater respect than Circuit judges. Ron Churcher described the distinct difference between sitting with Circuit and High Court judges:

You’re sitting with a Circuit judge and it’s a much more free and easy atmosphere because you’ve known that judge [for] years. Maybe you’ve

even known him as a barrister who had been promoted as a judge so there's a good relationship right away, right from the word go. And it's comparatively easy to do your job. When you sit with a High Court judge, you've got much more difficult and involved cases to do, to start off with. Secondly, it's ever so difficult to get to a High Court judge because his clerk won't let you get at him. His clerk is very protective of the judge himself... So before you can... actually get to see the judge you've got to get through the clerk and often that is a really difficult situation... and it was always a problem to get through to a High Court judge. Some judges are more amenable than others and some clerks are more amenable than others.²⁴⁰

The High Court judge's clerk acted as their personal secretary cum assistant and accompanied the judge on Circuit and lived with them in lodgings. They transported office equipment such as textbooks and computers; typed the judge's statements; organised the judge's diary; and helped them to dress in their official robes.²⁴¹ Echoing Ron's commentary above, many interviewees acknowledged that some High Court judges and their personal clerks were more approachable and accessible than others. Yet respondents predominantly remembered their annoyance and frustration about not being able to communicate directly with the High Court judge due to what they perceived to be the territoriality or possessiveness of their clerk. A few interviewees noted the importance of remaining 'on side' with the High Court judge's clerk in order to be able to obtain even basic information and to be permitted to enter chambers.

With regard to Circuit judges, practice varied concerning the length of time that any individual court clerk was allocated to sit with a particular judge. For instance, interviewees who had clerked in Newcastle remarked that they either sat with a different judge each day or each week. Those who had worked at The Central Criminal Court explained that practice changed over time, and they clerked for individual judges for a six month period, a trial by trial basis, and for a number of years. Respondents discussed the personal rapport and mutual trust that they established with resident Circuit judges. Karen Hazell added:

The behind the scenes relationship you have with the judge, is still, although official, is a lot more relaxed, it's a lot more relaxed than a lot of people would expect.²⁴²

Irene Elliott confided:

Sometimes there'd be personal comments, which perhaps wasn't very professional, if there was a barrister he didn't like, or I didn't like...and you'd have a little bit, 'Oh Mr Suchabody likes the sound of his own voice and he goes on and on, doesn't use one word when he can use 20,' that sort of thing. Sometimes, I'd comment on the sentence and I'd say, 'I thought he got off lightly.' And Judge [name of judge] would say, 'Did you really? Do you think I was too lenient?' You know, you built up a rapport. Some judges you could never have said that to. But with Judge [name of judge] I always felt, you know, I could, or I could say to him, 'Well, why did you not do such a thing?', and he'd explain it to me. He was very good. And he would ask about the family and that sort of thing, and just about the politics of court life, what was going on, who was being moved where, and what new manager, and were they any good and...just the general office life moans and groans.²⁴³

Other interviewees described being invited into chambers for coffee and having conversations with judges about their personal interests and families. In particular, their children's weddings, sailing, football, blues music, holidays and current affairs were amongst the topics mentioned in interview. Respondents told numerous colourful anecdotes about the idiosyncrasies, foibles, characteristics and styles of judges they had clerked for. Many interviewees also shared stories about judges whom they held in high esteem, and those who confided in them about highly personal and tragic life events which had affected them profoundly. Furthermore, some recalled judges whose behaviour they found difficult and whom they didn't necessarily like or warm to. Jim Reid noted that a few judges had, what he called, 'judge-itis':

I remember one judge, and we'll keep his name out of it...and he'd just recently been appointed to the bench and somebody had turned up late and he gave them an almighty dressing down. And I went into him, I mean, don't fear, I'd known most of these guys since they were junior lightweights and I said, 'My god,' I said, 'Talk about poacher turned gamekeeper.' He said, 'I'm a judge now.'²⁴⁴

As Jim has referred to above, the majority of interviewees had clerked for many years and were already well-acquainted with a number of young barristers before they were promoted to the bench. Jim Reid and Leonard Dolphin both reflected that their long-standing relationships with barristers who had become judges, coupled with a sense of

confidence in their own role, largely explains their lack of awe and intimidation around judges, that they observed amongst some other court clerks. Leonard recounted an episode when he was managing court clerks at Newcastle Crown Court and he told off a judge for treating staff inappropriately:

A female court clerk went to see one of the judges at Newcastle and she knocked on his door and went in because she had something she had to tell him and he absolutely went ballistic with her, wiped the floor with her, told her to get out of his room and never come back again. And when I saw her she was in floods of tears. I mean...it completely destroyed her confidence. And I went in and told him how poorly I viewed what he'd just done, and I said it wasn't acceptable, and I said he'd have to apologise. And to be fair to him, he did offer to apologise but she wouldn't go back in. So I went and told him it had been so bad that she wouldn't be sitting with him ever again. In the end, I didn't report him to my boss but... it somehow got back to the...Courts Administrator...and they told the Presiding Judge of the Circuit and he really got his wings clipped for it... He was a bit of a bully so he was taken down a peg or two.²⁴⁵

Respondents emphasised that even if they did not agree with a particular judge's behaviour, they respected the office rather than the individual, and it was their duty to serve them and 'keep the judge happy'. It was evident that it was important for interviewees to be well-regarded by judges and recognised as a competent court clerk. A number of respondents described specific occasions when a judge had acknowledged and appreciated their efforts and praised their diligence. Two interviewees in particular, read letters aloud that they had received from judges thanking them for their service and 'wise counsel', which were highly significant to them.

Essential case documentation: Preparing case papers and drafting orders

Interviewees emphasised the necessity of being well-organised before they went into court, irrespective of the type of hearing/s that they were allocated to each day. This largely involved preparing the case papers. Every afternoon, the listing officer distributed the court clerks' 'lists' for the following day which specified the courtroom

they would sit in, the judge they would clerk for, and the specific cases. Most respondents prepared the case files that would be needed the next day after court rose at around 4:15-4:30pm, while a few preferred to do their preparation early each morning from 7.30am onwards before court began sitting, which was usually between 10:00 and 10:30am. Respondents explained that preparing the case files involved meticulous care and attention. They had to ensure that each file contained all the requisite documentation in the correct order which was as follows: the original signed indictment (the formal charges of the alleged crime/s), prosecution evidence, the defendant/s personal details and any antecedents, the court log (a full record of any previous hearings for the case), and if applicable, legal aid certificate, pre-sentence report, and medical and psychiatric reports. The onus was upon them to chase up any missing documents, such as a Pre-Sentence Report from the Probation Service or an indictment from the Crown Prosecution Service.

As they compiled the case files, court clerks had to ascertain what each case was essentially about and the nature of the offence/s. They checked if they would be arraigning a defendant, and carefully read through the indictment to make sure that they were familiar with the count/s and able to pronounce the entire document correctly, particularly the defendant/s name/s and any complicated names of drugs. In addition, due to the tight deadlines concerning completing court orders, they anticipated and drafted the orders that would be required immediately after the hearing ended such as remand, imprisonment and bail orders.²⁴⁶ As an example, in preparation for a sentence hearing, the court clerk reviewed the case history and Pre-Sentence Report (PSR) to gauge the likely sentence outcome.²⁴⁷ They looked for various indicators such as the type of offence/s; whether the defendant pleaded guilty in the plea hearing or if they had been found guilty by a jury; previous convictions; previous sentences imposed; whether they had complied with previous court orders; and the PSR recommendations. Based upon their assessment, the court clerk drafted the particular orders that would most likely be needed, such as an imprisonment order, sexual offences registration order, and sexual offences prevention order. They then drafted the relevant orders in advance so that only minor details needed to be filled in at the end of the hearing.

Respondents reported that drafting court orders for numerous types of hearings became increasingly more complicated and pressurised. Those interviewees who clerked from the 2000s onwards expressed that this was due to the introduction of a plethora of different types of orders, the severely limited time in which they needed to be completed, 100% accuracy targets, and staffing cuts. Geoff Walker described the burden of meeting stringent deadlines and being aware that any inaccuracy with the orders on his part could significantly affect other peoples lives. He elucidated:

It's just the pressure of getting everything done, that needs to be done, on every case, on a daily basis, and the fact that your accuracy target as a court clerk for drawing all of your orders was 100%... And you always want to get it right but obviously there's that many orders that can be drawn that affect people's lives. So if you're drawing a bail order and you don't get it out on time, that person is going to spend extra time in prison perhaps because you haven't got the order out on time. The bail conditions have to be right. If you miss a bail condition off, that could end up being a disaster for somebody... If they were supposed to observe a curfew and you'd forgotten to put the curfew on and they went out during their curfew and did something they shouldn't have done, those sort of things... You've got your drug treatment and testing orders... they had to be done, had to have the right conditions on...and you can't delay them because everything like that involves other services, they're always under pressure as well... It just means that everything that you do, if you make a mistake, there's always a knock on effect from it... You make a mistake and it can have fairly big implications.²⁴⁸

Valerie Jerwood raised a related point about the added strain associated with the potential financial ramifications of court clerks' mistakes:

There are implications, quite serious implications if clerks do make a mistake... If you detain a defendant illegally because you mess up your bail paperwork so that defendant is not released from prison, that is very serious...and we've had a couple of incidents of that at court where that has happened and the Department has been sued... That's got implications on the public purse, you know, compensation going to somebody [and] that needn't have happened... It can be pressure of too much to do, simply too much to do...and people are asking for help because they can't cope.²⁴⁹

In an effort to maintain the accuracy of court orders (as well as court logs), court clerks were required to scrutinise each other's work. Valerie particularly enjoyed her work as a

‘record sheet checker’ and ‘the investigation into the accuracy of people’s work.’ She stated:

I was a stickler for being accurate. I loved to think that my record sheets... wouldn’t get many mistakes on them... We used to get directives around about things that were changing...there were more offences added...and I’d try and make sure I kept up to date with it. So I sort of became a little bit of an authority on it... [It was] an important part of my job and I took it on, and people used to come to me for advice, which was, you know, that’s good, made you feel, sort of, doing something worthwhile, helping people to improve their accuracy.²⁵⁰

In addition to preparing case files, drafting orders and checking colleagues’ work, court clerks maintained a detailed court log, or record of the trial as it progressed. This included: the date; names of the judge, barristers, defendant/s and witnesses; timings of each new event, such as when the defendant/s were arraigned, when counsel made speeches, cross-examined, or re-examined, when witnesses were called, sworn and dismissed, when exhibits were produced as evidence and shown to the jury; and notes regarding the essence of the line of questioning; and any incidents in the courtroom, for example if a juror fainted, or a member of the public burst into court shouting abuse. Additionally, throughout a trial, the court clerk followed the case papers so that all relevant documents were ready and at hand, for instance, in the event that a barrister asked them to produce a witness statement. The court clerk also recorded the results of all hearings.

A comment needs to be added here regarding the term ‘paperwork’. All interviewees in this study worked with paper documents to a greater or lesser extent. Some remembered pre-computer days when all paperwork was done manually and hand-written. Others increasingly used computers, for example, to maintain the court log and to print off prototypes of different orders, which they would then fill in by hand. Yet in 2013, the Justice Minister, Damian Green announced that ‘courtrooms will be fully digital by 2016 ending the court service’s ‘outdated’ reliance on paper.’²⁵¹ On this basis, it is reasonable to presume that much of the ‘paperwork’ and case file preparation that respondents described is now done electronically.

Emotional labour

So far this chapter has focussed on the court clerk's three key areas of responsibility, namely, orchestrating hearings and ceremonies; serving the judge; and handling essential case documentation. This final section turns to look at an invisible yet important aspect of their work. It was expected that court clerks would manage their emotions, and especially when they were in open court, that they would inhibit the expression of all feelings provoked by what they were hearing and witnessing. This thesis situates the following brief discussion of emotion within sociology, and predominantly within a small and robust body of socio-legal scholarship that has considered emotion in relation to the justice system. Court clerks' narratives directly speak to, and complement other research in this area.

Socio-legal studies have examined the experiencing of emotion in relation to different aspects of legal phenomena, such as emotional responses to a range of everyday social injustices (Hegtvedt and Parris, 2014), and the role of emotions in criminal behaviour (Clay-Warner, 2014). They have evaluated the purposes and emotional significance of Family Impact Statements in trials for murder and manslaughter (Rock, 2010), and analysed the emotional and interactional dynamics within the practice of restorative justice (Rossner, 2011, 2013). Other research has explored why contemporary Western jurisprudence has tended to negate judges' work-related emotions, and proposed a model to train judges about how to acknowledge and deal with their emotions constructively rather than attempt to deny or suppress them (Maroney, 2011a, 2011b). Further work has examined how the judge's demeanour impacts upon their perceived legitimacy and authority (Mack and Roach Anleu, 2010; Roach Anleu et al., 2015).

Of particular relevance to this study, a few scholars have investigated the 'emotional labour' of those who worked in the juridical field, namely magistrates (Roach Anleu and Mack, 2005), barristers (Harris, 2002), solicitors (Westaby, 2010), prison officers (Crawley, 2004), police (Martin, 1999), trial lawyers and paralegals (Pierce, 1999; Lively, 2000, 2002; Turner and Stets, 2005, pp.43-46). The term 'emotional labour' was coined in Hochschild's (1983) seminal work *The Managed Heart*, and referred to the

requirement of workers to regulate the display of their emotions,²⁵² or as Hochschild (1983) wrote, ‘the management of feeling to create a publicly observable facial and bodily display’ (p.7). According to Hochschild (1983), emotional labour involved facial or vocal interaction with the public; that the worker sought to invoke an emotional state in the service user; and the employer supervised and controlled, to a greater or lesser extent, the outward countenance of the employee (pp.89-136). The essence of Hochschild’s (1983) argument was that complying with organisational expectations regarding appropriate displays of emotion that were not congruent with how workers actually felt, demanded effort, in other words, emotional labour.

Hochschild’s (1983) analysis centred on airline flight attendants who were required to smile and present a cheerful and friendly disposition, even when confronted with rude and unreasonable passengers (pp.24-25). It also scrutinised bill collectors whose persona was distant and cold, and any feelings of empathy for debtors were not to be shown or articulated (Hochschild, 1983, p.16, p.139). Since Hochschild’s (1983) landmark text, a plethora of empirical studies have recognised the prevalence of emotional labour in contemporary organisations and applied this concept to a wide range of work contexts in the service sector, occupations and professions (Maroney, 2011b, p.1491; Harris, 2002, p.553; Ashforth and Humphrey, 1993; Morris and Feldman, 1997).

In relation to the emotional displays expected of legal agents, scholars have described the aggression and intimidation tactics used by trial lawyers (Pierce, 1995; Turner and Stets, 2005, p.44), and the deferential and caretaking persona adopted by paralegals towards their employers (Lively, 2000, pp.41-55; Pierce, 1995, p.128). They have noted barristers’ cajoling, blustering and arguing during witness examinations and cross-examinations (Harris, 2002, pp.564-65, pp.570-72); prison officers’ aloof and authoritative stance towards prisoners (Crawley, 2004); the combination of empathic and detached concern shown by immigration solicitors working with asylum applicants (Westaby, 2010, p.163); and the impartiality of judges (Maroney, 2011b, p.1492; Maroney, 2011a, pp.656-58; Roach Anleu and Mack, 2005, 2010).

The emotional display expected of the court clerk was that they should appear impartial in court. Patricia Douglas explained that this entailed presenting a blank, unreadable and unperturbed face:

You're facing everybody in the court so when something particularly shocking may be said and... – you can still be shocked by what one person could do to another person –...you really have got to be a poker-face... You had to make sure when something was emotional...you weren't looking emotional...although you may well be.²⁵³

And equally, when court clerks found something amusing in court, they had to present themselves as 'bland' and 'neutral'. Pamela Sanderson confided:

One of the tricks they taught us...if something is really funny and you can't laugh, drop your pencil on the floor and scrabble under the desk and get it, and you can have a little chuckle. And when you get up you're just as expressionless as before.²⁵⁴

Other respondents discussed the effort involved in trying to appear impartial when they might have been feeling incensed by what they were hearing in court, or holding back tears, or harbouring strong feelings of sympathy or antipathy towards a defendant.

Geoff Walker elaborated:

You can't not have opinions about things. And you can't not feel anything about it... I'd be lying if I said...when certain people have been sent to prison I didn't feel a great sense of satisfaction and really enjoyed drawing the order, because I did... The flip side of that is sometimes you would have to send somebody to prison and you thought, I don't really want to be doing this... I would never, ever, ever have shown any sort of satisfaction or disappointment at all...because...you're just like a machine, you're just recording what's being said.²⁵⁵

These testimonies reflect what Hochschild (1983) called 'surface acting' (pp.37-38, p. 107), and others have termed 'emotional dissonance' (Morris and Feldman, 1997, p. 259), that is, the discrepancy between the emotion displayed and one's inner feeling. Similar to court clerks, the magistrates that Roach Anleu and Mack (2005) interviewed expressed feelings of intense empathy or disdain towards defendants, yet having to remain impartial in their demeanour, as well as in their consistent application of the law

(p.611). In this latter respect, magistrates were distinctly different to court clerks who had no direct involvement in the decision-making process. Roach Anleu and Mack (2005) highlighted that magistrates ‘must regulate their own emotions and display of feelings and those of court users, as an essential component of enabling court users to experience the legal process as fair, impartial and legitimate’ (p.593). Relatedly, it could be suggested that the court clerk’s ability to suppress and conceal emotion in court contributed to them being able to function effectively, give their attention to the task at hand, and enforce a sense of order, propriety and decorum in the courtroom.

Although their feelings might have been well-masked in court, the accounts of some of this study’s respondents reveal powerful internal responses to their work. They described watching CCTV footage of shootings and other lethal attacks. Long afterwards, these images could suddenly enter their minds unbidden and come back to haunt them. A few interviewees graphically depicted taking the verdict, and the profound effect upon them personally, particularly during murder trials. They relayed the palpable tension in the courtroom, the adrenaline rush, their sweaty palms, racing heartbeat, quivering knees, shaking voices, butterflies and knots in the stomach. Moreover, they recounted needing to breathe deeply, steady themselves and hold their emotions in check, in order to remain focussed and fulfil their role. David Hoad expressed:

When you stand up and take a verdict from somebody in a murder case it’s a pretty emotional time. The courtroom is normally packed. Everybody is sort of expecting something to happen, and when you take the verdict...you get people sobbing in the public gallery and all the rest of it, and for somebody to say, ‘not guilty’ for example, you get the deceased’s relatives then bursting out with... ‘no justice’ etcetera and all that sort of thing and it’s a very emotive time... You’ve got to try really hard to make certain what you are doing is right, and it’s quite a moment really. Probably because you’re nervous and worried about it, you do a good job. You know, they always say with sportsmen, you know, when you’re nervous you perform better. And I’m sure it’s the same with court clerks... When it’s the key moment in the trial you are nervous. I mean I did it for 30 odd years and I was still nervous taking the verdict. You can’t, you know, you can’t relax on that. It’s important.²⁵⁶

In addition, many interviewees spoke about the charged moment when the foreman of the jury had just stated the defendant had been found ‘Guilty’, and they waited silently until the shouts and wails from the public gallery calmed down before they carried on, seemingly unphased and expressionless, in their measured and controlled ‘court voice’. A few stated that at this time they secretly felt like blurting out, ‘Not guilty?! How is that possible?’ As Geoff Walker stated, ‘Sometimes I would be astonished as to a verdict and wondered if they’d actually been listening to the same evidence that I had.’²⁵⁷

Respondents discussed arraigning defendants who were alleged to have committed the most heinous crimes. For instance, Michael McKenzie recalled putting the charges to the serial killer, Peter Sutcliffe, also known as the Yorkshire Ripper:

He had 20 charges to be put to him because he had to enter a plea in relation to each one...such was the enormity of the damage he’d done to the women, and I’d seen the photographic evidence of the women as they were found after each murder...and I was on my feet for some time putting all these charges to him in a crowded courtroom...everybody came to see the Yorkshire Ripper. But strangely enough, I’m not sure how I can express this because I don’t think I’ve ever expressed it before, I had an enormous wave of sympathy and, not sympathy, melancholy...and I was hesitating to speak the words I needed to speak because I knew that I had emotion in my delivery, as I realised this person I was talking to was actually accepting that the damage that I’d seen in the photographs to women, which was unbelievable, he’d actually done. And I’m talking to him. This is a man capable of that. What on earth is the state of his brain and his reason when he can stand there and say, ‘Yes I did it but I was diminished in my responsibility’? And I remember hesitating because I couldn’t read the next charge. There was just a momentary moment in my mind, and anyone listening to this interview would say how could he be so emotional? All I can say is, I was there and I don’t know how other people would have ignored emotion. But there was a moment half-way through the charges when I wondered if I could keep talking because it was such an emotional time. And it weighed very heavily.²⁵⁸

These testimonies demonstrate that the court clerk’s work aroused strong feelings and interviewees were clearly emotionally impacted by their experiences in court.

Strategies for coping

Given that court clerks were exposed to harrowing and tragic stories on a daily basis, and surrounded by high levels of anxiety, anger and distress among court users, what coping strategies did they adopt to deal with the emotional demands of their work? Analysis of their narratives indicates that for some, 'black' or 'gallows' humour served as an emotional release, as did confiding in their spouses. Additionally, a number of respondents used various avoidant and self-protective mechanisms, specifically, not looking at photographs of victims of violent crime; desensitisation and detachment; rationalisation; creating a sharp divide between their home and work lives; religion and prayer; which are expanded upon in this section.

Many respondents remarked that humour was a vital outlet in the court clerk's office. Jim Reid explained:

You had to have a weird sense of humour to be a clerk, and some of the things that we laughed at, most people would think you were an absolutely sick and twisted individual. But some of the ways you actually got through some of the things you had to do, because believe it, some of the things we had to do were bloody unpleasant especially if you were doing some cases where children had been murdered, or you know, various exhibits had to be produced and pictures of body parts. And some of the offences, you know, you wonder about man's inhumanity to man, and can it get any worse?... Some of the things that we would laugh at in the clerks room, people would think, 'Oh my god, you can't laugh at that.' But if you didn't, and you didn't make little of it, trying to stand up and do some of the things we had to do, or some of the things we had to say, you'd find it very, very difficult.²⁵⁹

Studies of prison officers (Crawley, 2004) and police officers (Martin, 1999), as well as others engaged in work that is distressing and frightening, such as medical staff, ambulance crews and fire-fighters, have attested to the use of black humour as a coping strategy (Crawley, 2004, pp.418-19). Crawley (2004) discovered that humour was 'palliative' among prison officers, especially in shocking and unpleasant situations, such as the aftermath of a prisoner's self-harming incident or suicide (p.419). Scholars (see Crawley, 2004, p.419; Martin, 1999, p.123) have posited that humour helps to neutralise

a tragic event and alleviate the intensity of feelings aroused by transforming an individual reaction into a shared experience (Crawley, 2004, p.419).

It was striking that many of this study's interviewees mentioned the impact of post mortem and autopsy photographs and that they often refused to look at them, and advised newly appointed court clerks to avoid them as well. Leonard Dolphin articulated:

There's one or two that stick in my mind to this day... I remember there was a woman who had been abused by her husband for years and she had snapped one day. He had a shotgun under his bed and she'd gone into the bedroom while he was asleep and she'd blown his brains out. And the pictures were so graphic it was just horrendous and I don't think I ever looked at a picture after that... That picture was so upsetting that from then on, I think I must have compartmentalised things because I tended not to listen to the witnesses in court, and not to read the details so much, because you didn't really need to as a court clerk. You just had to make sure that everything that should be there was there... So I, sort of in my own mind, distanced myself from what was being said in a lot of cases.²⁶⁰

In addition to shunning photographs, Leonard's words raise a further strategy that some interviewees discussed, namely becoming emotionally disengaged or detached. While Leonard seems to have emotionally withdrawn quite abruptly, in response to shock, other respondents reflected that they underwent a gradual 'hardening' or desensitisation. Geoff Walker recalled that initially when he began clerking, he had nightmares of extreme violence which receded in time. This is similar to accounts of immigration solicitors who prepared the claims of people seeking asylum in the United Kingdom and listening to the stories of torture and trauma some had endured. These solicitors also testified to having nightmares when they were trainees and then feeling less emotionally affected as they gained greater experience (Westaby, 2010, p.169).

Pamela Sanderson believed that a measure of detachment was necessary. She explained:

If you really took it to heart...you could have post traumatic shock... I think you get immune to it... I think you grow an invisible skin, rather like a nurse. A nurse sees some harrowing things, and a doctor, on a ward in a

hospital. But if she allowed them to affect her, or him, you wouldn't be able to go to work the following day.²⁶¹

Crawley (2004) similarly compared the work of prison officers and their need to disengage emotionally to those of doctors and nurses. Yet a key difference was that for prison officers, this strategy was chiefly to prevent themselves from being taken advantage of and manipulated by prisoners which might jeopardise security (p.419). Harris (2002) found that barristers also emphasised emotional detachment was imperative. They insisted that it was a prerequisite to be able to effectively represent their client and build a convincing case (p.571). Harris (2002) drew a parallel with physicians who likewise considered emotional detachment to be synonymous with 'rational competence' (Lief and Fox, 1963, in Harris, 2002, p.571). Furthermore, 'the training, socialisation, and acculturation of barristers eulogises 'cool', 'calm', rational thought, whilst deriding genuine emotional involvement as 'unprofessional'' (Harris, 2002, p.573). This statement is equally applicable to court clerks, even though they did not share the barrister's high professional status. Nevertheless, court clerks were required to operate in a rational manner, and to be in control of their emotions and the courtroom.

How were some court clerks able to detach themselves from the intensity of conflict in their immediate surroundings? Rita Holmes reflected:

I didn't need to know the specifics. It wasn't my job to weigh the facts up and come to a decision. I wasn't a member of the jury. I wasn't the judge having to decide on a sentence and I wasn't...either of the barristers having to either defend my client or to prosecute... I felt as if I could stand alone and away from it all as long as I performed my role correctly... I'm only aware of it by talking to you now that I knew subconsciously what my role was and what I didn't need to become involved in... My role was simply to ensure that what was going on in that courtroom was able to go on.²⁶²

Both Rita and Leonard's comments above, clarify that it was not essential for court clerks to listen intently to all the details of a case, and they often didn't. A number of interviewees remarked that they 'listened with half an ear', as their energy and attention was primarily devoted to keeping the court functioning efficiently. They had a different point of focus to other parties in the courtroom who were much more invested in the

outcome of a case. In addition, as Rita's extract elucidates, it was notable that respondents had not previously considered the emotional demands of their work. Shirley Hill's remark was typical: 'I was just doing my job. So you're asking me to analyse things I never even thought about at the time... I never consciously thought about it.'²⁶³

Even those respondents who had found a way to disconnect emotionally, confided that still, at times, they were profoundly affected and disturbed by particular cases. They recalled feelings of great pathos for victims and defendants. Patricia Douglas recollected:

I've never forgotten this case, and it was a young man and he'd bludgeoned to death his mother and father...and I can still see him in the dock...this young man was suffering from schizophrenia... I felt really affected by it... He was given a life term but he was going to a psychiatric hospital...and it was round about Christmas time and I felt...as if this person would then be in isolation and knowing what had happened and having to come to terms with it. And I used to send, without any name or anything, I used to send a Christmas card every year...and I did that for years, because I just felt that person was so alone.²⁶⁴

Crawley (2004) similarly wrote about an episode when a prison officer who prided himself on his detachment was suddenly stricken by a wave of sympathy for a young prisoner in a segregation block who reminded the officer of his own son (p.422). At first glance, it might seem that this study's interviewees offered contradictory accounts concerning their emotional responses to their work. They were detached and dispassionate, and at other times, intimately engaged and affected. Their words can be understood to mirror the messy, unpredictable and changeable nature of feelings.

Rationalising self-talk and compartmentalising the world of the court as distinct from their home lives were further tactics that were paramount for some. David Dawson explained:

You had to keep reminding yourself that this wasn't normal life. This was abnormal. This was a small minority of people doing a terrible thing which is not repeated every day in every town and city. You *have to* remember that. You *have to* think, that's compartmentalised, that's not what we do. This

isn't how life is, but it happens. Bad things happen. And I think once you grasp that, then you cope with it.²⁶⁵

Respondents noted that they didn't want to burden their families with their work, and it was also a self-preservation strategy. Irene Elliott expressed:

I could listen to it in court and then just had to put it out of me mind when I came out of court. And I don't know how you learn to do that but you have to learn to do it to cope... I think you just eventually adapt. I think if you couldn't adapt it would get you down if you were doing that sort of case day in, day out. I think it could make you quite ill if you were worrying about it and thinking about it when you went home. You'd get an odd case that would prey on your mind.²⁶⁶

Four respondents felt quite differently and relied greatly upon being able to confide in their spouses, three of whom worked in the justice system and understood the difficulties they encountered. Others drew solace and strength from their religion and prayer as discussed earlier in this thesis.

Research on the impact of emotional labour has reported that job burnout, exhaustion and stress are common consequences (Roach Anleu and Mack, 2005, p.612; Westaby, 2010, p.157, p.169, p.170; Wharton, 1993). However, this study's interviewees did not identify with these adverse effects of their work. They did not feel they needed formal support such as counselling or a helpline, nor did they perceive that their job had any long-term negative impact upon their health or well-being. This may well have been the case, and it could also be posited that they might not have wanted to admit to needing help or to risk appearing that they were not in control of, or able to manage themselves and the courtroom, which was the objective of their role. Moreover, respondents remarked that court clerks tended to be 'level-headed' and 'thick-skinned', and that 'the job was not for everyone'. Those who were 'not cut out for it' or able to cope typically resigned or were reallocated within the Courts Service.

Although respondents did not recognise a need for emotional or psychological support for themselves, they expressed concern for jurors who they believed were not sufficiently prepared for their duties. Interviewees recalled incidents of jurors passing

out or vomiting in response to graphic and shocking material in court. These observations support other research (Robertson et al., 2009) on the impact of jury service on jurors' mental health and well-being in the United Kingdom and the conclusion that serving on a jury could be not only stressful and anxiety provoking, but potentially overwhelming for a minority of people (p.9). On the basis of this finding, Robertson et al. (2009) urged for 'modifications to the current arbitrary allocation of jurors and for greater provision of information and guidance to minimise the negative consequences' (p.1). This study's respondents explained that unlike jurors who had to give their 'undivided attention' to often horrific and gruesome details, court clerks could become absorbed by numerous other administrative tasks which have been outlined throughout this chapter. In addition, unlike jurors, court clerks did not bear the emotional responsibility of convicting or acquitting a defendant.

Interviewees did concede that one long-term ramification of their work was that it influenced their attitudes and perceptions towards other people. Some felt that all they had experienced in court had made them more cynical. Shirley Hill stated:

You get a warped view of human nature when you're working in the courts all the time...because you're only seeing the worst side of people all the time...people with no sense of responsibility, no morals, you know, you're seeing the dross, every day, all the time... You look at people with suspicion. So you can actually get a bit cynical.²⁶⁷

Others' reflections were more nuanced, and cynicism was tempered by greater empathy and understanding, especially when they had read probation reports and learnt about defendants' backgrounds. Irene Elliott articulated:

I'm certainly more cynical in every area of life, not just in me working life as a court clerk or as a magistrate. I'm certainly more cynical and I think perhaps the job makes you that way, because as I said you hear so many excuses you just think, I've heard it all before. Been there, done that, got the t-shirt. So that now I do find, and it's sad really, that no matter what anybody tells me, I never take anything at face value anymore. I always think, well there's possibly an angle to this or it's perhaps not quite the truth... But on the other hand, as I said, it definitely makes you more compassionate. ... When you hear in court sometimes, the backdrop,

especially with young people, and you hear about the life they've had...you can't but fail to be compassionate.²⁶⁸

The moving testimonies of this study's respondents concerning their work-related emotional reactions and coping mechanisms bely the mythic representation of the law as being solely neutral and impartial. Their reflections offer us rare insight into an unacknowledged yet fundamental dimension of the court clerk's lived experience.

Conclusion

This chapter has identified and described the nature and scope of the Crown Court clerk's role, which has previously been absent from the academic literature. It asserts that the range and multiplicity of tasks that they performed can be categorised into three main areas of responsibility, namely, orchestrating hearings and ceremonies; serving the judge; and dealing with essential case documentation. The intricate processes and organisational and interpersonal skills involved in orchestrating hearings and ceremonies have been demonstrated. Furthermore, this chapter has highlighted that the important function underpinning this responsibility was to maintain order in the courtroom. This ensured the court was able to function efficiently in accordance with established protocol and procedure. Court clerks helped to maintain order in the courtroom in a number of ways. Firstly, they acted as stage managers who prepared the set of the courtroom with essential props, and brought diverse parties together at the appropriate time for their court performance. Secondly, they spoke publicly at key moments during hearings and ceremonies and directed various people, such as defendants, jurors, and newly appointed magistrates, through their involvement in proceedings, in an orderly manner. Thirdly, they oversaw the safety and decorum of the courtroom and enforced rules of etiquette. Individual court clerks also relied greatly upon the invaluable support of ushers and other colleagues.

The court clerk's ability to work within a heightened and often pressurised environment; negotiate skilfully with barristers to coordinate the best use of court time; as well as to relate sensitively and firmly with distressed, anxious or difficult victims, witnesses,

defendants, and their supporters, directly impacted on the quality and efficiency of the administration of justice that was delivered. Court clerks provided general assistance to the judge and often acted as prompts regarding court orders that needed to be issued, and as ‘go betweens’, relaying vital messages between the judge and counsel, and the judge and listing office. In addition, they prepared cases papers and drafted orders which helped to facilitate the processing of cases through the system. A further dimension to the court clerk’s role was that they were expected to manage and conceal their emotions in court. The various strategies they drew upon to cope with the emotional demands of their work have been identified and discussed, namely ‘black’ humour; not looking at photographs of victims of violent crime; desensitisation and detachment; rationalisation; creating a sharp divide between their home and work lives; and prayer. This chapter has presented an overview of the key areas of responsibility that Crown Court clerks held between 1972 and 2015. However, interviewees’ accounts have also revealed the unforeseen finding that there were significant changes to their role during this period, which will be examined in the following chapter.

Notes

¹⁹⁹ They also drew upon other metaphors including; ringmaster, conductor of an orchestra, director, captain of a ship, lynchpin, the acrobat who keeps all the plates spinning simultaneously, and the central hub of a many-spoked wheel who channels information to and from many sources.

²⁰⁰ For example, the Bible for Christians, Koran within a cloth cover for Muslim witnesses, and the Old Testament for Jewish people. If a witness had a belief that was difficult to observe in a courtroom, they were asked to affirm.

²⁰¹ Special measures were introduced with the Youth and Criminal Justice Act in 1999 to relieve the stress related to giving evidence and to improve the quality of evidence provided. Child witnesses give evidence from another room accompanied by, and in the care of, an usher (Jacobson et al., 2015, p.5). Court clerks who retired before this date did not have to deal with special measures as an integral part of their job.

²⁰² With regard to trials specifically, even before they assembled all parties in the courtroom, court clerks had to find out whether or not a trial was ‘effective’. According to Jacobson’s et al. (2015) recent study of the Crown Court, approximately 15% of trials were ‘ineffective’ at the eleventh hour and rescheduled due to defendants or witnesses not arriving at court, or missing exhibits or paperwork (p.15).

²⁰³ Some High Court judges preferred their personal clerk to officially open the court.

²⁰⁴ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 3 [42:54-44:24]

²⁰⁵ If the defendant pleaded ‘guilty’ the case proceeded to be sentenced, usually at a future Sentence Hearing. If the defendant pleaded ‘not guilty’ the trial process was instigated, and the defendant was tried by a jury and either acquitted or convicted. This study’s respondents referred to arraigining defendants as Plea and Case Management Hearings (PCMH), as they were known when they were clerking. However, protocol changed after this study’s interviewees left the Crown Court, and their accounts relate to the previous system. In January 2016, the Ministry of Justice introduced Plea and Trial Preparation Hearings (PTPH) which replaced PCMHs. This was motivated primarily to reduce the number of hearings, and to streamline procedure nationally in all Crown Courts. [online] Available at: <<https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm007-eng.pdf>> [Accessed 7 June 2017].

²⁰⁶ In this instance, the court clerk stated: ‘[The name of the defendant/s], you are charged on Count 1 of this indictment with burglary. The particulars of the offence are that on [the date] you entered as a trespasser the building [the address] with the intent to steal and stole therein [all the stolen items] Are you guilty or not guilty?’

²⁰⁷ There was one official indictment for each case which included all the defendants and the charges involved in that case.

²⁰⁸ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 2 [28:46-30:35]

²⁰⁹ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:18:47-1:19:15]

²¹⁰ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 6 [50:46-50:54]

²¹¹ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 2 [19:06-24:20]

²¹² For a defendant who either pleaded guilty or has been convicted following a trial. All aspects of the offence/s and the offender were assessed and the judge explained why the particular sentence was given. [online] Available at: <<https://www.sentencingcouncil.org.uk/about-sentencing/information-for-victims/what-happens-at-a-sentencing-hearing/>> [Accessed 2 July 2017].

²¹³ For a defendant in custody who was applying for bail.

²¹⁴ A case could be delayed for any number of reasons, such as difficulty finding an expert witness to give evidence about specific subjects, for example, firearms or mobile telephone data, or complications related to obtaining funding for an expert witness.

²¹⁵ In circumstances when counsel claimed that there was insufficient evidence for a jury to convict their client.

²¹⁶ These relate to situations when the timetable for the progression of a case has not been adhered to and is behind schedule, or one party want further information about whether the opposing party will be ready for trial on the set day.

²¹⁷ These are conversations between prosecution and the judge concerning whether certain facts of a case should be revealed to the defence or not. In particular cases, certain facts are not disclosed to defence because they are in the public interest not to do so, for example, if an informant has given information which would compromise their identity.

²¹⁸ PACE are instigated by the police to investigate a suspect’s telephone calls and bank accounts.

²¹⁹ Review hearings were for defendants who were given alternatives to custody, such as a drug rehabilitation order. Once a month they would attend court and the judge who had passed their sentence would review their situation and progress. Reviews took place in chambers with the defendant, probation liaison officer, the judge and court clerk.

²²⁰ The swearing in of new magistrates typically took place a few times a year. The swearing in of the magistrates was followed by welcome speeches from the judge, Lord Lieutenant, and Chairman of the Bench, and refreshments and photographs. The court clerk similarly arranged and orchestrated the swearing in of Recorders and High Sheriffs, although these tended to be less frequent, and the swearing in of the High Sheriff took place once a year.

²²¹ These were formal occasions and the High Sheriff was officially attired in velvet knickerbockers, tights, buckled shoes and frilly cuffs, or a military or naval uniform. Historically, the High Sheriff was the monarch's representative charged with protecting and providing sustenance to the judge. When the High Court judge arrived at an old Assize town, the High Sheriff was responsible for their safety, conduct and care. The High Sheriff still sometimes sits with the judge on the bench. [online] Available at: <<http://www.highsheriffs.com/History.htm>> [Accessed 31 October 2016].

²²² In some Crown Courts, these tasks were shared with ushers. In most Crown Courts, the usher swore in witnesses. Yet if they were unavailable, the court clerk swore in witnesses. An exception was Winchester Crown Court where the court clerk swore in witnesses. They spoke the oath aloud, phrase by phrase and after each phrase, the witness repeated their words. This was done so as to protect witnesses from any bias forming in the jurors minds if they were illiterate and unable to read the oath card.

²²³ The usher escorted 15 members of the jury-panel-in-waiting into the courtroom. The court clerk announced: 'Members of the jury in waiting, if your name is called please answer, yes, and step into the jury box.' The court clerk's words and gestures were carefully staged. They shuffled a pile of cards, each marked with the name of a juror, to show that the jurors would be randomly chosen. They selected a card at a time, called out the juror's name and motioned to them where they should sit. The court clerk continued to call each juror, in turn, until the requisite 12 jurors were seated in the jury box. The court clerk was seated. Prosecution counsel proceeded to read out the names of the witnesses that would be called and where the alleged offence took place. The judge asked the jurors if they knew the defendant or any of the witnesses, and if so, they were required to stand down, to ensure that the defendant/s were tried by people who did not know anyone involved in the case. If necessary, the court clerk called new jurors until there were a total of 12 in the jury box. The court clerk then put the right of challenge to the defendant: 'The names you are about to hear are the names of the jurors who are to try you. If you wish to object to them, or any one of them, please do so as they come to the book to be sworn, and before they are sworn, and your objection shall be heard.' It was rare for a defendant to object to jurors. The court clerk then swore in the jury: 'Members of the jury, would you please stand?' The court clerk continued: 'Members of the jury you are about to be sworn. As your name is called please take the book in your hand, read aloud the oath from the card. Once you've taken your oath, please sit down.' The court clerk called each juror individually to either affirm or take the oath, which they read from a printed card. If a juror took the oath they also held the holy book that was aligned with their faith in their right hand. The court clerk then put the jury in charge of the indictment: 'Members of the jury, the defendant [defendant's name] is charged with [the particulars of the offence, for example, burglary]. The defendant has pleaded not guilty to this indictment and it's your charge to say, having heard all the evidence whether he's/she's guilty or not guilty.' This was repeated for each defendant on trial. This marked the end of the jury empanelment. Any remaining jurors were released from the courtroom, and the court clerk was seated.

²²⁴ Once the prosecution and defence gave their closing speeches, and the judge had summed up the case to the jury, the court clerk announced that the jury would then retire to deliberate until they reached a verdict, and formally swore the jury bailiff [or usher] out with the jury: 'You will keep this jury in their jury room. You shall permit nobody to speak to them nor should you speak to them yourself without leave of the court save to ask them if they are agreed upon their verdict.' While the jury was deliberating, the court clerk kept informed about whether they had reached a verdict, and often had to keep tabs on, and coordinate more than one jury panel at a time.

²²⁵ The verdict proceeded as follows: 'Would the foreman please stand?' The foreman rose and the court clerk asked: 'Mr foreman, have the jury reached a verdict on which you are all agreed?' If the response was 'Yes', the court clerk continued: 'Members of the jury do you find the defendant 'guilty' or 'not guilty' on this count on this indictment of [the particulars of the offence].' If the response was 'guilty', the court clerk asked: 'You find him guilty?' If the response was 'Yes', the court clerk asked: 'And is that the verdict of you all?' If the foreman replied, 'Yes', the court clerk said: 'Thank you.' The foreman and court clerk were seated. A similar script was recited if the verdict was 'not guilty'. However, taking a verdict could be much more complicated, especially if there were many counts on the indictment and if the jury was not unanimous in their decision. In such circumstances, the judge would direct the jury towards a majority verdict, which meant that at least 10 jurors had to agree. The court clerk's script for a majority verdict was as follows: 'Would the foreman please stand? Mr foreman, have the jury reached a verdict on which at least 10 of you are agreed?' If the foreman replied, 'Yes', the court clerk asked: 'On the charge of [the particulars of the offence] do you find the defendant guilty or not guilty?' If the foreman answered 'Not guilty' the court clerk asked whether it was unanimous or by a majority. If the foreman replied, 'Guilty' the court clerk asked: 'Is that the verdict of you all or a majority?' If the foreman replied, 'Majority', the court clerk asked: 'How many of you agreed to the verdict and how many dissented?' The foreman either replied that 10 had agreed and two dissented, or 11 had agreed and one dissented. This pattern continued with each count on the indictment.

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- ²²⁶ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:19:28-1:20:25]
- ²²⁷ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:22:21-1:22:36]
- ²²⁸ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:29:57-1:29:58]
- ²²⁹ Interview with Patricia Douglas, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/21, Track 3 [1:07:16-1:09:10]
- ²³⁰ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 4 [33:32-33:38]
- ²³¹ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6 [22:33-24:38]
- ²³² Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 4 [33:40-34:10]
- ²³³ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6 [40:11-40:33]
- ²³⁴ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6 [24:46-26:07]
- ²³⁵ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 5 [5:24-5:39]
- ²³⁶ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 5 [19:06-24:20]

²³⁷ Interviewees discussed further duties they were tasked with to support the efficient functioning of the court and the progression of cases through the system. Soon after cases entered the Crown Court, court clerks wrote short synopses of each case with recommendations as to the level and severity of the case, and accordingly, whether it should be tried by a Circuit or High Court judge. These were abridged versions of much lengthier police summaries and included vital information and salient facts of the case, such as who was involved in the offence, who was affected, the level of physical injuries, and/or the amount of money involved, and any other details that would indicate the seriousness of the charge. The resident judge then confirmed the court clerk's assessment and arranged the requisite judiciary. Another responsibility that applied to less than half of this study's respondents was to operate the video equipment which is used to link to defendants in prison, remote witnesses, and to play CCTV video evidence that relates to alleged crimes. Many interviewees had already retired before this technology was installed. The impact of the introduction of computerisation and digital technologies upon the court clerk's role will be investigated further in Chapter Five.

A further aspect of their job that was less regular and not experienced by all interviewees was 'site visits' or 'views'. These were occasions where jurors were taken to visit the *locus in quo*, that is, the place where the crime occurred, at counsel's request, and with the judge's permission. Interviewees remarked that site visits gave jurors a much clearer and immediate understanding of the context of the crime and were usually associated with murder trials. Similar to courtroom proceedings, views were highly controlled and staged. The relevant area was cordoned off by the police and a script was agreed in advance by the judge with regard to exactly what counsel would say and draw the jury's attention to at the scene. Here too, the court clerk acted as a stage manager who directed jurors' movements and focus, and a conduit who channelled vital information between all parties present. They relayed questions from jurors to the judge or counsel via a note; recorded any discussion with a hand held recorder; ensured that nobody spoke out of turn; and that jurors remained attentive to the particulars of the site that were being pointed out to them.

A few interviewees were assigned other duties which were not typical of the overall sample. For instance, in Newcastle, Patricia Douglas corresponded with members of the public on behalf of the judge, for example, concerning a complaint that a sentence a judge imposed was too lenient. Karen Hazell was 'child liaison' at Winchester Crown Court and worked with The Witness Service. She arranged and conducted pre-court visits for child witnesses in advance of a trial, most of whom were victims of sexual abuse between six to 16 years old. This involved showing them around the tv link room where they would give their evidence from and responding to any of their questions and concerns. Keith Harrison and Irene Elliott delivered educational talks to groups of secondary school and tertiary students about Crown Court proceedings, protocol, and the courtroom layout at Preston Crown Court.

²³⁸ A further example was during sentence hearings, the court clerk needed to be aware of the original offence/s, and they were expected to alert the judge if there were any further counts on the indictments to be dealt with, which were then addressed at the time or brought back to court for another hearing at a later date.

²³⁹ High Court judges heard first instance (trial) and appeal cases in the three divisions of the High Court, sat on panels for some appeals in the Court of Appeal and sat to hear the most serious Crown Court trials. They wore red robes in criminal cases. In civil cases they wore a black robe with red tabs or a black silk gown and wig in the Court of Appeal. Circuit judges heard criminal cases in the Crown Court and civil cases in the County Court. Circuit judges wore violet robes, and a red sash in criminal cases, and lilac sash in civil cases. They wore wigs for criminal cases only. [online] Available at: <<https://www.hoddereducation.co.uk/media/Documents/magazine-extras/Law%20Review/Law%20Rev%20Vol%209%20No%203/LawRev-9i3-centre.pdf?ext=.pdf>> [Accessed 14 June 2017].

²⁴⁰ Interview with Ron Churcher, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/06, Track 5 [1:07:05-1:08:30]

²⁴¹ A couple of respondents discussed the changes they had observed in judge's clerks during the last 20 years or so. Previously, they tended to be ex-servicemen and ex-policemen, whereas nowadays there are many more female judge's clerks. This information was corroborated in the following radio podcast: BBC Radio 4. *Law in Action* March 12, 2014. [online] Available at: <<http://www.bbc.co.uk/programmes/b03y10h3>> [Accessed 14 June 2017].

²⁴² Interview with Ron Churcher, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 1 [1:15:00-1:15:10]

²⁴³ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 5 [17:56-18:50]

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- ²⁴⁴ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 2 [50:52-51:30]
- ²⁴⁵ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 5 [46:09-48:15]
- ²⁴⁶ At the end of a hearing, urgent orders were required to be completed within a 30 minute deadline, such as a remand or imprisonment order which had to be given to the dock officer to take the defendant back to prison. Any outstanding orders needed to be completed within 24 hours after a hearing, such as a bail order with conditions for defendants on bail.
- ²⁴⁷ After a defendant was convicted by a jury or pleaded ‘guilty’ in a plea hearing they were committed for sentencing. The judge ordered a Pre-Sentence Report (PSR) from the Probation Service to determine the recommended avenues for punishment or rehabilitation. The PSR included suggestions for the appropriate sentence, the defendant’s attitude towards the offence/s, and the defendant’s background and personal history, all of which aided the judge in sentencing.
- ²⁴⁸ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 7 [13:18-15:38]
- ²⁴⁹ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 9 [0:08-4:08]
- ²⁵⁰ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 4 [1:49-3:10]
- ²⁵¹ [online] Available at: <<https://www.gov.uk/government/news/damian-green-digital-courtrooms-to-be-rolled-out-nationally>> [Accessed 19 June 2017]. In 2016, a Digital Case System (DCS) was rolled out with the intention to no longer use paper files, but rather, for all documents in criminal cases to be uploaded onto the DCS and accessible on computers and other electronic devices. [online] Available at: <<https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/cm007-eng.pdf>> [Accessed 7 June 2017].
- ²⁵² Maroney (2011b) defined emotion regulation as the ‘attempt to influence what emotions we have, when we have them, and how those emotions are experienced or expressed’ (p.1486).
- ²⁵³ Interview with Patricia Douglas, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/21, Track 7 [1:15:21-1:16:18]
- ²⁵⁴ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 4 [1:02:01-1:02:20]
- ²⁵⁵ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 8 [35:55-38:11]
- ²⁵⁶ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 4: [19:50-21:20]
- ²⁵⁷ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 7 [46:03-46:12]
- ²⁵⁸ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6 [36:22-39:19]
- ²⁵⁹ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 2 [1:01:10-1:02:10]
- ²⁶⁰ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 4 [1:51:19-1:53:04]
- ²⁶¹ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 4 [1:26:24-1:29:18]
- ²⁶² Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 6 [57:46-59:32]

²⁶³ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 4 [27:58-28:21]

²⁶⁴ Interview with Patricia Douglas, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/21, Track 3 [7:30-10:21]

²⁶⁵ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 8 [25:44-26:20]

²⁶⁶ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:10:26-1:10:58]

²⁶⁷ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 2 [1:02:27-1:03:20]

²⁶⁸ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 9 [7:53-10:11]

Chapter Five

Key changes to the court clerk's post between 1972 and 2015

Introduction

This chapter charts the ways in which the centralisation of the justice system impacted on the everyday lives of Crown Court clerks between 1972 and 2015. Scholarly accounts have lauded the Beeching reforms as 'radical', 'revolutionary', and 'one of the most profound changes ever in the history of criminal justice in England and Wales' (Rock, forthcoming; Alsop, 1975; Mulcahy, forthcoming). Although this seismic shift has been recognised, what has not been investigated is the longer-term impact of centralised control. It was anticipated that the transition from the old Assize system to the new Courts Service would be highly disruptive for staff in different regions throughout the country (Osmond, 1971, p.1, pp.5-8). However, the testimonies of this study's respondents bring into sharp focus that it takes time to see the effects of major policy implementation at ground level. Their narratives tell us something new and important about the longer-term impact of the centralisation of the administration of justice.

In addition to a series of immediate changes that occurred with the founding of the new Courts Service, respondents raised a range of issues which can be grouped into the two core themes of the 'deskilling' and 'depersonalisation' of their work. Deskilling is used to describe a process whereby higher level and specialised skills have been substituted for simplified and more perfunctory tasks which were increasingly reliant upon computers and other technologies. Depersonalisation refers to increasingly impersonal interaction and reduced contact between different parties who used the court, and the ways in which procedures were carried out. Respondents' testimonies reveal a progressive move away from local autonomy and personal discretion towards a more technocratic, bureaucratic and depersonalised culture. It is evident that various changes to the administration of justice during the last three decades had left a number of this

study's interviewees feeling that the court clerk's role had been stripped of its former responsibility, complexity and status.

Immediate impact of the Courts Act 1971 on court clerks

The official post of the *Crown Court clerk* came into existence 45 years ago. As has been discussed earlier, this was the result of the Beeching reforms, namely the Courts Act 1971, which introduced a completely new type of court, the Crown Court. The Act abolished the ancient Assize and Quarter Sessions courts which had been administered by numerous local authorities, and the Lord Chancellor's Office took responsibility for the administration, design, build, upkeep and finance of the criminal courts above the level of the Magistrates' Courts. These fundamental reforms led to a massive increase in the number of staff being managed centrally rather than at the local level as had occurred previously (Alsop, 1975; Underhill, 1978, pp.198-99; Woodhouse, 2001, p.39; Rock, forthcoming; Mulcahy, forthcoming).

The new Courts Service introduced a new hierarchy and management-oriented structure which offered novel opportunities for promotion. Moreover, with the establishment of the permanent Crown Court there was an end to the itinerant lifestyle that involved travelling from town to town and setting up temporary courts. It seemed logical to anticipate that respondents would discuss these critical changes in interview. Seven respondents in this study's sample worked in the courts during the changeover to the new system: one served in the Assize courts and six in Quarter Sessions courts. Amongst this group there was a clear recognition of the immediate impact of these transformative changes upon their daily lives, which will be explored in turn.

The establishment of a centralised and reorganised administrative system

On January 1st, 1972, those who staffed the Assize and Quarter Sessions courts were faced with a new organisational structure that had been imposed upon them with little

information or consultation (Osmond, 1971, p.5, p.8). Respondents noted that the crucial difference with the new system was the formation of a nationalised and unified service and a new hierarchy within which they operated. Michael McKenzie was Deputy Clerk of the Peace and Clerk of Indictments²⁶⁹ at Middlesex Quarter Sessions in 1971 just prior to the birth of the new Courts Service. He discussed having to acclimatise to the new structure with new levels of management and new processes of reporting and accountability:

Suddenly we had this overarching management frame which we'd never known before. And I, for example, was at Middlesex, all that I had above me, even as Deputy Clerk of the Peace, was the Clerk of the Peace... But there was nobody above us. Suddenly now, in the South East which encompassed London, there was a Circuit Administrator, and with respect, knew absolutely nothing about the way criminal courts worked... There was also, in each of those Circuits, a Deputy Circuit Administrator... underneath him at the courthouse itself was the Courts Administrator. Suddenly this lovely phrase, the Clerk of the Peace was gone and he was now called the Courts Administrator and underneath him the Deputy Courts Administrator... And all this was new... But how did my job as a clerk of the court change? It didn't. I still did exactly the same job. The law hadn't changed, the criminal law. But the management had changed and we now had these overarching strands of managers we'd never heard of before who had a role to play. And somehow, coming out of being independent in the way we ran our court, we were now answerable to somebody who didn't even sit in that court. He sat in a building in the Strand somewhere or in another city, and you only saw him when he came on one of his visits to the court. So it changed in a management role but not in a day to day way... It certainly wasn't easy because you can't help but feel, when you know the background of the ultimate manager, the Circuit Administrator...how could he report on our efficiency if he didn't know what was expected? And to have, sometimes, to explain to somebody to whom I was responsible, what to me was obvious...was quite frustrating.²⁷⁰

Michael grappled with managers who lacked experience and knowledge of the administration of the criminal courts. This is not surprising considering the rapid expansion of the Lord Chancellor's Office. Michael added, 'the Civil Service didn't really know how to cope with this new phenomenon of all the courts...the Lord Chancellor's Office was only small, tiny...but suddenly it's responsible for criminal justice courts across the country.'²⁷¹ Mulcahy (forthcoming) and Woodhouse (2001) have similarly conveyed the magnitude of the task that the Lord Chancellor's Office had

undertaken. In 1960, for example, there were only 13 staff, and senior officials were lawyers rather than administrators. Yet within a few years after reform, the small Office was transformed to a large government department that employed more than 10,000 staff throughout England and Wales. It naturally took some time before the Lord Chancellor's Department gained expertise regarding the day to day operation of the courts (Mulcahy, forthcoming).

In hindsight, Michael acknowledged the benefits of the new system and believed that the development of a streamlined Courts Service enabled vital information to be collected and analysed. He explained:

Of course with...Civil Service involvement there is always more work... because Civil Service Departments, and I'm not critical of it, they want returns. They want to know how many cases, how long on average are you waiting, how long are you waiting before you tax a bill, what's the average payment of a three day trial to a prosecutor or to a defender? And you've got all these figures you have to be doing... I didn't have any problem with that because it...gave me tools that I could use, not against people, but for efficiency.²⁷²

Michael's comments are consistent with other research that highlighted the Lord Chancellor's Department adopted a management-focussed approach (Woodhouse, 2001, p.48; Rock, forthcoming). His observation about being given tools which increased efficiency chimes with the emerging vision and ideology of the time which espoused 'efficiency, effectiveness and economy' in the delivery of justice (Rock, forthcoming).

Reflecting on the impact of centralisation, Judge Christopher Barnett held the view that a much more cumbersome bureaucracy was created, in tandem with a 'loss of the personal element' (Millennium Memory Bank, British Library, 1999).²⁷³ He gave the example that if a QC who regularly attended Quarter Sessions at the Ipswich Town Hall couldn't appear in court, he would *personally* appoint someone, who might be from his own chambers, whom he could trust to do the work. Judge Barnett depicted the Assize system as a series of 'small local outfits that had their own *esprit de corp* and a very experienced clerk' (Millennium Memory Bank, British Library, 1999). Similarly,

Michael McKenzie conveyed a sense of loss in becoming a civil servant and being subsumed within a much larger and more impersonal organisation. He commented:

I think what was lost for my part was the personal pride in...my own court... We became sort of amorphous civil servants who didn't have the same independence who could *affect* and *effect* the way things worked.²⁷⁴

***The recruitment of Crown Court clerks to the new system
and opportunities for promotion***

The reorganisation of the system saw a huge influx of staff to the new Courts Service, and those who were appointed to manage and clerk the new Crown Courts came from a variety of employment backgrounds. Yet to maintain the system it was imperative that employees were recruited who had prior experience in criminal court operations. In advance of the implementation of the new system, the Lord Chancellor's Office issued a memorandum that laid down 'the special arrangements for the recruitment of staff', the application process, and terms, conditions and benefits, and explicitly encouraged those who worked in criminal courts to apply to the new Courts Service (1970, p.6).²⁷⁵

Considering the urgent need for staff who were experienced in criminal courts, it is not surprising that the new personnel were largely drawn from people who already worked in the Assizes and Quarter Sessions. Yet for a proportion of them, their position within the new Crown Court was different. For instance, in the old Quarter Sessions Courts, particularly in the North, the clerk of the court was legally qualified, and usually a solicitor or articled clerk from the Clerk of the Peace's office. They assumed the public speaking role in court, read the indictment, and liaised with the judge on sentencing. In addition, another non-legally qualified court official sat by their side in court, recorded the pleas and sentences, prepared case files, facilitated the processing of case papers, and substituted for the legally qualified clerk if they were absent. When the Crown Court was established, many of these non-legally qualified court officials became court clerks themselves. However, there does appear to have been some regional variation in this regard in that certain Quarter Sessions courts were already administered by non-

legally qualified clerks. For example, Middlesex Quarter Sessions operated six courts and was clerked by both legally and non-legally qualified clerks. In addition to those who transferred directly from the Assize and Quarter Sessions courts, others entered the system anew or came from the County Courts and had no knowledge of how the criminal courts worked.

An anticipated theme that interviewees raised was that the new administrative framework offered them opportunities for promotion. This was a core aspect of the design of the new Courts Service. Rock (forthcoming) has told us that those who conceived of the new system explicitly intended that it would 'be attractive to the men and women engaged in it through the provision of suitable rewards and career advancement' (forthcoming). Speaking to this theme, Raymond Potter stated:

One advantage of the new structure was that *there was a structure* that could lead to promotion which was lacking in the Assize system. And those of us who had ambitions were pleased for this possibility. Someone could apply to be considered by a Promotion Board for the next step up.²⁷⁶

Trevor Hall, who clerked in the North of England, elaborated further on the opening up of new opportunities, as well as the differences between being employed by a centralised Civil Service compared to a local authority. He reflected:

I found, and I think most people found, that the difference between local authority and the Civil Service was that the system for promoting and reporting in the Civil Service was far greater than whatever existed in the local authority...[Civil Service] headquarters were in London, [and our] local office was Leeds, then Newcastle. Then we were one step removed... from the higher echelons, whereas in the local authority everybody was in the same building... I think that you knew who was in charge of you at local authority on a much more personal basis than you ever did in the Civil Service... But overall I think the fact that there was a proper reporting system and a proper chain and structure in relation to a Promotion Board system, I think it was a much fairer system.²⁷⁷... I could see it as progress in one sense because... County Court staff could come across to the Crown Court, [and] conversely the Crown Court staff could get another string to their bow by going across to the County Court. So you know, it was a bigger ball park, and you weren't just limited in how far you could go in an office of seven or eight... The whole country was your oyster then, so it had that advantage.²⁷⁸

The new system also enabled experienced court clerks to be recruited and promoted to the newly created post of Chief Clerk.²⁷⁹ Each Crown Court was overseen by a Chief Clerk who was responsible for summoning, excusing and paying jurors;²⁸⁰ requesting the number of judges the court required; writing staff reports for the Higher Executive Officers; managing and training new staff; as well as drafting indictments and allocating the court lists. Three interviewees, namely Raymond Potter, Bill Young and Tom Brown, were appointed Chief Clerks of Bristol, Newcastle and Durham Crown Courts respectively.²⁸¹ Raymond Potter remembered:

Setting up a new Crown Court was a whole new artform. Nobody had ever done it before. Up and down the country we were all struggling to do our best and make it work, and it did work.²⁸²

It is clear from respondents testimonies that they perceived radical reform entailed confusion, frustration, and a sense of loss. Yet it also offered unprecedented opportunities for promotion and career development.

The ending of the itinerant Assize lifestyle

In its evaluation of the problems with the Assize system, one of the major issues that the Royal Commission Report highlighted was the unrelenting burden on the Clerk of Assize and his staff who had to travel from one Assize town to the next, and continually assemble and disassemble court offices (Royal Commission, 1971a, para 80, p.38, para 229, p.110). As an illustration, when he became Clerk of Assize for the Western Circuit, Francis Yeatman (2000) wrote that some 17 or more heavy wooden boxes needed to be ‘manhandled across the train lines by the porters’ (p.216). He noted that he replaced the wooden boxes ‘with wicker baskets rather like theatrical dress baskets but smaller’ (pp. 216-17), and also some time later, that a lorry was used to transport all the Circuit luggage (Yeatman, 2000, p.217).

The fact that many courts were difficult to access was another factor that was reported to compromise the quality of justice being delivered. The Clerk of Assize and colleagues spent an inordinate amount of time travelling to remote Assize towns. Raymond Potter, who was the sole interviewee who worked in the Assize courts as a Circuit Officer or Deputy Clerk of Assize, gave a flavour of life on the road along the Western Circuit Assize route:

At the end of the Assize [in a] town...everything was thrown into the wicker baskets in a heap...all the papers, all our wigs and gowns, all the other documents, the poor old battered typewriter we used, no technology at all, and off we would go in the back of this van to the next town. And when we got to the other end we dug it all out again and tried to sort out where everything was and start again. So we were very much living life like a travelling circus you could say, in many ways, you know, from town to town.²⁸³

The introduction of the permanent Crown Courts meant that the peripatetic lifestyle of court clerks came to an end, and for some there were losses associated with this change. Raymond confided that he had enjoyed the camaraderie and support of co-workers that were integral to Circuit life. He recalled:

Most of the time, I mean, we were all staying together in hotels. So we not only saw each other at work all day, we sat and had a meal together in the evening, and went out for a glass or something in the evening as well. So we were a very close-knit group of people, and one obviously relied upon those colleagues as friends.²⁸⁴

Yet Raymond also reflected that, in hindsight, frequent travel meant that he wasn't able to spend as much time with his wife and young son as he felt he ought to have done, nor was he able to meet or socialise with people locally because he was away so often.

Reflecting upon the Assize system, Raymond also brought up the issue of the variable state of the buildings that were used for courts. This was another major concern expressed by the Royal Commission Report which deemed many courts inadequate and unacceptable. The picture of the building stock that emerged with the Royal Commission Inquiry was that many courts were neglected and shabby, in a state of 'archaic squalor' (Royal Commission, 1971a, para 67, p.34), 'obsolete and grimy' and a

‘disgrace to the bodies which own and maintain them’ (para 109, p.47). There were further criticisms of court venues with ‘no waiting rooms, no consulting rooms, no refreshment facilities, and with toilet facilities which were disgustingly unsanitary’ (Royal Commission, 1971a, p.47). It was common to see ‘accused persons, litigants, witnesses, jurors, police officers, and even solicitors and counsel conferring with clients, all jostle together in embarrassing proximity in halls and corridors’ (Royal Commission, 1971a, p.47). The Royal Commission (1971a) reported that venues which were used for other purposes than courts:

...far from providing any elements of comfort, may well be stacked with the paraphernalia associated with other uses of the building, such as dismantled staging, parts of a boxing ring, or the music stands of a brass band contest (p.47).

Corroborating this assessment, Raymond noted that conditions depended upon the extent of local investment in their court buildings. He described arriving at a town and creating a temporary court office, irrespective of the state of the building:

The office on the Assizes was any office space you could find. You would come to a town, you’d have a court building, you may or may not have rooms that were suitable for working in. Some were more primitive than others. You unpacked the wicker work baskets, got the ancient typewriters out, and set the system up in that office and that was it... primitive accommodation to a greater or lesser degree on the Assizes, depending on the antiquity of the building you were occupying. Because you were only birds of passage. You had no sort of office structure in the building itself.²⁸⁵

By way of contrast, Raymond stated that the Crown Court housed a ‘properly organised modern office with all the various facilities’ and provided ‘a sense of continuity and stability.’²⁸⁶ Michael McKenzie echoed the difference in the provision of court accommodation pre and post reform:

So far as buildings were concerned... we used to sit in the Town Hall in Brighton and we used to take over the courtroom. It was a courtroom but it had been built many, many, many, many years before for the magistrates to sit in and we used to take that room over, that courtroom, and use it as Quarter Sessions. I can’t recall now, the magistrates must have been shoved off to some other room somewhere. But there was no – we had no building, no identity. My office was in a, in a shopping centre across the road, you

know, there was no structure like there is now. The Crown Courts have been built now specifically for the purpose. In those days we just seemed to muddle along.²⁸⁷

Raymond and Michael's comments about the new Crown Courts were not surprising considering that providing adequate court buildings and facilities were central to the development of the new Courts Service (Mulcahy, forthcoming). Naturally, the new court building programme took time to be completed and change did not take place immediately. The first fully operational Crown Court complex opened in 1980 in Leicester, which was 10 years after the publication of the Beeching Report. As an indication of the scale of the court building programme, Mulcahy (forthcoming) stated that the government allocated extensive funds 'with annual expenditure peaking in 1993 at £109 million' (Mulcahy, forthcoming). Moreover, by 1995, 76 Crown Court schemes, with an additional 252 courtrooms, and 33 County Court schemes were completed, and 21 further projects were underway (Mulcahy, forthcoming).

Diverse reactions to the abolition of the Assize and Quarter Sessions courts

Interviewees recollected that the abolition of the ancient Assize system provoked intense and divergent reactions. This was also an expected finding and consistent with Rock's (forthcoming) discussion of the polarised views of 'conservers' who were attached to notions of history, tradition and custom; as opposed to 'reformers' who advocated progress, modernisation and breaking free from archaic and inefficient practices. An evaluation report about the implementation of the new system documented that staffing problems and negotiating regrading and salaries provoked feelings of ill will, resentment, and poor morale, and that these were the main sources of difficulty in the reorganisation process (Osmond, 1971, pp.5-6). Michael McKenzie expressed that in the new system he was classed as a Senior Executive Officer which did not reflect his level of experience or responsibility. While no other respondents remembered that their grade or salary in the new Courts Service was a problematic issue for them, they still recalled feelings of insecurity and resistance to change. Raymond Potter recollected that in the early days before it became clear what the new system might offer:

...everybody was very anxious about what the future was to be, and from the staff side we all knew our jobs would come to an end... We weren't sure what was going to happen to us.²⁸⁸

Other respondents similarly expressed their feelings of 'fear of the unknown', as well as excitement, and curiosity. John Brindley conveyed both his respect for the 'traditions of the past' and the necessity for reform, as he saw it:

Those people who were directly concerned with, or employed in the Assize system and Quarter Sessions felt very resentful about the changes and that's...only natural. And they felt a good deal of tradition was being swept away needlessly and new centres were being suggested in towns that didn't merit that distinction. So there was some backlash from the system itself but...the arguments for change were so strong, in fact, the system was on the point of breaking down in some parts... You could also nod towards the traditions of the past but produce a system that would more directly be appropriate for the modern conditions... So it was, many of us thought, a change that was just in time.²⁸⁹

Other respondents who clerked in Quarter Sessions courts were not aware of the pressures that the system was facing. They had recognised that more cases were entering the court, and that the number of days of each Quarter Sessions were being extended. But they thought that their courts worked effectively and didn't feel that reform was warranted. David Hoad spoke of his deep sadness about the ending of Bournemouth Borough Quarter Sessions and proudly produced the original document from 1971 that officially marked the end of the Court and still held great sentimental value for him.

As demonstrated above, interviewees' accounts confirmed a number of anticipated outcomes of the Beeching reforms. Importantly, they emphasised that when the Crown Court was first established, their clerking duties in court essentially remained the same. Despite the overhaul of the old structure, this is a predictable response because reform centred on the reorganisation of the administrative system rather than court procedure. However, a much more surprising discovery to have emerged from respondents' testimonies relates to the longer-term impact of centralisation. It is notable that a series of progressive changes significantly altered the court clerk's day to day work in

subsequent decades which were only able to be brought about because the justice system had come under central government control. These shifts can be conceived of along the lines of two interrelated themes, namely the ‘deskilling’ and ‘depersonalisation’ of the court clerk’s work.

The deskilling and degradation of the court clerk’s role

The most adamant and recurring statements that interviewees made were that the court clerk’s role had been ‘downgraded’, ‘diminished’ and ‘eroded’. Probed in interview to expand upon what they meant by these assertions, respondents spoke about the removal of the key tasks of drafting indictments and determining barristers’ and solicitors’ fees from their remit. In addition, they stated that the court clerk grade was downgraded from Higher Executive Officer post, to that of Executive Officer, with a substantially lower salary.²⁹⁰

The concept of the downgrading or degradation of work roles is not new. This theory was put forward by the Marxist and political economist Harry Braverman (1974) who asserted that within industrial capitalism there is an inherent ‘degradation imperative’, whereby work is progressively deskilled and degraded.²⁹¹ There appears to be a distinct parallel here between Braverman’s (1974) thesis and court clerks’ lived experience of the degradation of their work. Prior to the Beeching reforms, local authorities exercised a high degree of autonomy in how they managed and administered the Assize and Quarter Sessions courts. Within this localised system of justice, the court clerk could be likened to a ‘jack of all trades’ who held many different responsibilities and duties. However, since the shift towards the centralised administration of justice, the system became increasingly streamlined and specialised, and some key elements of the court clerk’s work were taken away, specifically drafting indictments, and assessing and determining barristers’ and solicitors’ fees.

Braverman (1974) noted a similar trajectory of the reduction of skills and duties of the work of the office clerk. In the nineteenth century the office clerk’s role was multi-

skilled. They exercised a high degree of control over a range of office processes, such as record keeping and scheduling, and they held a position of status and responsibility. Yet during the twentieth century, Braverman (1974) claimed, the dual processes of scientific management and mechanisation have reduced office work to more automatic activities akin to ‘the meatpacking line, [or] the car assembly conveyor’ (p.301).²⁹² It is important to point out that unlike Braverman’s (1974) capitalist, profit-driven model, the Courts Service, as part of the Civil Service, is not geared towards maximising profit. Nevertheless, the Courts Service does operate according to an economic imperative to make best use of public funds, reduce costs and optimise efficiency. The following sections will look at the processes that led to the deskilling and downgrading of the court clerk’s role.

Drafting indictments

The indictment was a vital document in each criminal case in that it listed the charge/s and described the particulars of the alleged offence/s. Fourteen respondents spoke at length about drafting indictments which they regarded as one of the most interesting and complex features of their job. Leonard Dolphin explained that the process of drafting indictments involved reading through ‘the committal bundle’ which was a file that contained all the witness statements; identifying the alleged offences that had been committed; and writing up an indictment with the relevant offences.²⁹³ *Archbold Criminal Pleadings* was an instrumental aid in drawing indictments which interviewees referred to as their ‘bible’. Depending upon the offence/s the defendant was charged with, for example, burglary, fraud or drug offences, the court clerk would look up the relevant section in *Archbold* which spelled out the particular wording of the indictment and examples of the evidence needed to make a charge. Geoff Walker noted the assiduous attention to detail that drafting indictments required:

I know the care that used to be taken in drafting indictments. It really was a bit of a painstaking process to make sure that you got it absolutely spot on... It was a big deal drawing an indictment... go[ing] through the charges and... making sure you were getting the right charge from the paperwork.²⁹⁴

Leonard Dolphin underscored the importance of this responsibility:

It was really something that made the court clerk's job a lot more important, I felt anyway, and I think most people did. It was a significant thing that you were doing. And you really had to be able to analyse all the evidence that was in the statements. You could understand why it probably should have been a barrister that was doing that sort of thing... But it was a very important part of the process and it was quite prestigious for us court clerks to be able to do that, and that was my feeling of it. And I really quite enjoyed...challenging myself to be able to look at these cases and understand from the way that the police had taken witnesses through their statements, what exactly it was that had happened, and how it should be charged, because the police charged the defendants, so I knew what the police had charged at the outset. But that wasn't always what ended up on the indictment because quite often they used to get it wrong. The charge wasn't matched by the facts in the case.²⁹⁵

Bill Young highlighted the sense of power and control he felt in creating a document that was critical to a case:

That sort of thing quite fascinated me, the make up of indictments and charges and the fact that we had, sort of control of what the charge would be as well, you know. The police charged them with something, but if we decided that they'd got it wrong, in our eyes, we would amend the charge... I suppose it was a sense of power.²⁹⁶

Shirley Hill described the intricacies involved in drafting indictments and potential implications. She emphasised that the onus was upon the court clerk to list alternative counts if possible. As she elucidated:

When you knew you had the responsibility of drafting the indictment...and you were signing it, you felt the burden because if you put the wrong charge on there, then you could give somebody an out... Well, if you charge somebody with 'wounding with intent'...then the prosecution had to prove that there was an intent to wound. If you put the indictment 'wounding with intent' with an alternative count of 'unlawful wounding' then you gave the jury an alternative. If you don't find that he's had the intent to cause really serious harm but he has actually physically caused the harm then you can go to the second one [charge]. So if you just drafted the indictment as 'wounding with intent' and you'd missed out the 'unlawful wounding' as the alternative, the alternative but lesser count,...then it meant that if the prosecution weren't satisfied of an intent they had to find him 'not guilty' but there was no alternative count... So you had to try and put an alternative

if an alternative could be there. You had to try and put it in because that was your responsibility.²⁹⁷

In 1986, an independent, centrally administered system of prosecutions, the Crown Prosecution Service (CPS), was set up chiefly to remove the entire prosecution process from police control (Khan, 1986; Devine, 1986; Bartle, 1987).²⁹⁸ At the time, it was reported to be ‘a highly desirable provision’ and a welcome development in the English criminal justice system (Khan, 1986, p.301; Samuels, 1986, p.432). In debating the Bill in the House of Lords, The Rt. Hon. Lord Denning stated:

On the central proposition that there should be a division between the investigatory process (which is to be conducted by the police) and the prosecution (which is to be conducted by a solicitor with training looking at it impartially), there is no doubt whatever that the...Bill is right in saying that there should be a separation.²⁹⁹

Shortly after its founding, the CPS took over drafting indictments. Most interviewees recollected their considerable disappointment about losing this responsibility and remarked that the court clerk’s role was diminished as a result. Yet Michael McKenzie offered a different perspective. He discussed the awkward position he found himself in as a purportedly neutral court official, responsible for drafting indictments. This links to the prime reason that the Crown Prosecution Service was established, namely, to create an independent prosecuting authority. Michael expounded on this dilemma as he saw it:

I felt it very difficult sometimes to feel that I was neutral. For example... I would find myself saying to the prosecutor, ‘This is a burglary, this charge. I’ve drawn the indictment. I’ve drawn a burglary count but because there is some doubt about when he came into possession...of the property I’ve added a receiving count, a handling stolen goods, so that he can’t say, ‘Well I didn’t burgle. But somebody pushed them in my hands just as they ran away and I hadn’t got time to hide them. OK I’m guilty of receiving stolen goods but that’s not what I’m charged with. I’m charged with burglary so you’ve got to acquit me.’ So I would find myself saying to the prosecutor, ‘I’ve added a count to block that weakness.’ And there came a time when I felt it was quite wrong for the court, which is supposed to be neutral... [to be] blocking the weaknesses in the prosecution case... I’m not part of the prosecution. But I wouldn’t be doing my duty in accordance with what the bar would expect and the judiciary if I simply ignored it and charged the one burglary. So that was a need for change I think. To put the balance... where it should be, namely, on the prosecution.³⁰⁰

A Review of the Crown Prosecution Service in 1998, just over a decade after its establishment, reported on its 'real achievements' and recognised the CPS as 'a national and independent organisation operating in accordance with a Code for Crown Prosecutors and contributing to the formulation of Government policy on criminal justice' (Review of the Crown Prosecution Service, 1998). In addition, the Review acknowledged that some of those who worked within the justice system had been significantly affected by the introduction of the CPS. In particular, it referred to the tensions that had been created between the CPS lawyers and the police because once the police had charged a defendant and passed on the respective case to the CPS, the CPS had the power to decide if there was sufficient evidence to justify a charge and whether to discontinue or to charge a lesser offence. Moreover, the Review noted, '...it does not seem that the establishment of the CPS greatly affected the working of the courts' (Review of the Crown Prosecution Service, 1998). The impact of the CPS on court clerks was not recognised in the Review. However, this study has discovered that its establishment did significantly affect their everyday duties. From the point of view of most respondents, being divested of this responsibility took away a crucial part of their work. As Tom Brown expressed, '...the biggest change for me was not having to draft the indictments. That's the important thing in the court... I enjoyed drafting...it had been taken out of my hands.'³⁰¹

Assessing and determining barristers' and solicitors' fees

A second major change to the court clerk's role concerned the payment of barristers' and solicitors' fees. One of their core duties was to assess the claims that barristers and solicitors submitted to the court.³⁰² Court clerks determined whether claims were fair, equitable and correct, and allowed or reduced them accordingly. This procedure was known as taxing the bills or taxation of costs, and fees were paid either from central funds for the prosecution or legal aid for the defence. Barristers and solicitors who were dissatisfied with the court clerk's decision would first challenge the court clerk themselves or via the barrister's clerk. If they were still dissatisfied they would appeal

to the Taxing Masters, who later became Costs Judges.³⁰³ If a claim was appealed, the court clerk would submit written reasons which justified their decision to the Taxing Master who was the final arbiter on the matter. Many respondents discussed the enormous effort they invested in preparing written reasons for their taxing decisions.

Shirley Hill elaborated:

It was the appeal process that they [counsel] could go and have a hearing before the Costs Judges but you [the court clerk] couldn't. You couldn't be there so your reasons had to be your reasons in writing, and...that's the only opportunity you had to put your side of why you'd done what you'd done... We thought that was awful. Well, everybody that I spoke to thought it was diabolical because you never got a fair hearing... The barristers...they're advocates!... So you're arguing in writing against an advocate who's going to turn up in person because it's money, it's his fees. It's the same with solicitors. They're advocates, you know, and it's all money related... There was an awful lot at stake... You'd spend hours and hours, and I did spend hours and hours on me written reasons. I mean, some of them were, you know, that thick with addendums and things... You can go up to £60-70,000 for some of them, total claim. Well, I have a couple over a million, but you're talking about half a million for one case, for one solicitor... You'd sweat blood over them... That was annoying. I mean occasionally you get some wins. I mean, I've had some wonderful wins...and you feel good about it, particularly when you know that people are trying to pull the wool over your eyes and you're not having it... Very, very occasionally you got a complete win and you felt great and everybody else rejoiced with you because it didn't happen very often at all... All the court clerks...we would share everybody's triumphs and disasters... The responsibility you had for the money was much more important than the responsibility you had in court.³⁰⁴

Shirley's awareness of the high stakes involved in taxing the bills and dealing with public money was reiterated by others. Trevor Hall regarded court clerks as 'custodians of the public purse'.³⁰⁵ And Ron Churcher discussed the complexity, skill and artistry involved in taxing very high cost cases:

The biggest bill I ever taxed was just under a million. My colleague, Peter, the biggest one he ever did was damn nearly two million. Now you don't do that in five minutes. There's a heck of a lot of work involved in doing that. I'm talking months, months of work to do that. I used to enjoy that. It was tricky, it was concentrated. You had to know the case backwards. You had to be able to argue that case because if you taxed a bill [and] the solicitors didn't like it, they could come before me and they could argue why I was

wrong and they were right... That was good. That required a fair degree of skill. It was a combination of art, being artful, you need to be skilful, and understanding, and actually knowing what you are doing, and knowing what the case was, knowing how important it was, and being aware of the work which the solicitor had to do and the responsibility which he had to accept. So it was quite fun but quite tricky and quite difficult. But it was a phase of my professional life which I enjoyed.³⁰⁶

Ron's comments about enjoying taxing the bills were typical. Although their dealings with barristers and solicitors concerning the bills could involve conflict, interviewees described their interactions as 'all in good spirit' and 'in good faith'³⁰⁷, and there were generally no serious altercations over the bills. In a similar vein, David Dawson thrived on the intellectual stimulation of taxing bills and negotiating directly with barristers. He offered insight into the dynamics between courts clerks and barristers and solicitors in relation to the bills:

That, I found was intellectually stimulating because you were dealing with very bright people and particularly with the QCs...who were well trained in the arts of convincing people that their case was the right one and so you had to know what you were talking about... For me that was the best part of the job because it really did stimulate you. You were stimulated by the cut and thrust, if you like... There were a minority who treated you like you were something the cat had dragged in, you know, you were just a civil servant... The vast majority...recognised you as doing a job which needed doing, and that we weren't doing it spitefully because, 'Oh you're earning considerably more than us and therefore we'll cut your earnings.' You had a reason for doing what you did but if they think you might be wrong...they can argue the case. And so they were respectful, but forceful...and that applied to solicitors as well.³⁰⁸

As these commentaries demonstrate, assessing and determining barristers' and solicitors' fees demanded a number of high level skills. Court clerks were required to interpret legal regulations, and clearly articulate and defend their reasoning, both orally and in writing. Furthermore, they were presenting their arguments to experts in legal interpretation and advocacy who held far greater authority and status than themselves. For these reasons they felt it was essential 'to know the case backwards' and to be able to appropriately stand their ground under pressure and scrutiny.

The considerable degree of autonomy and discretion that court clerks held with regard to taxing the bills saw a series of dramatic changes from the late 1980s. This was due to a series of legislative reforms to legal aid which sought to achieve greater uniformity of payment and cost control, as well as to predict expenditure in publicly funded criminal work. Although legal aid reforms have not been thought of as part of the Beeching reforms, they were able to be implemented because the new system was under centralised control. The first of these reforms was the introduction of the Standard Fees Scheme in 1988 which set standard costs for certain types and lengths of cases.³⁰⁹ Then in 1997 the Advocates Graduated Fixed Fees Scheme abolished Standard Fees and laid out the taxation and payment of legal aid fees for advocacy and preparation of the majority of Crown Court cases.³¹⁰ This scheme was revised in 2001, and integrated and equalised the payment of prosecution and defence advocates fees for Crown Court work. Graduated Fees were extended to cover most of the work except for the Very High Cost Cases bracket.³¹¹

Court clerks who were experienced in taxing the Very High Cost Cases were taken out of the courts to assess and determine costs full-time. Four of this study's interviewees became taxing officers, as they were known, and concentrated wholly on the taxation of costs. Court clerks who remained in court were then left to deal only with Graduated and Fixed fees. This involved simply checking the claim against the case file and the amount the practitioner was entitled to, and then authorising it. For court clerks, the cumulative effect of these reforms to the fees meant that their previous autonomy and judicious assessment were severely limited. What were their reactions to the various legislative changes that had minimised an integral part of their role? Many remarked that taxing became much more 'mundane' and 'automatic'. Geoff Walker described the difference between taxing the bills prior to Graduated and Fixed Fees and afterwards. He voiced the loss he felt about the curtailment of one of the most interesting aspects of his work:

It was a challenge and it was a challenge to stick to your guns if you thought you were right as well, because if they didn't agree with what you said they would always take you to the Taxing Master in London where you would nearly always lose...but you wouldn't always lose. I scored some victories over the years anyway... It was one of the more interesting things that you

did, going through a case and just seeing how much work had gone into it, and what they thought they were worth, and what you thought they were worth. And it was also quite interesting on occasions, having a bit of argument with them, you know. It was a bit of a loss, I'll put it that way. A lot easier doing the other [Fixed Fees] but it just felt like a little bit of the responsibility you had had gone. And I think whenever you lose a bit of responsibility a little bit of your job's gone, you know? And you're working more by rote aren't you?... So it's always a bit of a shame.³¹²

Respondents had personally enjoyed the challenge and stimulation of taxing bills with greater discernment before more standardised measures were put in place. But a few also believed that the reforms resulted in greater efficiency because they were able to process claims much more speedily. Karen Hazell gave the example that in a busy Crown Court like Winchester, up to 100 claims were able to be processed each week which she found very gratifying. Some interviewees felt that the Fixed Fees system was more equitable and accountable. As Irene Elliott stated:

I think it's a better system, Fixed Fees... from the public point of view and the public purse, and the money we're spending on legal aid. I think it's a much more accountable system... Personally I think it's a fairer system because as a court clerk if you were taxing the bills, as it was called, I could say, 'Right, this bill's perfectly reasonable,' [and] pay it. But a colleague might look at it and think, well they've taken taken too long on prep. So depending [on] the luck of the draw who you got taxing your bill you could be better or worse off. Well, that can't be a fair system can it?... It's got to be a more fixed system when you're talking about public money.³¹³

In 2010-11,³¹⁴ a further decisive shift occurred concerning fees when the Legal Services Commission³¹⁵ removed the entire administration of legal aid costs from the courts. Since then, court clerks have no longer had any involvement in taxing. Respondents claimed that the new processes for the payment of costs in the hands of the Legal Services Commission, now the Legal Aid Agency, have become even more bureaucratic, laborious and lengthy. Interviewees explained that the problem with removing taxing from the courts to a centralised office is that the people who were then authorised to process the claims had no knowledge of the cases. Consequently, they were continually querying and returning claim forms to the court, and contacting court clerks when they needed further information. This increased delays to payment and created extra work that the court clerk would have been able to resolve much more

directly and quickly.³¹⁶ This situation flags up aspects of centralisation that were problematic, and raises the importance of knowing and understanding the respective cases and parties involved. As Jim Reid articulated:

It's changed a lot over the years and a lot of the discretion that we had has disappeared now... But in those days the court clerks who invariably did the cases taxed the bill of that case because who was in a better position to know? Who had made all the notes on the inside of the file? Who'd made a note that Mr Jones had nipped out for three and a half hours to go and do another case? Now that would probably be missed if you sent it to somebody else to do, so they would say, 'Oh well Mr Jones was there Monday, Tuesday, Wednesday, Thursday, Friday, that's five days.' But if you were actually in court you'd be saying, 'Oh no he doesn't. He gets four and a half days because he was out three hours doing something else.'... In my day you did all the taxations, the prosecution, the defence, the solicitors. You did the lot... There were some guidelines but there was, in those days, a lot more discretion, and as I say, it was something that you valued because you knew you had parameters but you also knew you had scope. Whereas now I'm not so sure you either have parameters or scope. It's sort of, so sanitised now...the work, of course, goes to the Legal Services Commission.³¹⁷

Jim's comments draw attention to the implications of removing the taxing process from the court in which the associated case took place and from those who clerked it. In addition, according to Jim, being entrusted with a considerable degree of discretion went hand in hand with personally investing in, and valuing that responsibility. (This relates to the issue of the depersonalisation of aspects of the system which will be explored later in the chapter.) Since 1988, the court clerk's responsibility for assessing and determining barristers' and solicitors' fees was progressively decreased and then removed entirely. Consequently, withdrawing the task of taxing the bills from the court clerk's duties can be seen as a further step towards the erosion of their role and responsibilities.

Computerisation and digital communication technologies

Higher level and more specialised skills that were previously demanded of court clerks were replaced by more mundane and simplistic tasks. This process was exacerbated by

the installation of computerisation and digital communication technologies in the Crown Court over the past 25 years. A number of interviewees believed that the introduction of computerisation in the Crown Court was one of the most striking innovations in their working lives. Of course, the use of technology and digital communication is an issue that extends far beyond the justice system. In the past quarter of a century, our society's institutions, working patterns and social lives have been dramatically influenced by rapid technological change.

This study's respondents discussed how they personally felt about the increasing use of computers in the court. The majority perceived the installation of computers in courtrooms as a sign of progress that brought the courts into the twentieth century. Yet many also described the challenge of learning how to operate new computer systems and struggling with a completely novel mode of working late in their professional lives. Their experiences were mirrored in other research that has recognised that a proportion of people have had difficulty acquiring computer skills later in life, in comparison to a younger generation who were proficient with computers either before or at the beginning of their careers (Baldi, 1997, pp.453-54). Studies have found that older adults require a significantly longer period of time than younger adults to learn to use computers, primarily due to a slowing down of perceptual and mental processes, and have emphasised the importance of appropriate computer training and methods tailored to the needs of older people (Jones and Bayen, 1998b, p.686; Mayhorn et al., 2004, p. 198-200; Baldi, 1997, p.462-63).

The first information technology system, CREST, was installed in the Crown Court in 1992, and was used to track the progression of cases and to allocate cases to courtrooms (Burr, 2009). Yet CREST was limited in that it operated separately in each court location and was incapable of transferring data. This meant that court staff had to re-key data for every case that arrived from the Magistrates' Courts or moved between Crown Court locations. Then in 2006, in addition to CREST, a much more sophisticated, £20 million software system, XHIBIT (eXchanging Hearing Information by Internet Technology) was rolled out in Crown Courts throughout England and Wales.³¹⁸ XHIBIT aimed to enable police, prosecutors, witnesses and victims to obtain necessary

information about a case by text, email, pager, and on display screens in the court building, and to spend less time waiting to give evidence (Hoult, 2005). XHIBIT had various functions: it offered online, real-time information on the progress of hearings; recorded the outcomes of court proceedings; allowed instant messaging between courts; and linked Crown Courts and criminal organisations nationally.³¹⁹

With the installation of XHIBIT, court clerks began to record and update electronic court logs of all events that occurred during hearings, which they had previously handwritten.³²⁰ Before XHIBIT was introduced, the court clerk recorded the outcome of a hearing and then passed on this information to the Crown Court office 'After Trial' section to process the results. But then due to XHIBIT's capacity to record and process case results, the 'After Trial' section was made redundant. In turn, court clerks were issued with the task of resulting cases. Keith Harrison remarked:

Resulting on XHIBIT...[was] a whole new ball game, completely changed the work of a court clerk to the enth degree.³²¹... Losing taxations and determinations and taking on the 'After Trial' work and the computer has been the biggest change...by far, and to some extent it's the majority of the work now.³²²

Keith described his difficulty with resulting cases which was compounded by having to use computers:

The court clerks of my era...were not brought up on computers... And what you're doing now is, not only are you recording in court everything that's happened, when that has finished, you then have to result it on XHIBIT... My keyboard skills are not the skills of a 22 year old so I was slow on the computer. The complexity of resulting was a minefield...so I found that hard... That was probably the most difficult thing that I've ever found because it was new, it was computerised.³²³

Keith also pointed out that the resulting work had previously been done by court staff of a lower grade:

The resulting work that we do after we've been in court was always carried out by the Administrative Officer grade so...we are doing work of a lower grade than we were when I started, when we were doing in-court work in

taxing... A lot of the work is now of a lower grade than what it was in those days.³²⁴

The advent of the digital recording of court proceedings was another means by which technology rendered particular posts obsolete, and altered the court clerk's duties. In 2012, court clerks began to digitally record proceedings which was previously the function of various posts from manual shorthand writers, to Palantype operators, and then court loggers. Geoff Walker commented:

The problem is if anything happens with the equipment. The old shorthand writers by and large got everything right, but they didn't break down unless they were sick and then you could replace them. Unfortunately with the technology, if it goes down, it's down, and then you're stopped until it can be put back.³²⁵

The increasing reliance upon technology that Geoff speaks to was raised by others. Jim Reid noted the radical technological shift that occurred during his working lifetime. He also questioned the merits of the relentless drive to reduce costs and to seek technological solutions:

Systems change. And I go from a day when our shorthand writers had pens. And then they thought it was a bright idea to have it taped and we had big reel to reel tape recorders. Then they thought we need to get smaller tape recorders so we got smaller tape recorders.... Then we thought, why should we pay the shorthand writers?... Now it's all digital of course, done by the court clerk. Again, it's a way to save money but the machinery that they had to put in place would have kept god knows how many people employed ad infinitum... Could we have kept a lot more people employed for the same money? Probably... But that's the way things change... Everything was pens and pencils and cards... It worked perfectly well for generations. And then you...have to do it on a computer...the Powers-That-Be said that's what has to be done. So everything now is electronic.³²⁶

These accounts highlight the importance of examining the impact of technology upon our work processes and human interactions. Moreover, the ways in which technology empowers and disempowers people in different contexts; and how technology is increasingly supplanting jobs that were previously done by humans is pertinent to many diverse fields (see for example, Rotman, 2013; Brynjolfsson and McAfee, 2012).³²⁷ It is also worth noting that it is crucial to capture the voices of those who remember a world

pre-computerisation and digital communication for the historical record, before a way of life vanishes from living memory. And a number of this study's respondents bear witness to monumental changes that new technologies have brought to the court and beyond.

Live video link (live link)

The use of live video link (live link) in court was another innovation that increased court clerks' reliance on technology and considerably modified their day to day activities.³²⁸ Live link was a closed technological circuit and used in cases when a witness or defendant was not required to appear physically in the courtroom. Most commonly, live link was used to link to defendants in custody, or vulnerable and child witnesses in another room within the court building, or witnesses in other countries.³²⁹ According to reports issued by the HM Courts Service, the rationale for live link was to reduce the time and cost of transporting defendants in custody to and from court, and to lessen the intimidation and trauma of attending court for child and vulnerable witnesses.³³⁰

Scholars have investigated the impact of live link from a variety of different angles such as: on the sentencing process (Rowden et al., 2010); on defendants in custody and their ability to engage with legal procedures that take place remotely (McKay, 2015); and the emotional impact of child witnesses' testimonies given via live link on jurors (Goodman et al., 1998; Orcutt et al., 2001). Mulcahy (2008a) and Rowden (2015) have particularly examined the ways in which the distributed, virtual courtroom that is created with live link, disrupts the notion of the court building as the fundamental symbol and embodiment of justice, and in turn, potentially destabilises the legitimacy and authority of the law (Mulcahy, 2008a; Rowden, 2015).³³¹

Licoppe et al. (2013) have investigated the impact of live link from the perspectives of those who were responsible for operating the technology in some French hearings, specifically judges and ushers. In an effort to cut down prison transportation costs, the

French Government encouraged judges to use the video link equipment, and reluctant judges allocated the task to ushers. Licoppe et al. (2013) found that constantly attending to the equipment and needing to adjust the video camera and reposition the video frame to show the person who was speaking in the courtroom was an added strain on those managing proceedings. In addition, Licoppe et al. (2013) concluded:

They [judges and ushers] have to become ‘videoconferencing literate’, that is, to behave as producers, filmmakers and editors of sorts, who must articulate the video images they produce of the unfolding courtroom interaction on a moment to moment basis. When remote participants attend through a video link, the judicial hearing becomes a multimedia event that has to be monitored, staged and produced (Licoppe et al., 2013).

In Crown Courts throughout England and Wales, this responsibility fell upon court clerks. Just over half of this study’s respondents had retired before the video link system was introduced, but those who had used the technology described the ramifications of live link on court proceedings and their ability to administer the court effectively. Similar to Licoppe et al. (2013), they articulated the stress and pressure associated with live link. Valerie Jerwood’s comments were typical:

When I first started we had three courtrooms where you could put video links in, and it was a bit of an effort. You had three sets of equipment, one for the defence, one for the judge, one for prosecution, and you’d have to wheel it all in on a trolley, set it all up, plug it all in, and then the witness would be in a room...giving evidence through tv... So that was the first few years. And then when they put in a computer system they put in a complete system for video link through all the courts. Everybody’s got them. So you...use it for a vulnerable witness...like a child who doesn’t come into court to give evidence... Then the other way we use that system is to do court hearings so that the defendant doesn’t have to come to court physically. There’s a room, [a] suite, at prisons, and you link in to them and then you conduct the hearing over the link... But that causes a lot of problems. They do quite a lot of hearings like that because it obviously saves a lot of money...but quite often you can’t link up... It’s usually a technical link up problem. It’s just adds extra stress to the job because the judge is waiting to come in and the video links are timed so...you have a limited amount of time. So if you can’t get them and you start late...that is stressful. I always found that stressful. Firstly, because you have to be dealing with the computers and...it just makes me worried, anxious... anxiety about actually operating the blooming thing. And you have to move the camera too, you see, you move the camera, and when the judge is

speaking you have to put the camera on the judge... I'd say 50/50... maybe 60/40 it worked... It just was extra stress and I think we all felt the same... Then you'd get interference, there'd be feedback because someone had their mobile phone on and they couldn't hear what you were saying.³³²

Other respondents reiterated that communication barriers due to live link were very common. They explained that people often talked over each other when they were communicating via live link because of their reduced ability to read non-verbal bodily and interpersonal cues. David Dawson remarked that live link minimised the intensity and seriousness of the situation. He gave the example of putting an indictment to a defendant via live link, and the defendant responded, 'What? I didn't hear that. What?'³³³ David's comments support other research that has found live link altered the setting, tone and drama of hearings (Mulcahy, 2008a). The lack of clarity and impediments to proceedings that David described were the antithesis of the court clerk's chief objective to keep the court running seamlessly. Respondents prided themselves on their ability to clerk their court professionally, but they frequently felt compromised by technological mishaps. They bemoaned the burden of being at the mercy of equipment that was slow and susceptible to crashing,³³⁴ and the consequent pressure of keeping the judge and counsel waiting. As the clerk responsible for the court, they were expected to remedy the situation, yet they often lacked sufficient technological knowledge to do so and resorted to calling IT colleagues for assistance. Geoff Walker underlined the gap between the ideal and the reality of the use of live link in court:

Technology is a wonderful thing when it works... The video links are a really great idea. I mean they can be, they can save an awful lot of money, they can save an awful lot of time, they can save an awful lot of trauma for people... I think for general court work they're more trouble than they're worth... I mean, you always know that with top technology you're going to have problems, sometimes the cameras don't work... something goes off, happens all the time... But that's technology for you.³³⁵

Despite the frustration that using live link provoked, many respondents believed that it was beneficial for vulnerable and child witnesses. This opinion has been corroborated by other studies in this area (See for example, Goodman et al., 1998; Plontikoff and Woolfson, 2009, pp.85-86). However, even though interviewees recognised that live link often eased the distress of giving evidence for vulnerable witnesses, in certain

cases, they themselves actively encouraged teenage and older witnesses to give evidence in the courtroom from behind a screen rather than via live link (Mulcahy, 2008a, p.470). The key reason for this was to minimise the risk of disrupting proceedings. In addition, interviewees felt it was more difficult to maintain control of the courtroom and orchestrate proceedings when people were not physically present in the court building and they were unable to bring them to the courtroom when required. Rather than the court clerk making the decisions about when it was time to call on the next case, for certain hearings, they were obliged to link to a remote prison at specific times. Their difficulty was compounded by the fact that prison hearings were timetabled for 15 minute time slots which increased the pressure upon court clerks to link to the respective prison at the allotted time. Furthermore, live link required an usher to be present with a witness in the live link room and took away much needed staff from the courtroom. Karen Hazell admitted:

For selfish reasons I look at the use of court staff and...the reliance on the technology and I know that I'd much rather they came into court and used the screen because it's just so much easier.³³⁶

Technology is largely intended to speed up and simplify processes. Yet live link often seemed to complicate and impede proceedings, to the extent that court clerks would often rather avoid it where possible. Licoppe et al. (2013) made the point that some judges felt similarly and were reluctant to rely upon the equipment for their hearings. This study's respondents lacked the technical expertise to repair the system when it wasn't working properly, and were frustrated by the fact that when proceedings were stalled due to ineffective technology it reflected badly upon them and their ability to manage the court efficiently. Being placed in a position in which they had minimal control and were unable to resolve technical defects themselves is a further example of the diminishment of the former autonomy and agency that had been fundamental to their role.

Computerisation, digital communication technologies, deskilling and upskilling

From another point of view it could be suggested that even though court clerks did not have sufficient expertise to repair faulty technology, nevertheless they had gained new skills in that they learned how to operate new computer and digital communication technology systems, specifically, CREST, XHIBIT, and live link. Might this suggestion cast doubt on Braverman's (1974) deskilling thesis that was presented earlier in this chapter? Braverman (1974) has indeed been critiqued, particularly for underestimating the potential for upskilling (Brown, 1992, p.220; Edgell, 2006, p.53; Bell, 1976, p.115). Moreover, studies have found upskilling to be associated with computerisation (Burris, 1998, p.147).³³⁷ The literature is divided and scholars have tended to position themselves as either supporting a deskilling or upskilling trend in contemporary society. However, the following passage by Leonard Dolphin raises the possibility that losing and acquiring new skills can be viewed as more fluid and changeable. Different phases of deskilling and upskilling can occur within the trajectory of an individual's career and are determined by a confluence of various factors. As Leonard reflected:

I think for a long time they kept putting managers in there as court clerks who hadn't been able to manage staff. And it sort of got a reputation for being a dumping ground for people...because it was a management grade and it was a convenient place to dump them... It also coincided, I think, with them sort of downgrading the job, getting rid of drafting indictments, introducing what they called Standard Fees so...it wasn't so difficult to determine the barristers' or solicitors' fees... They gradually diminished the job... I think it was probably all in an effort to save money and I know that budgets have been squeezed... Ever since Margaret Thatcher came in, I think year on year, the budget for the courts has been reduced and they're still reducing it³³⁸... It's gradually got better I think, since they introduced new computer systems... In the courtroom the court clerk now fulfils the function of the stenographer and the court clerk... The court clerk can operate one keyboard and everything is being updated at the same time. So he's keeping the log of proceedings, and XHIBIT, the computer system, is doing a transcript as a stenographer would have done... It made it [the job] a bit more important and...the...admin staff used to always do lots of the resulting from court, and because it could be done on the computer and the computer would produce the form, that was taken away from them and it came into the court clerks. So it expanded the [court clerk's] role again so there was a lot more to deal with. And I think as it was computerised it was felt to be more important.³³⁹

Leonard has pointed to the ways in which the drive to reduce costs, twinned with the introduction of new technologies, has upskilled and improved the perceived status of the court clerk's role. Leonard's view differs to Keith Harrison, who was mentioned earlier, who felt that the court clerk was devalued when they adopted the task of resulting cases which was previously done by staff of a lower grade. It is evident that court clerks learnt new skills with computerisation and other digital communication technologies, particularly recording court proceedings, resulting cases and operating live link. But these duties were more mundane and perfunctory than their former responsibilities of drafting indictments and assessing and determining barristers' and solicitors' fees. These former tasks demanded specialised and higher level skills, specifically the interpretation and application of legal regulations and their own acumen. Court clerks may have upskilled to the extent that they learnt how to use new technology but there was no resultant extension of their autonomy or discretion, and no improvement to their grade or salary.³⁴⁰ It is proposed that on the balance of the available evidence and interviewees comments, over the past three decades, the court clerk's status and skills have been significantly downgraded.

Depersonalisation of the court clerk's role and other elements of the administration of justice

Through tracing the changes that court clerks experienced during the past 45 years, it has become apparent that different elements of the administration of justice have become less personal and immediate, or what could be called 'depersonalised'. This chapter has already noted the shift away from what one respondent referred to as being 'a very friendly, localised environment'³⁴¹ during the Assizes and Quarter Sessions, to a formalised and nationalised structure. Raymond Potter articulated that when the Assizes ended, the small team that he had become accustomed to travelling with around the Western Circuit was disbanded. He added:

That was substituted by an office based environment where you lived in the town. All the colleagues whom you'd been associated with were dispersed to other areas, other courts...so you lost your immediate connection with them. And there was some change of atmosphere... You were more of a 9 to 5 person than a 24/7 person.³⁴²

In hindsight, other respondents also referred to the loss of the smaller-scale and familial atmosphere that had existed before the Beeching reforms, compared to the more impersonal nature of the modern criminal justice system. As discussed earlier, Trevor Hall asserted that the Civil Service was a much more remote and distant employer than the local authority; Michael McKenzie emphasised that he lost the sense of ownership of 'his' court; and Jim Reid highlighted the disconnect that occurred as a result of supplanting all taxation from the Crown Court to the Legal Services Commission, to be administered by people who had no knowledge of the cases or parties involved. In addition, a few respondents resented the top-down managerial approach and decried the communication gap and perceived divide between court clerks and senior levels of management. Valerie Jerwood expressed:

We used to get very angry with the way things were brought in that impacted on our job because we used to feel there were people in offices in various parts of London just making up this stuff...had they ever worked in a courtroom?³⁴³

In a similar vein, Pamela Sanderson articulated:

They [headquarters] were completely divorced from the ground you know. They had their own targets, their own goals... They'd no idea of what was going on on the ground.³⁴⁴... What really galled me and probably...lots of others was our lack of voice in the scheme of things. Everything was imposed from the top down from people who'd never been in a court. Now if they said, 'Well, there's a proposal to do A, has anyone any comments?' they would get a certain amount of comments from the shop floor...and then they could have a rethink and come back with something.³⁴⁵

The lack of contact between senior managers and those on 'the shop floor' appears to be a longer-term consequence of centralisation which introduced a new hierarchy and management structure. Some respondents felt disappointed and disillusioned by the various changes that were implemented over the years to the extent that they wanted to

leave the Courts Service, and took early retirement or accepted voluntary redundancy. They were frustrated by the disconnect between themselves and senior management, and that their role had become ‘more high tech’ and reliant upon utilising computer programmes. They reported that their age (late fifties and early sixties), also contributed to their feeling less inclined or interested in learning and adapting to new modes of working.

The theme of depersonalisation is also relevant to the use live link. So far this chapter has focussed on court clerks more pragmatic concerns with operating live link. However, another reason that they gave for encouraging witnesses to appear in court from behind a screen rather than via live link was that they felt the testimony was more potent when the witness was physically present in the courtroom. Respondents commented that when a witness appeared on a flat, two dimensional screen this was more akin to watching television and much less emotionally engaging. In contrast to live link, David Dawson underscored the invaluable information that can be gained from a close-up visceral encounter with the witness in the courtroom:

I like to watch a witness give evidence. You know, are they beginning to sweat, are they squirming a bit, are they uncomfortable, are they making eye contact, and if they’re not, why not? And you can’t get any of that with someone sitting in a chair [via live link].³⁴⁶

David’s perspective is aligned with much of the literature in this field which has suggested that the lack of the witness’s physical presence in court renders the experience less real or meaningful and significantly affects jurors’ perceptions (Mulcahy, 2008a, p.486; Rowden, 2015, pp.11-12; Goodman et al, 1998; Orcutt et al, 2001; Leader, 2010, p.323). For instance, Lord Justice Brooke stated that ‘many Crown Court judges believe that the jury has acquitted in cases where they might well have convicted because they were unable to establish the same rapport using live link’ (in Mulcahy, 2008a, p.484). It could be argued that live link dissipates the sense of immediacy and contact with witnesses and defendants, and is a further example of a less direct and more impersonal approach to delivering justice.

The reduced level of contact between court clerks and jurors is another element of the administration of justice that could be said to have become depersonalised. Respondents discussed two particular changes that lessened their personal contact with, and responsibility for, jurors. Firstly, it was customary for court clerks to introduce jurors to the court with a 'jury speech' and explain what would happen during the trial and what was expected of them. This task was superseded by a film which was shown to jurors instead. David Dawson remembered:

One of the jobs before they produced a superb state of the art video [was that] new jurors were addressed by court clerks... You would give what was known as a jury speech... And I always recall I would try to lighten their mood a little because people are nervous, they're doing something they've never done before, first time in a court... I didn't ask for questions but if someone had one I'd try and answer it. [It was] I think, a personal approach where...you'd [say], 'This isn't going to be quite as bad as you think it is, but it is serious, and bear in mind you might be shown things which are distressing, you may hear things which will upset you but...it's your duty to be a juror, its part of our legal system, part of our life in this country, and you have an obligation, you are here to do a very important role.' So that was the sort of thing that you said.³⁴⁷

It is interesting that David's memory of his jury speech was not merely a neutral explanation of the court process. But rather, he was instructing jurors about what he perceived to be their moral obligation as British citizens. This is evident in his use of such phrases as 'it's your duty to be juror', 'it's part of our legal system', and 'part of our life in this country'. In his capacity as a court official, David was personally and actively engaged in inculcating the notion of a society built on shared values that requires its' citizens to fulfil their civic duty and to help sustain the criminal justice system in England and Wales.

The second shift that decreased court clerks' contact with jurors was the demise of the regular practice of 'overnight juries'. If a jury couldn't reach a verdict at the end of the court day, they were accommodated overnight in the court building or at a local hotel. Court clerks and ushers (who were also the jury bailiffs) were responsible for escorting and supervising jurors and ensuring that they had no contact with the public or press.

Ron Churcher described the organisation and practicalities involved in looking after juries overnight at Winchester Crown Court:

When I first went to Winchester an ‘overnight jury’ was traditionally looked after in the court. We would say to the prison we want some beds, we want some blankets, we want some sheets. The prison would bring down blankets and sheets and beds, portable beds, camp beds. Those camp beds would be put up in the judges chambers, in the corridors leading off, we tried not to use the judges chamber rooms if we could get away with it. There were ancillary rooms next door to it and we would put the beds in there. Usually two to a room. Then that would be where they would sleep. They would be walked down the town by the ushers and maybe the clerk as well, to a hotel, the Winchester Hotel, where they’d have dinner. They would be brought back to the Law Courts where they would be put to bed. The ushers would stay there all night with them and the clerk would stay quite late, probably until 10pm at night. In my case I’d go home and hopefully didn’t get a phone call in the night, and then get back...about 7am in the morning to make sure they got up all right and if everybody was ok. Then they’d be walked back down the town to have breakfast in the hotel and walked back to the court where they would stay until they reached a verdict. And if they hadn’t reached a verdict that day then they’d stay...overnight again. So there was a lot of work to be done to get the bedding from the prison, clear it up in the morning, send it back to the prison, if necessary bring another lot down...the next night, and clear up again afterwards... The clerk would work whatever hours were necessary. Didn’t get paid for it...no overtime... So you perhaps worked till 10.30pm at night... You’ve got to organise your own life and your own domestic situation as well... I had to organise somebody to look after the kids and stuff. So it was a bit tricky. But it was just part of the job. You just did it.³⁴⁸

A handful of other interviewees shared anecdotes about the extensive arrangements that overnight juries necessitated. They relayed the difficulty of finding a hotel with rooms available for 12 jurors and two jury bailiffs. Often at short notice, they would organise coaches to transport jurors to and from court and the hotel, and phone jurors’ families to quickly pack an overnight bag which was picked up by the police. At the hotel, court clerks and jury bailiffs kept jurors segregated from other hotel guests and the press during mealtimes, and made sure that jurors had no access to phones, television or any form of media or communication. In addition, two jury bailiffs would keep watch and sit in shifts in the hotel corridor throughout the night. It seems that accommodating jurors overnight was common practice until the late 1980s and was presumably phased out to curtail excessive expenditure for the Courts Service.³⁴⁹ Since then, rather than

keeping juries overnight, the judge impressed upon jurors that they were prohibited from searching the internet for information related to the case, and from discussing the case with anyone other than their fellow jurors, either in person, by phone or via social media.³⁵⁰

This part of the chapter has posited that certain aspects of the court clerk's work, and the delivery of justice more broadly, have become depersonalised over the last three decades. There has been less direct and personal contact in the way that certain procedures have been carried out: more specifically, those who were authorised to process barristers' and solicitors' fees had no immediate knowledge of the respective cases or parties involved; the use of live link has distanced witnesses and rendered their testimonies less potent; and court clerks had less contact with jurors in that they no longer introduced them to the court with 'jury speeches', nor did they supervise them overnight.

Conclusion

Court clerks in this study who lived through the Beeching reforms have enriched the existing literature by adding the perspective of those who worked 'on the ground' and managed the courts day to day. In light of scholarly accounts that have been written about this historic turning point, some of the topics that respondents raised were not particularly surprising. They described becoming civil servants and adjusting to a much larger and formalised structure with new levels of management and bureaucratic processes. Moreover, they spoke about personally gaining from the new system which enabled new opportunities for promotion and possibilities to transfer between Crown Courts around the country, as well as between County Courts. The shift from the itinerant Assize lifestyle to a permanent base in a Crown Court building was also discussed, as were respondents divergent reactions to the abolition of the ancient Assize and Quarter Sessions courts. Though interviewees believed that the new Courts Service was more efficient, they also lamented the loss of the sense of ownership, and smaller-scale, close-knit atmosphere they had experienced working in the courts during the

Assize system. It was found that the court clerk's responsibilities and duties in the new Crown Court were initially essentially the same as they had been prior to reform. This was to be expected considering that reform to judicial administration was principally concerned with how the system operated rather than on criminal procedure.

The Beeching reforms were memorable for interviewees, but they were noticeably more vocal and impassioned about other changes they experienced in subsequent decades. Their accounts have revealed that the court clerk's role was deskilled and downgraded. Court clerks no longer drafted indictments, nor did they tax barristers' and solicitors' fees, which had been central to their former role. These duties required higher level skills, particularly interpreting and applying legal regulations and being able to defend their reasoning orally and in writing. Over the past three decades the court clerk's responsibilities have been progressively diminished and oriented towards more mundane, simplified and automatic administrative tasks which have become reliant upon computer systems and other digital communication technologies, and particularly, live video link. In addition, various practices that have resulted in less personal approaches to administering justice, namely, the use of live video link for defendants in custody and vulnerable witnesses; showing a film to jurors rather than speaking to them directly; and removing taxation from the courts, have also been identified.

Reflecting on these accounts of change, it is argued that the deskilling, downgrading and depersonalisation of the court clerk's role are the legacy of centralisation, and could only have come about because the system was unified and centralised by the Beeching reforms. The erosion of their work can be seen to be a byproduct of the implementation of computerisation, and increasingly streamlined and specialised processes, in the name of greater efficiency and economy. However, despite the significant changes that have been wrought upon the court clerk's post in recent decades, a great deal of constancy can also be discerned, specifically with regard to the ways in which they inhabited and enacted their role. The next chapter concentrates on the antithesis of change and the unique contribution that Crown Court clerks have made to the continuity of the administration of justice.

Notes

²⁶⁹ As Deputy Clerk of the Peace, Michael McKenzie was legally qualified.

²⁷⁰ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 2 [19:50-23:32]. It appears that the Circuit Administrator for London and the South Eastern Circuit whom Michael was speaking about was Sir Maurice Holmes who was a barrister and had previously been the Chairman of the London Transport Board 1965-69 (*Law Society Gazette*, June 1970).

²⁷¹ Interview with Michael McKenzie, interviewed by Dvora Liberman, May 19 2014, Track 1 [24:40-24:56]

²⁷² Interview with Michael McKenzie, interviewed by Dvora Liberman, May 19 2014, Track 1 [56:54-57:26]

²⁷³ The Millennium Memory Bank (MMB) was a collaborative project between the British Library Sound Archive and BBC Local Radio in 1998-99 to create an archive of the opinions and experiences of 'ordinary' Britons' on the cusp of a new century.

²⁷⁴ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 2 [49:51-1:06:30]

²⁷⁵ Even though the Lord Chancellor's Office was not yet officially a Department, the memorandum was titled, Lord Chancellor's Department: The New Court Service Administration Staff. 1970. pp.1-29.

²⁷⁶ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 8 [0:05-0:27]

²⁷⁷ Interview with Trevor Hall, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/15, Track 7 [30:56-33:56]

²⁷⁸ Interview with Trevor Hall, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/15, Track 3 [21:22-21:52]

²⁷⁹ The title of Chief Clerk was later changed to Court Manager in the 1990s.

²⁸⁰ Under the Assize system, the Under-Sheriff's Office had summoned jurors.

²⁸¹ Three interviewees also became Chief Clerks and Deputy Chief Clerk in subsequent years. Michael Bishop was Deputy Chief Clerk at Wood Green; Trevor Hall was Chief Clerk at Warwick Crown Court and Deputy Chief Clerk at Newcastle Crown Court; and Ron Churcher was Chief Clerk at Salisbury Crown Court and acting Chief Clerk at Winchester Crown Court.

²⁸² Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 4 [20:37-20:47]

²⁸³ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 1 [1:40:04-1:40:38] When the Courts Bill was debated in the House of Commons, the Attorney General, Sir Elwyn Jones similarly stated that the Assizes were 'a kind of traveling judicial circus' HC Deb 07 May 1970, vol 801 cc604-605W.

²⁸⁴ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 1 [1:30:34-1:30:54]

²⁸⁵ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 15 [0:19-1:46]

²⁸⁶ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 15 [0:44-0:49]

²⁸⁷ Interview with Michael McKenzie, interviewed by Dvora Liberman May 19, 2014 [47:07-47:56]

²⁸⁸ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 13 [16:08-16:30]

²⁸⁹ Interview with John Brindley, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 2 [12:02-13:51]

²⁹⁰ In order of decreasing rank and grade in the Crown Court, beneath the Chief Clerk was the Senior Executive Officer (SEO), followed by the Higher Executive Officer (HEO), then Executive Officer (EO), and Administrative Officer (AO). These titles and gradings have since changed, and in 2015 the court clerk became a Band D post.

²⁹¹ Braverman argued that within a capitalist society, workers are obliged to execute tasks that are conceived of and dictated by management, and denuded of specialised knowledge. Instead, they are required to carry out simplified and more automatic tasks. Through this process, high value skills are replaced by low value skills, the cost of labour is reduced, and the worker experiences a subsequent loss of autonomy, agency, initiative and critical thought (Smith, 2006; Brown, 1992, p.185-86; Edgell, 2015, p.48-51).

²⁹² See Brown (1992) pp.184-85 for an explanation of the concept of scientific management.

²⁹³ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 4 [1:44:00-1:44:21]

²⁹⁴ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 9 [51:58-52:46]

²⁹⁵ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 5 [0:14-2:04]

²⁹⁶ Interview with Bill Young, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/02, Track 5 [6:45-7:38]

²⁹⁷ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 3 [31:14-32:46]

²⁹⁸ The Royal Commission on Criminal Procedure reported in 1981 that the police should not investigate offences as well as decide whether to prosecute. Other major criticisms identified by the Royal Commission on Criminal Procedure were that different police forces around the country used different standards to decide whether to prosecute, and the police were allowing too many weak cases to come to court which led to a high percentage of judge directed acquittals. [online] Available at: <<https://www.cps.gov.uk/about/history.html>> [Accessed 16 August 2016].

²⁹⁹ Prosecution of Offences Bill. 1984. HL Deb 29 November 1984 Vol 457 cc1037-69.

³⁰⁰ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 9 [59:54-1:02:31]

³⁰¹ Interview with Tom Brown, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/04, Track 3 [2:57-3:48]

³⁰² Interviewees who clerked in Quarter Sessions courts remembered calculating barristers fees in guineas.

³⁰³ The first time the term 'Costs Judge' appears in the criminal procedure handbook that court clerks used for taxation was in 2005.

³⁰⁴ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 2 [1:28:04-1:36:04]

³⁰⁵ Interview with Trevor Hall, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/15 Track 4 [56:55-56:58]

³⁰⁶ Interview with Ron Churcher, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/06, Track 7 [37:53-39:44]

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- ³⁰⁷ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 2 [53:26-54:09]
- ³⁰⁸ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 4 [28:16-28:55]
- ³⁰⁹ Standard fees became effective for cases after April 1, 1988. The Standard Fee Scheme for Crown Court is set out in the legislation: Legal Aid in Criminal Proceedings (Costs) Regulations 1988. Anthony Edwards outlined the Standard Fee Scheme provisions and how to use them in the *New Law Journal*, October 7, 1988.
- ³¹⁰ The Advocates Graduated Fees Scheme came into effect on January 1, 1997, and applied to work done under legal aid orders made after that date. The Scheme was brought in with the legislation: Legal Aid in Criminal and Care proceedings (Costs) (Amendment) (no. 2) Regulations 1996, S.I. 1996 No. 2655 and was based on careful analysis of 1992 Crown Court cases and payments by the Lord Chancellor's Department. Another difference with the Scheme was that the fees were calculated by computer. (see A. Shaw 1996. Graduated Fees. *Archbold News*, 10, Supp (Extra), pp.1-16.
- ³¹¹ The Advocates' Graduated Fee Scheme was revised again and came into effect on October 29, 2001 under the legislation: Criminal Defence Service (Funding) Order 2001 (SI 2001 855). Hall, A. 2001 'The revised graduated fees scheme' 2001, *Archbold News*, 10, Supp (Extra), pp.1-16.
- ³¹² Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 9 [58:05-57:44]
- ³¹³ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [23:29-25:11]
- ³¹⁴ Legal Services Commission, 2011. Legal aid: fair access to justice, Annual Report and Accounts 2010-11. [online] Available at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/247187/1555.pdf> [Accessed 1 July 2017].
- ³¹⁵ The Legal Services Commission (LSC) was previously the Legal Aid Board. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 made provision for the abolition of the LSC. The LSC was replaced by the Legal Aid Agency, an executive agency of the Ministry of Justice, on 1 April 2013. [online] Available at: <<https://www.gov.uk/government/organisations/legal-aid-agency>> [Accessed 4 November 2016].
- ³¹⁶ As an example of delays to the payment of fees, the president of the London Criminal Courts Solicitors Association wrote to the justice minister Jonathan Djanogly asking him to assist in tackling the 'appalling delay' in legal aid applications and payments. Since the Legal Services Commission centralised the administration of legal aid forms for London to Havering in 2011, the backlog in processing applications rose to 3,000. (see C. Baksi., 2011. Djanogly urged to ease legal aid backlog. *Law Society Gazette*. [online] Available at: <<https://www.lawgazette.co.uk/news/djanogly-urged-to-ease-legal-aid-backlog/61071.fullarticle>> [Accessed 12 August 2016].
- ³¹⁷ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 7 [48:02-50:06]
- ³¹⁸ Ministry of Justice Digital and Technology [letter] (Personal communication, 26 September 2016).
- ³¹⁹ XHIBIT provides case information to Magistrates' Courts, Witness Service, Victim Support, the police, the National Offenders Management Service (NOMS) and the Crown Prosecution Service. [online] Available at: <http://www.24dash.com/news/central_government/2006-02-03-new-20-million-computer-system-to-revolutionise-courts> [Accessed 15 November 2016].
- ³²⁰ Ministry of Justice. 2005. [online] Available at: <<http://www.wired-gov.net/wg/wg-news-1.nsf/54e6de9e0c383719802572b9005141ed/a9dabeea8ccf8190802572ab004bc401?OpenDocument>> [Accessed 8 June 2016].
- ³²¹ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 2 [1:00:55-1:01:07]
- ³²² Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 5 [0:25-0:53]

³²³ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 2 [1:09:00-1:12:51]

³²⁴ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 4 [1:25:56-1:26:26]

³²⁵ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 7 [11:46-12:11]

³²⁶ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 3 [52:52-54:42]

³²⁷ For example, urban theorist and former Dean of Massachusetts Institute of Technology's (MIT) School of Architecture and Planning, William Mitchell (1995), has urged us to consider the social, legal, and philosophical consequences of revolutionary advances in electronic communication and computer technology, and especially to design and create digitally-mediated environments that will enhance rather than hinder the lives we want to live (p.5).

³²⁸ The prison video link was phased in at different Crown Courts around the country between 2010-2014 (Jacobson et al., 2015b, p.16).

³²⁹ The Youth Justice and Criminal Evidence Act 1999 required that except for exceptional circumstances, the evidence of witnesses under 17 years of age for sexual or violent offences had to be given by live television link or video-recorded interview (Mulcahy, 2008a).

³³⁰ This information can be found: [online] Available at: <<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmpubacc/357/35707.htm>> July 2009 [Accessed 6 November 2016]. In addition, the Ministry of Justice is committed to deliver services that are 'just, proportionate and accessible', and to use technology to do so. In a recent speech the HM Courts & Tribunals Service, Digital Director, Kevin Gallagher, stated: 'Modernisation of justice through technology and innovation is at the heart of our plans at the Ministry of Justice,' and 'We are continuing to drive transformation to modernise the courtroom, and our plan is one of the top priorities for the Ministry of Justice.' Kevin Gallagher also stated that the Ministry of Justice intends for police to give evidence by video, to stop using prison vans to transport prisoners to and from the court for short pleas and hearings, and to limit the criminal courtroom to trials and complex sentencing. (From a speech by Kevin Gallagher delivered 21 June 2016, Modernising Justice Through Technology, Innovation and Efficiency conference, QEII Centre, London. HM Courts & Tribunals Service).[online] Available at: <<https://www.gov.uk/government/speeches/modernisation-of-justice-through-technology-and-innovation>> [Accessed 6 November 2016].

³³¹ Scholars have questioned whether the use of live link renders the modern trial an inauthentic legal ritual and argued that new rituals need to be invented (Mulcahy, 2011, p.2).

³³² Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 6 [44:14-48:22]. As Valerie Jerwood mentioned, operating live link involved checking camera angles and switching between the judge, prosecution and defence, as and when required. Scholars (see for example, Mulcahy, 2008a; Radul, 2007) have argued that the positioning of camera angles creates a contrived and partial representation of court proceedings (Mulcahy, 2008a; Radul, 2007). As operators of live link, the court clerk has a large part to play in this regard. Yet these considerations were far from the minds of interviewees whose focus appeared to be purely pragmatic and ensuring the technological equipment worked at its most basic level.

³³³ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 6 [3:42-3:44]

³³⁴ Slow speed and susceptibility to crashing at busy periods was particularly a problem when the HM Courts Service transferred to a new IT provider in 2008 (T. Burr, 2009).

³³⁵ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 5 [37:30-41:02]

³³⁶ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 4 [1:20:44-1:20:55]

³³⁷ Findings are contradictory and research on computerisation and skill also reveals deskilling (Burriss, 1998, p.149).

³³⁸ For the years 2010/11 to 2014/15, the HM Courts and Tribunals Service (HMCTS) set a target of £300 million savings which were made by closing under-used court buildings and reductions to overhead and HQ costs (HMCTS, 2013; cited in Jacobson et al., 2016, p.136).

³³⁹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 7 [1:06:50-1:10:35]

³⁴⁰ A study of the computerisation of diverse workplaces (Zuboff, 1998) similarly found significant upskilling of the work of manual workers when they learned to operate computer systems but no corresponding increase in their discretion or autonomy.

³⁴¹ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 7 [2:19-2:21]

³⁴² Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 7 [0:32-0:56]

³⁴³ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 8 [22:43-22:58]

³⁴⁴ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 5 [25:06-25:30]

³⁴⁵ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 8 [1:02:25-1:03:09]

³⁴⁶ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 6 [3:23-3:41]

³⁴⁷ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 8 [19:36-22:15]

³⁴⁸ In interview, Ron continued to discuss accommodating jurors and the change that occurred when jurors were no longer accommodated at Winchester Crown Court and stayed at the Queens Hotel in Bournemouth. Interview with Ron Churcher, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/6, Track 7 [6:51-13:43]

³⁴⁹ This was not a matter of law. It seems that Her Majesty's Courts and Tribunals Service can still instruct jurors to stay in a hotel overnight if and when required. The Government website section for 'Crime, Justice and the Law' currently states that 'If the court asks you to stay overnight the court will arrange accommodation' [online] Available at: <<https://www.gov.uk/jury-service/what-you-can-claim>> [Accessed 7 December 2016].

³⁵⁰ Judicial College., 2016. The Crown Court Compendium: Part 1: Jury and Trial Management and Summing Up. [online] <<https://www.judiciary.gov.uk/wp-content/uploads/2016/06/crown-court-compendium-pt1-jury-and-trial-management-and-summing-up-feb2017.pdf>> [Accessed 8 December 2016].

Chapter Six

Performing authority: Custodians of continuity

Introduction

Underpinned by the principles of economy, efficiency and effectiveness, the establishment of the new Courts Service in 1972 heralded a monumental shift in the administration of justice. A major new court building programme was central to the development of the new system and a network of standardised, modernist Crown Courts were constructed around the country. They were notably stripped of the elaborate ornamentation and furnishings of earlier court buildings.³⁵¹ Moreover, the extravagant pageantry and ceremony that had historically marked the arrival of the Assize judges in a county town was denounced by many who worked in the courts as no longer appropriate, anachronistic, and outdated in a modern era. Yet this study has found that despite the radical modernisation of the criminal justice system in recent history, the ‘performance’ of justice has continued to be laden with ceremony, ritual and symbolism.

In the midst of radical changes to the administration of justice, the Crown Court clerk’s role continued to be bound by strict convention and demanded a strict conformity of behaviour. Even so, respondents’ narratives contain numerous stories about how they uniquely inhabited their role and made it their own. It is striking that they believed in, and enthusiastically embraced the merit and purpose of the more traditional and performative aspects of their work, namely, an official dress code; formal and formulaic language; a composed deportment; and ceremony and pageantry. Court clerks’ perceptions of how each of these elements served to dignify proceedings and uphold respect for the law are explored throughout this chapter. It is contended that institutions are made and sustained by human activity and the court clerk’s repeated enactments of criminal procedure according to old and pre-ordained patterns significantly contributed towards creating the impression of continuity and stability. In addition, their performance visibly and symbolically linked the law to its ancient past, and in so doing, served to reinforce its power and legitimacy.³⁵²

A major theme to emerge from respondents' testimonies is the important part they played in upholding traditional practices in the Crown Court. This was accomplished through what could be called their performance of justice and adopting circumscribed codes of dress, speech, and ritualised behaviour. In this respect, Crown Court clerks can be viewed as custodians of continuity. Drawing upon Erving Goffman's (1959) theoretical framework of the nature of performance in everyday life is particularly useful within the context of looking at the court clerk's performative function within the criminal courtroom. Goffman (1959) argued that individuals assume different roles in different situations and manage their behaviour to foster certain impressions they want others to have of them (p.32). What impressions did court clerks strive to cultivate? What props supported their performance in the courtroom? How did their everyday words, gestures and actions evoke the sense of history, tradition and continuity of the law in England and Wales? How did their performance reinforce the perception of the authority and legitimacy of the justice system? These are the key questions that this chapter seeks to address.

The performance of justice

Goffman (1959) conceptualised the arena in which individuals present themselves as the front region or frontstage, and they draw on the use of props, costumes, teammates and the audience to support their performance. The back region or backstage is the space to prepare for the interactions and rituals that take place in the front region (Goffman, 1959, pp.109-40). Rock (1991) applied Goffman's (1959) theory to his study of witnesses and space in Wood Green Crown Court, and described the back region as the 'places where people are no longer on display but can shed some of the disciplines of their official role...gossip safely (and) be literally and figuratively unbuttoned' (p.274).

The views of the majority of this study's respondents support Goffman (1959) and Rock's (1991) conceptions of the performance that is inherent within daily life.

Interviewees recognised that they presented a deliberate and somewhat contrived image of themselves in court. As Geoff Walker articulated:

You stand up and you perform your role and at the end of the day you go home and you're Geoff again. That's how I looked at it... That whole persona of putting your gown on...your wig as well, was very much an act and it's the act that's still portrayed today... So I go in and do my court performance...like a bit of a play. You never see me in court with a bit of paper. I don't read off how I swear a jury in... The only thing I'll read off is the indictment... Because it's me, performing. It's not me reading off a bit of paper...You're there projecting the image of a court clerk... When I'm up and I'm arraigning a defendant, empanelling the jury, taking a verdict, I make sure that my voice is projected, that everybody in court can hear me, that I'm standing straight, just little things like that... The court is a drama, definitely...the formality of it, the history of it, the surroundings... It's a real life drama happening there and then.³⁵³

Similarly, the following quote by Keith Harrison reflects his awareness of the act of transitioning from one distinct role, or mode of behaviour, to another:

When the usher bangs on the door and says... 'All rise'... Everybody takes on a role. And when the judge goes out...everybody takes on their normal role. You can see it with the barristers, they're laughing and talking to each other. We're having a chat and we're talking about the football or last night, or 'What did you do on holidays', or 'What are you doing this weekend?' That door knocks and immediately everyone takes on their role.³⁵⁴

Empirical work can help us to tease out concepts and labels, and it is interesting to observe that the idea of backstage has been used in different ways. For Rock (1991) above, the back region was other areas of the court building, while for Geoff it was his home. Keith's comments indicate that even the courtroom itself could be the backstage, specifically during the times before and after the court was officially sitting. Keith noted that the court clerk and barristers' behaviour dramatically changed when the usher knocked on the door and signalled that proceedings were about to formally commence, and also depended upon whether or not the judge was present in the courtroom. Though the courtroom is undoubtedly a striking and impactful setting for adjudication,³⁵⁵ Keith's words underline that it was the style and quality of the *performance* itself that ultimately transformed the tone and atmosphere of the environment. As Hibbitts (1996) stated, 'performance is a vital mechanism through which the law works and

becomes.³⁵⁶ It is the performance of legal process that repeatedly brings it alive and into being. In addition, although the court clerk was an important player in the courtroom drama, they were but one amongst a host of others. Keith's extract demonstrates that the barristers too, were 'in on the act'. For the court clerk's performance to be credible and effective, they were reliant upon the 'performance team', and the cooperation of others to also assume their respective roles (Goffman, 1959, pp.83-85).³⁵⁷

Court clerks facilitated proceedings according to an oft-repeated pattern and form, and it was precisely the stylised and consistent re-enactment of the way in which they performed justice that created the impression of continuity. Each day, both before and after the Beeching reforms, they wore distinct court dress, uttered official language, and orchestrated criminal procedure in ways that repeatedly entrenched the relationship between the administration of justice and tradition. In this way, performance served to bolster the law's authority and legitimacy.³⁵⁸

How did court clerks first learn to perform their role? As newly appointed trainees, they were mentored by an experienced court clerk. Learning by observation, they shadowed their mentor for a number of weeks and were progressively given more responsible and complex tasks to perform until they were deemed ready to clerk a court on their own. Step by step, in-house, and on the job, court clerks were acculturated into the world of their particular Crown Court. In this way, local practice was passed on from one court clerk to another and thus maintained. An exception to this was Leonard Dolphin who recalled that in the early 1980s while he was working in the County Court in Huddersfield, a request was sent out to court employees throughout the country to train to become relief Crown Court clerks. Leonard volunteered and was sent to the Courts Service headquarters in London for a fortnight's training which he described as very thorough and was mainly spent role-playing the Crown Court clerk's public speaking duties.³⁵⁹

Respondents expressed that their job necessitated that they follow convention and ascribed modes of behaviour. Rita Holmes explained:

In open court, you're supposed to obviously treat the judge with respect... You can get into a lot of trouble. Ushers sometimes have just spoken out of turn from the well of the court and up to the judge, although they're not supposed to do that. They're supposed to come to the court clerk, speak to the court clerk and say, 'This is a problem'. And then the court clerk stands up, and says, 'Excuse me Your Honour'... You've not to forget your place. You've got to know what's expected of you. What you can do and what you can't do. And you've got to know your role.³⁶⁰

Rita's comments beg the question – what exactly was expected of the court clerk, particularly in terms of their self-presentation and interactions in the courtroom? Respondents' narratives tell us that strict codes concerning dress, speech, demeanour, as well as ceremony and ritual, were the key elements of their performance.³⁶¹ The following sections will explore each of these areas in turn.

Official court dress

Many respondents remarked that they were extremely conscious of the way that they presented themselves in court. As Irene Elliott stated, 'You're the face of the Courts Service.'³⁶² An essential feature of the 'face' or image they projected was the type of clothing that they wore.³⁶³ Indeed, in his cultural study of legal dress, Gary Watt (2013) asserted, 'Part of the face that the law has made in the world is the formal dress of the legal profession' (p.83). Although court clerks were not members of the legal profession *per se*, they were officers of the court who were recognised representatives of the legal world. Karen Hazell remarked, 'It's all about appearance. You're there in an official capacity. So you don't look like you haven't made the effort... It's tradition to me and you should be properly attired.'³⁶⁴ Like many other interviewees, Karen clearly perceived that her position carried the responsibility to honour and uphold the official dress code. In this way, court clerks can be viewed as custodians of continuity.

Historians of legal apparel (see for example, Hunt, 1996; Goodrich, 1995; McQueen, 1998; Watt, 2013; Hargreaves-Mawdsley, 1963) have traced the history of formal clothing worn by judges and barristers from as early as the fourteenth century. Lawyers

were first distinguished from those in other professions in the mid-1300s, when they continued to wear the tunica (a loose, ankle length and sleeved robe which was closed at the front) which was no longer worn by other men (Ede and Ravenscroft, 2003, p.51, p. 56). During the Tudor period between 1485-1603, the long robe closed at the front was replaced by a long open gown, and the vivid colours of the barristers robe were replaced by sombre colours (Ede and Ravenscroft, 2003, p.58). An initial purpose of robing was to hide the clothes underneath so that poorer advocates who could not afford fine clothing appeared as equals to wealthier colleagues (McQueen, 1998, p.37). The dress code of judges and lawyers was already strictly regulated by the sixteenth century and legislation dictated that members of the Inns of Court were required to wear gowns ‘of a sad colour’ in order that ‘inward virtue would be signalled through outward restraint and even a certain melancholia as befitted the profession’ (Goodrich, 1995, pp.88-89; Ede and Ravenscroft, 2003, p.58; Watt, 2013, p.101; McQueen, 1998, p.32).

Other research has suggested that the creation of a distinctly legal dress was underpinned by various factors, namely, the desire to bestow dignity upon the profession; separate the lawyer from the layman; and distinguish the English common law system from Catholic Europe and other systems of law (McQueen, 1998, p.31, p. 33; Hunt, 1996; Goodrich, 1995; McQueen, 1998). It was not until the seventeenth century that English judges’ and barristers’ court attire resembled what we today consider ‘traditional’ (McQueen, 1998, p.33; Hargreaves-Mawdsley, 1963, p.60).³⁶⁵ Even though these scholars have not mentioned court clerks specifically, it could be assumed that the same dress code applied to them because historically during the Assize system, court clerks were predominantly legally qualified. Michael McKenzie suggested that in Quarter Sessions, court clerks who wore wigs and gowns were legally qualified and non-legally qualified clerks wore suits. Yet after the Beeching reforms, all court clerks were required to wear formal court dress.

This study has discovered that court clerks wore essentially the same garb as barristers with minor differences – they wore the same wigs and tabs, but their gowns were different. The wig had a frizzed crown and horizontal rows of curls known as ‘buckles’ and two looped tails that hung down the back of the neck (see Appendix K for photo of

wig).³⁶⁶ All court clerks wore wigs, although when exactly they were required to do so seemed to depend upon the practice of individual courts. For instance, in Preston and Liverpool, court clerks wore wigs in open court only in the presence of High Court judges and Recorders of the City when dealing with High Court Crime or Civil cases. In other Crown Courts, notably the Central Criminal Court, Winchester, Durham and Teesside, court clerks always wore wigs in open court, irrespective of the type of judge or case. Respondents who clerked at Newcastle Crown Court reported that over the last decade or so, wearing wigs was at the discretion of the judge. Wigs were often shared amongst court clerks which a number of interviewees found quite disconcerting. Yet a few respondents who entered the Courts Service in the 1970s had their own wigs fitted for them, as did those who worked in the Central Criminal Court until fairly recently. Wigs were usually made of horsehair or nylon and many respondents noted that they were often itchy and uncomfortable, especially in hot weather.

Court clerks and barristers also wore white tabs: the code for men was a white collarless shirt and attachable wing collar; and for women, a white blouse or t-shirt and a band around the neck attached to a lace ruff or a set of white tabs. The gowns worn by court clerks and barristers were black, loosely fitting and open down the front. Unlike the barrister's gown that had buttons and a triangular piece of cloth at the middle of the left shoulder blade, the court clerk's gown had a square flap across the back of the shoulder.³⁶⁷ Furthermore, barristers typically owned their own gowns, whereas court clerks' gowns were handed down from one court clerk to the next and belonged to the Courts Service. They varied in length and quality and were made of fabrics such as serge or cotton. There were a few exceptions in respondents' accounts. Jim Reid spoke of ordering and being supplied with his own new gown when he began clerking at St Georges Hall in Liverpool in the early 1970s. Michael Bishop was given a 'Silks' gown at the Central Criminal Court, which was usually reserved for Queen's Counsel. Raymond Potter recalled that when he first became a court clerk under the Assize system, he had to find his own gown and wig. He commissioned a seamstress to make the gown and advertised in the *Observer* newspaper for a wig. Underneath their gowns, court clerks and barristers wore a dark suit or dress (black, navy or charcoal grey) (see Appendix L for photos of court clerks in their court dress).

It was evident that interviewees took pride in their official attire and aimed to look impeccable in court. Irene Elliott stated about her tabs, 'I was always very proud to wear them... I always starched them. They were beautiful, my tabs.'³⁶⁸ Rita Holmes hand-made a black suit when she became a court clerk. She commented:

I felt as if I needed to make a good impression... I wanted people to respect me. I didn't want to look untidy or dirty... I felt that the role I was playing...needed me to warrant respect, and the way I dressed helped that.³⁶⁹

Valerie Jerwood trained numerous court clerks and noted that court dress was the first topic she covered during the induction period. She attempted to instil in trainees that how they dressed was paramount and they must always wear their wig and 'look smart' in court.³⁷⁰ The scrutiny and attention that court clerks paid to monitoring and maintaining traditional standards of dress is exemplified in the following anecdote by Michael McKenzie:

I walked into Lewes Court...and the court clerk...should have been wearing a wig and he wasn't. But worse than that he had shoulder length hair...he also had a gold ring in his ear. Now of course...one has to move with modern fashion. But...my view of the law is it has remained secure and solid in itself. So I passed him up a note, 'Where's your wig? And take the ring out.'... The note came back. He couldn't find his wig that morning. He was sitting with a High Court judge so he should have a wig on. So it was all very embarrassing for him... But I don't want to see, fogley that I am, a court clerk representing justice, and the majesty of justice, and the system of justice wearing an earring. Now, why not? I don't know. It's just me. I want to be proper. I want a white shirt on, a robe that's smart. I want to look tidy. I don't want to be unshaven.³⁷¹

It is notable that Michael associates the law remaining 'secure and solid in itself' with a continuity in dress and appearance. Both Michael and Valerie's comments above are illustrations of an observation made by scholar of uniforms and costumes, Nathan Joseph (1986), who purported that even when employees have not fully internalised their work culture, they are often constrained and 'brought into line' by peers who adhere to the norms (p.68, p.75). Valerie and Michael's views offer further support for

the assertion that court clerks acted as guardians who protected and promoted official attire.

Implicit within court clerks' punctiliousness about their dress, was their tacit understanding that the way they presented themselves communicated something important. Indeed, historians of dress and costume have written that 'clothing is a visual system of signs' and represents other things (Joseph, 1986, p.9). The meanings of these signs are embedded within the social context and serve a function for individuals, groups or institutions (Joseph, 1986, p.1, p.9, p.10, p.42, p.49; Firth, 1973, pp.54-68; Hunt, 1996, p.58). Close examination of respondents' narratives reveals that they attributed three major functions to their official dress: firstly, that it served as a uniform; secondly, as a costume; and thirdly, it enhanced the dignity of the court. Each of these assertions will be explored further.

Many respondents remarked that their court attire provided them with a uniform which was easily recognisable. They emphasised that the distinctive dress of court officials was extremely helpful for different parties who attended the court. Ron Churcher explained:

Your role and your position was confirmed by your dress... So you could see who people were by the way they were dressed. It made life easy because...your authority was therein. You didn't have to say anything. If I had to go for instance, as I did on many occasions, go down to see a defendant in the cells, the prison officers wouldn't say, 'Who are you?' They'd know who I was because of the way I was dressed... It indicates the...gowns were important. I still believe in that actually. It's so much more pertinent to people in a court to know who they're dealing with. If you see who it is easily and quickly, by a gown, same with the wig... They indicate something. They indicate to people that you have a particular role to fulfil.³⁷²

A uniform visibly and instantly communicates specialised offices and statuses (Joseph, 1986).³⁷³ The power of uniform, as Joseph (1986) pointed out, is that it 'seems to have an existence independent of...its wearers... [and] one salutes the uniform and not the man' (p.66). Through this process of 'impersonal objectification', the individuality of the wearer is often disguised (Joseph, 1986, p.66, p.68; Watt, 2013, p.89, p.112).

Supporting this idea, respondents reflected that their dress obscured their individual and personal attributes in the eyes of others, and helped them to appear as a 'figurehead' of the court. Raymond Potter expressed:

It depersonalises the people involved. They're there as 'officers of the court', not as themselves... It's not them individually who's dealing with your case. It's the court, the law itself. That's where the emphasis should be.³⁷⁴

Michael McKenzie told a remarkable story about the power of legal dress to render the personal features of a judge invisible:

You look different in a wig and gown, you see. Ewan Montagu, the [judge] I talked about, he dealt with a case and I sat with him, and it was dreadful because the parties for the defendant had got quite emotional and were shouting and so on, and the case finished and he went to prison, the defendant. And the parties were hanging about outside, causing quite a lot of trouble outside. And Ewan came to me to drop something in on my desk with his overcoat on and he was leaving, and I said, 'You're not going out the front door are you?' 'Yes of course, why not?', he said. So I said, 'Well there's a whole host of the family out there. They're just going to see you and it's going to be, you know, very, very difficult. They'll assault you, I'm sure. Certainly they'll jostle you and shout abuse at you and so on.' 'Ooh, I don't think so', he said, much wiser man than I. And do you know, he walked out, and I watched him through the window and he walked straight through that crowd and some of the crowd saw him and looked at him, but he looked different. He didn't have a wig and gown, and he wasn't sitting on a bench. Almost unbelievable! One could say, well of course you could see what his face was like, but the evidence was, he walked through the crowd and I don't think they knew who he was.³⁷⁵

Moran (2006) has similarly discussed the effectiveness of legal dress to mask the individuality of legal officers. In his study of gay and lesbian judges, Moran (2006) argued that the 'full body disguise' (p.588) created by formal dress, as well as the spatial arrangements of the court, work in tandem to create what he calls a 'performance of distance' (p.589). The judge's robe and wig, and the courtroom setting, brought to the fore that the office holder was the embodiment of the ideal values of the law, and overshadow the individual subject and their personal characteristics. Moran (2006) quoted Justice Cameron who considered the staging of distance a necessary tool to help manage the demands of judging (p.589). As interesting as this work about the judicial

office is, the office of the court clerk has not been recognised to date in the academic literature. Yet like the judge, the court clerk was also seated at a raised bench that faced the court. They too, were integral to the court performance characterised by personal and emotional distance. Reiterating Raymond Potter's statement, the court clerk's uniform also served to obscure their personal traits and drew attention to the office itself.³⁷⁶

In their uniform, the court clerk was a recognised and legitimised group representative (Joseph, 1986, pp.67-68; Joseph and Alex, 1972, p.723; Watt, 2013, p.38).³⁷⁷ And as such, they were 'insiders' within the court. In his analysis of the social world of Wood Green Crown Court, Rock (1993), explored the various factors that distinguished members of the court from non-members and posited that insider status was reserved for those who worked to uphold the rule of law solely inside the courthouse. An insider was permitted to move freely in sections of the courtroom and areas of the building that were prohibited to the public. They had an 'ease of access to knowledge about the court's affairs' (p.188), used an office, addressed colleagues by their first names, and were invited to Christmas parties.³⁷⁸ Court dress too, was another key feature that signified insider status (Rock, 1993, p.142).

Watt (2013) has written that 'the effect of the dress on the lawyer is to give him instant, unquestioned access to the inner sanctum of the law' (p.106). Similarly, for the court clerk, although they were generally not legally qualified, their garb unmistakably indicated their entitlement to the court's 'inner sanctum'. Moreover, formal dress tended to present 'insiders' – legal professionals and officials, as a powerful and united collective body distinct from the public. Their perceived authority was further amplified because court dress has been inscribed with the weight of history and tradition. However, amongst the insiders themselves, there were divisions in terms of their status, specifically between court clerks and barristers. Valerie Jerwood observed that her official dress helped to enhance her self-image amongst legal professionals. She expressed:

Having a wig and the gown...puts you on more of an equal footing with the people you're working with in court... The barristers – because they're

obviously very learned people – they wear wigs and gowns and their knowledge is huge. And I just think when you're there as a court clerk with no legal training, no legal background at all, having the wig and the gown just elevates you a little bit.³⁷⁹

The second second purpose that respondents attributed to court dress was that it functioned as a theatrical costume. Joseph (1986) and Watt (2013) noted that a costume affects the performer's state of being and assists them to embody a different character (Joseph, 1986, p.183; Watt, 2013, p.91). Valerie also likened donning her court attire to stepping into another persona. She added:

The wig and the gown certainly make you feel like a different person... You feel as if ...you're playing the role of the court clerk and other people know that you're the court clerk and can respect that you are.³⁸⁰

Similarly, Irene Elliott commented on the transformation she experienced when she dressed in her tabs and gown. She stated, '...once you'd got that on, you were a court clerk then. You weren't Irene Elliott. You weren't the mum or the wife. You were a court clerk and that was your job, to look after that court that day, and keep it running.'³⁸¹ This idea chimes with Rita Holmes' assertion that she 'put on the mantle of being a court clerk' before she entered the courtroom which helped her to feel 'less nervous' and in a position of 'more authority'.³⁸²

The third function that interviewees assigned to official attire was that it enhanced the dignity of court proceedings. This view has been echoed by various writers (see for example Hargreaves-Mawdsley, 1963, pp.2-3; Ede and Ravenscroft, 2003, p.55; Joseph, 1986, p.40; Watt, 2013, p.86). But what meanings did respondents invest in legal dress that it was associated with the quality of dignity? Or, to put it another way, what did they consider to be dignified about court attire? Perhaps Rita Holmes' remark can aid our understanding here:

We're dressing in a different way so you're aware it's not your everyday, and you've got to pay attention. You've got to give it respect.³⁸³

For Rita, formal dress proclaimed that the courtroom was an 'out of the ordinary' place. Mulcahy (2011) has asserted that not only court dress, but the court building, and ritual

and ceremony, all worked together to denote a dignified and ‘special place for adjudication’ (pp.28-29). It is worth asking why such efforts have been made to create a rarefied space for the performance of law, recognisably removed from the everyday world? Drawing on Alison Lurie’s (1981, p.25) work about the ‘language’ of clothes, Watt (2013) has suggested that lawyers and other officers of the law, straddle ‘the threshold of order and disorder at society’s edge, and at the threshold of significant transformations in individuals lives’ (p.91). It might then be surmised that within an arena that often deals with gross violations of acceptable and civilised behaviour, and is rife with conflict, tension and heightened levels of emotion, it has been considered necessary to impose a sense of containment, order and control.

Within this context, court dress – sombre, predictable, and easily identifiable – helps to buttress the representation of orderly, controlled and depersonalised legal professionals and court officials, who operate in a rational and reasoned manner, noticeably distinct from a more unpredictable and potentially dangerous public. Extending this idea further, as Rowden (2011) has articulated, official dress can be seen to be more than merely a statement that the court is removed from more mundane everyday life. It continues to establish and maintain authority and legitimacy during the court process (Rowden, 2011, pp.112-14).³⁸⁴

Respondents adamantly defended retaining court attire. They referred to recent changes to the dress code within the Civil Court, as well as inquiries and debates during the past 25 years or so that have sought to gauge opinion from legal professionals and court users alike, about the value of official attire.³⁸⁵ Michael McKenzie stated:

I think in the long run eventually those historic days of judges wearing wigs and gowns, and barristers wearing wigs and gowns, will fall away... One day we’ll have to face it but I wouldn’t look forward to it... To me that dignifies the whole system. Some would say, ‘How can a wig dignify a whole system?’ It’s what it stands for really, and it’s historic background.³⁸⁶

Michael has drawn a connection between legal clothing, dignity, and history, and other respondents have also expressed that court dress was a tangible reminder of the distinguished lineage of the English legal system. Through the wearing of official dress,

believing in its value, and taking personal pride in their self-presentation in court, court clerks actively upheld traditional practices and perpetuated the sense of continuity in the criminal justice system.

Speech and demeanour

Speech was another vital element of the court clerk's performance. They used formal and formulaic language and recited a script in open court. Respondents explained that when they began clerking, they scribed their own set of approximately 25 'crib cards' from their mentor or another colleague which included the text for a range of different scenarios, such as arraigning a defendant, swearing in a jury, taking a verdict, and opening and closing the court (see Appendix M for sample crib cards). With experience, they learned the script by rote, yet many confided that they always placed their cards by their side 'as a safety blanket' in case they 'dried up in the moment' under pressure.

Goodrich (1984) described the law's use of language as hierarchical, authoritarian, distanced, alien and reified (p.175). Carlen (1976b) argued that it was also experienced in this way, particularly by defendants, to whom the words used were often unintelligible, not only because they were literally inaudible to them from their position in the dock, but they were difficult to comprehend (p.98). As an example of the contrivance and formality of the language to contemporary ears, when the court clerk formally opened the court they pronounced: 'All persons having anything to do before my Lords the Queens Justices draw near and give your attendance.' And to close the court: 'All persons having anything further to do before My Lords the Queens Justices may now depart and give their attendance tomorrow morning at 10:30.' The court clerk usually opened and closed the court in the presence of a High Court judge, and at the beginning and end of each day, or each week, depending upon the judge's individual preference.³⁸⁷

Respondents noted that the court clerk's speech fostered an atmosphere of gravitas and formality. Moreover, their words served to glorify the judiciary. In open court, court

clerks called High Court judges, ‘My Lord’; and Circuit judges, ‘Your Honour’.

Interviewees perceived that these titles rightfully accorded judges the authority and respect they were entitled to. Carlen (1976b) has highlighted how these formal forms of address have worked to exalt and sustain the image of the ‘venerable judge’. She stated, ‘a concerted portrayal of authority and wisdom is maintained by the ceremonial courtesies of complimentary addresses and reference’ (Carlen, 1976b, p.53). In addition, the deference that court clerks showed to the judge was maintained in the privacy of the judges chamber. This is illustrated in the following anecdote by Jim Reid about a judge whom he knew well who had recently been appointed to the bench:

I remember one chap who was recently appointed and I’d gone into his chambers and I said, ‘Morning Judge, how are you?’. [He said], ‘Oh come on Jim, it’s David.’ I said, ‘With all due respect’, I said, ‘It can’t be’. I said, ‘If a member of my staff heard me being so informal, and was informal to you then, I would crucify them, and you wouldn’t be very pleased.’ So I said... ‘Because of the position you hold, it has to be, morning Judge... [If we’re at a party, I know I have your permission to say, hi David. How are you doing?’ I said, ‘But I wouldn’t dream of doing it in a workplace’... So although there were, shall we say, conventions, they were conventions that were there for a very good reason because if a member of the public heard you being informal or something like that, the image that it just projects, is totally wrong. So that’s why we didn’t do it.³⁸⁸

Jim’s comment that behaving informally with a judge would have projected the ‘wrong’ image conveys his understanding that the way he behaved, or his performance, influenced others’ perceptions of the administration of justice. Jim explained that the image he wanted to project would foster people’s trust in the independence of the judiciary, and the impartiality and integrity of the evidence-based court process. He believed that a formal, non-partisan manner helped to promote that goal.

Within the courtroom, the court clerk’s speech had a noticeable and immediate impact. As discussed in Chapter Four, their statements and instructions guided different groups of people, such as defendants, witnesses, jurors, and newly appointed magistrates through each stage of proceedings in a clear and orderly fashion. Their ‘speech-acts’ were powerful in that they had real life implications.³⁸⁹ Interviewees were aware of the potency of their words and commonly gave the example of taking a verdict and asking

the jury foreman critical questions to elicit responses that would determine a conviction or acquittal. A few respondents remarked that taking the verdict was their turn to be ‘in the spotlight’, and their ‘starring role’. Yet many others regarded themselves merely as instruments in the sense that they were facilitating a process whose outcome was often life changing for individuals. They felt that all eyes were on the jury foreman and defendant and no one was actually paying any attention to the court clerk. Nevertheless, it was through the court clerk’s embodied utterances – their breath and voice and being – that words were given life and meaning, and hearings were able to progress and reach their ultimate conclusion. The court clerk’s linguistic function was clearly a core component of their court performance.³⁹⁰

Interviewees considered themselves the mouthpiece of the court. They mostly had no choice about *what* they said during proceedings.³⁹¹ However, they did have a measure of control over *how* they delivered their script. Their narratives feature numerous anecdotes about learning to project their voices, altering their natural vocal tone and pitch, speaking more slowly than their usual speech, enunciating clearly and firmly, and trying to sound as neutral as possible. A few mentioned that speaking loudly and publicly in court came naturally to them and they were not perturbed or self-conscious. But the majority admitted that modulating their voices required extensive effort and practice. They recounted that in their early days of clerking, they were taken to an empty courtroom to role-play their part. Jim Reid recalled:

You were taken in then by your mentor and he stood or she stood in the dock and said, ‘Right, read these words. I’ve got to hear what you’ve got to say.’ And you would start talking perhaps in your normal voice... and the person 20 or 30 feet away would say, ‘What are you saying? Speak up. Project your voice.’ And I suppose it was a bit like an acting lesson because you had to be able to be heard.³⁹²

Pamela Sanderson mentioned that when she was nervous her vocal pitch tended to rise. She learned, and in time also advised trainees, to lower their voices to control and mask their anxiety. Many interviewees confided that they were initially very intimidated and daunted by the task of speaking publicly in court. Geoff Walker remembered:

I thought, will I be able to get up and do this...standing in front of everybody and everybody looking at you?... I remember the first time I ever put an indictment to somebody. I stood up, picked the indictment up and had to put it down on the table because my hands were shaking that much I couldn't see what I was reading. So I put it on the table...so that I could read it because my hands were just quivering... It was the first time I'd ever got up and spoken in front of a room full of...strangers. And not just that, it's the formality of putting the charge to somebody for the first time... It's just very nerve-wracking and I think it is for everybody. You're not alone in that.³⁹³

Respondents also shared their embarrassment about reading aloud explicit details of sexual offences, as well as pronouncing complicated legal and medical terms, names of drugs, and the names of particular witnesses and defendants. Karen Hazell elaborated on these aspects of her public speaking role in court:

It's something that you develop with experience and over time, and the more time that you do it the more natural it becomes. And you just go into court clerk mode...voice projection and being clear and being understood and...getting familiar as well, with the words and the script and a lot of indictments... Sometimes they can be very, very wordy and a simple affray for example, is 'causing someone of reasonable firmness present at the scene to fear for their personal safety'... But then you've got some far, far more complicated things such as fraud... One count can take up half a page. So it can be quite, quite daunting. And the more counts you get the longer it takes. And I think my longest arraignment's probably been about half an hour... And you know that you've just got to keep going and keep going... and then you sit down...and it's the relief... But also you can get really horrible words... 'methylenedioxymethamphetamine'. It means ecstasy, it's MDMA. It's a drug. But there are other drugs as well... And there are also a lot of sexual offences which actually these days are really specified... It might be assault by penetration but then it will go on to say, namely, 'You inserted a finger in her anus'...and that's what you have to say. And you have to get passed being embarrassed about it... I think it's just experience and as time goes on you...have to accept that actually that's what he's alleged to have done and everyone needs to know that's specifically what's alleged.³⁹⁴

In all the instances that Karen has described, she was obliged to speak publicly. However, interviewees referred to a particular and significant annual occasion when they *willingly* made the choice to speak in open court. In many Crown Courts, the opening of the legal year was honoured by the reading of the Letters Patent, a church

service and procession. The Letters Patent, also known as ‘the proclamation’ was an official document, recited on behalf of the Queen, and empowered the judiciary to dispense with her justice over the coming year. It was typically read by the court clerk.³⁹⁵ The Letters Patent replaced the Opening of the Assize Commission (Bristow, 1986, p.111), and Raymond Potter noted that the Assize Commission was adapted and simplified for the new Crown Court (see Appendix N for the Letters Patent text).³⁹⁶

Many respondents volunteered to read the Letters Patent, although in some courts they were asked by the Court Manager. David Dawson explained:

The court clerk is required to read the Letters Patent which I did one year... You read this formal archaic wording... It was a responsibility and...it was nerve-racking because the court was full, because all the bar was there, solicitors were in, all the judges were on the bench...including a High Court judge usually. And so you had to name them all, bow to them all, and they all bowed back. It was all terribly formal.³⁹⁷

Written in ‘olde worlde’, antiquated English, a public rendition of the Letters Patent to a ‘packed courtroom’ was no mean feat. Many interviewees remarked that the text was difficult to comprehend, let alone pronounce the unfamiliar wording. Karen Hazell commented, ‘I literally rehearsed it and rehearsed it and rehearsed it.’³⁹⁸ Patricia Douglas explained that in order for the Letters Patent to make sense, it had to be read slowly, with well-chosen pauses. She proudly recalled receiving a thank you letter from the Recorder of Newcastle for reading ‘so superbly’. Patricia added:

It was very gratifying to have...counsel trooping out and saying, ‘You read that very well Mrs D’... You’re wanting people to think...that things are done well at Newcastle. ... I always had a pride in Newcastle and this idea that Newcastle was somewhere where we...extended hospitality and... things were going to run smoothly.³⁹⁹

Volunteering to read the Letters Patent was a prime example of the court clerk’s willing and dynamic participation in, and support for, traditional ceremonial practices that glorified the law. Moreover, as Patricia and others indicated, their earnest intention to read clearly and competently was interwoven with feelings of loyalty towards their

respective court and sustaining its reputation. Naturally, they also didn't want to appear inept or inadequate in the presence of esteemed company. As Trevor Hall articulated:

You were the mouthpiece and there were all these highly educated, highly proficient people sitting behind you and around you. And there was me, who hadn't gone on to university or anything like that, but had just worked up through the ranks... So it was a bit awe inspiring in one sense... I think I was conscious of the fact that I didn't want to show myself up or...show the court in a bad light.⁴⁰⁰

Respondents emphasised it was imperative that they delivered their speaking parts effectively. David Hoad remarked that he spoke firmly and forcefully because if a court clerk was 'hesitant and nervous and a little bit unsure' they could not convey a much-needed sense of solidity and presence.⁴⁰¹ Michael Bishop expounded upon why the quality of the court clerk's oral performance was critical:

When I was a court clerk at the Bailey one of the ushers used to say, 'Oh, here comes the Olivier of the Bailey'... because [of] the way in which I delivered what I had to say...whether I was putting the jury in charge or putting the indictment, or taking a verdict... Now in a courtroom you've got the judge that's sitting behind you, you've got the barristers, you've got the solicitors, you've got the shorthand writer who needs to take down a transcript, and if they can't hear what's being said properly then it spoils the whole thing. You have all the jurors in the jury box. You've got the defendant, you've got the dock officers, you've got the people in the public gallery. You may even be lucky enough to have members of the press in. If your diction and if your delivery is not sufficiently good enough then somebody's going to dip out. And if justice has got to be seen to be done... and the court process is a part of that being seen to be done, then the way in which you deliver is important. And that's how I felt. That's probably why I was tagged...the Olivier of the Bailey.⁴⁰²

Being heard and clearly understood in court was essential for court clerks. The act of vocalising encompassed a much fuller, more holistic performance that was intimately linked to how they held and moved their bodies. Interviewees descriptions of speaking publicly in court suggest that they were also extremely aware of their physical posture and body language. They discussed the considerable effort and energy that they invested in this aspect of their performance. The overriding impression that respondents wanted to give was that they appeared to be calm, composed, and 'in control'. A surprising

metaphor that the majority referred to was that they aspired to resemble the graceful swan. Pamela Sanderson commented:

It was a common thing around the Courts Service, that if you were a clerk you [were]...like the swan, calm, gliding along the surface and the legs paddling madly underneath. And that was how we were supposed to be.⁴⁰³

The effort and work involved in emanating a cool, swan-like demeanour irrespective of how they might actually have been feeling links back to the emotional labour that was demanded of the court clerk, as discussed earlier in this thesis. Indeed, Ashforth and Humphrey (1993) stated:

...emotional labour can be considered a form of impression management to the extent that the labourer deliberately attempts to direct his or her behaviour toward others in order to foster both certain social perceptions of himself or herself and a certain interpersonal climate (p.90).

Moreover, Hochschild's (1983) theory of emotional labour drew upon Goffman's dramaturgical model which perceived the worker as performing their role (Ashforth and Humphrey, 1993, p.90).

In addition, Goffman (1967) asserted that 'the expressive control with which a person handles their emotions and body' (pp.9-10) is the measure and definition of dignity. Adopting this idea, it could be suggested that the court clerk's demeanour and self-control significantly contributed towards dignifying proceedings. Furthermore, they censored and moulded themselves to conform to their circumscribed role within the formalised courtroom environment. Yet simultaneously, their behaviour, alongside the behaviour of judges, barristers, and others who worked in the court, continually recreated and reinforced the known patterns and forms by which proceedings were enacted, and perpetuated the impression of the law's sobriety and continuity.

Ceremony, pageantry and ritual

Legal ceremonies and pageantry have an ancient history in England and Wales, and court clerks' involvement in these special and rarefied events was another way in which they perpetuated a sense of the law's continuity. It is important to elaborate on the significance of legal ceremonial here because it sets the broader historical context and underscores that when Crown Court clerks participated in these types of occasions they were sustaining performances of justice derived from hundreds of years ago and far beyond the origin of the Crown Court some 45 years ago.

Under the Assize system, ceremonial displays were intimately connected to the esteem and prestige of a county town or city that was associated with hosting an Assize. For many centuries, obtaining the grant of Assize was a hard-won privilege and required local authorities to go through a competitive application process, often submitting several applications before they were successful (Mulcahy, 2011, p.126).⁴⁰⁴ Graham (2003) has compared the grant of Assize to a coming-of-age ceremony or a coronation that recognised the respective Assize town as a local capital (p.98) Mulcahy (2011) has suggested that the Assizes represented more than a cultural symbol and 'conferred symbolic status as an instrument of state-sanctioned and centralised power' (p.126). In light of its importance, the opening of the Assizes in a county town was traditionally honoured by opulent pageantry and ceremony. For example, in 1778, a judge processed through the streets in a horse drawn coach with wigged and satin-coated coachmen, groom, footmen, and 250 javelin men (Ward, 1948, p.14) (see Appendix O for images of Assize pageantry). In 1821, *The Times* reported that in honour of the Northumberland Assizes, the High Sheriff crossed the Tyne in a coach drawn by six horses, and was preceded by nearly 200 horsemen, followed by more than 30 coaches, and the bridge over the Tyne and surrounding elevations were crowded with spectators (*The Times*, 1821).⁴⁰⁵

There were various motivations underpinning the creation of these grand spectacles: to exalt the authority of the law; impose a sense of order and control over an unruly populace; affirm the power and status of local dignitaries; and to celebrate each county's

unique cultural identity and civic pride (Graham, 2003, p.271). Rock (forthcoming) posited that Assize ceremonial was designed ‘to impress spectators, deter malefactors’ and confer a vision of social cohesion and order. It is notable that ceremonies and spectacles of justice have been adapted during different historical periods and circumstances. For instance, Derriman (1955) asserted that by the 1940s and 1950s, during the re-constructionist and austere post Second World War period, Assize ceremonial was not very spectacular, and had also been modified to changing modes of transportation (p.124). At that time it was customary for a formally dressed sheriff to meet the judges at the train station and escort them to their lodgings in a hired black Rolls Royce or Daimler car (Ward, 1948, p.14; Nield, 1972, p.5; Bristow, 1986, p.95). At the court entrance, judges were heralded by a group of policemen and army trumpeters (Derriman, 1955, p.116)

It also appears that ceremonial practices varied widely from region to region. In some parts of the country, Assize pageantry and processions were still very elaborate and involved the Red Judges in horse-drawn sheriffs coaches, trumpeters, javelin men, local dignitaries and politicians, right up to the date when the Assizes were abolished.⁴⁰⁶ Justice Peter Bristow (1986) offered a glimpse into the ways that ceremonial manifested in different areas:

In old-fashioned cities like Exeter, with narrow streets, in 1971, old gentlemen on the pavements still doffed their caps as the Red Judge was driven past. In Carlisle, where you had enthusiastic police motor-cyclist outriders...the whole circus swept past too fast for anything like that (p.96).

Although there was a general decline in the scale of Assize ceremonial, these reduced practices continued to represent the importance that was still attached to the arrival of the Assize judges. The subject of ceremony and pageantry was raised in the written evidence submitted to the Royal Commission on Assizes and Quarter Sessions. How did Clerks of Assize on the cusp of the Beeching reforms regard ceremonial? The Clerk of Assize for the Western Circuit, S.E. Lloyd, affirmed, ‘I am sure that the City of Exeter would wish to retain this link with the past and the ceremonial attaching thereto, and in my view it should be preserved.’⁴⁰⁷ The Clerk of Assize for the Northern Circuit, I.A. Macaulay, also spoke in its favour:

There is no need to make any apology for suggesting that in an age which is in danger of losing its former respect for Law, there is much to be said for the ceremonial appearance at least once or twice a year of Her Majesty's judges in all their panoply. In the smaller Assize towns the presence of the judge is an event which arouses the liveliest interest. It is an indication that the local community is still regarded as having a part in the administration of justice. The judge and the county is pleased to have him there. Unfortunately this is not always so in the great centres of population where public ceremonial has largely disappeared. When the judges are thought of at all in the big cities they are probably known as driving to and from the lodgings with a police escort which holds up the traffic and hinders other motorists from pursuing what they consider more important and more profitable affairs. One hears talk of the expense of small Assizes, but if it is worthwhile spending money through the British Council to demonstrate something like Old English Folk Dancing to the inhabitants of Borneo it is no less worthwhile spending money to demonstrate the intimate connection of the courts with every part of the country.⁴⁰⁸

These views portray a romantic vision of Assize pageants as powerful, symbolic, collective events that served to uphold the dignity and majesty of the law, and to retain tradition and custom. However, the Clerk of Assize for the North-Eastern Circuit, Peter Robinson argued, 'I do not think that trumpeters help very much – I do not think that they help at all. I do not think it impresses anybody whom it is really designed to impress'.⁴⁰⁹ It would seem that Clerks of Assize held contrasting views. There were those who favoured ceremonial on the grounds that it cultivated respect for the law, while others perceived that such ancient practices belonged to a bygone era, and were a great waste of time and expense.⁴¹⁰

As mentioned earlier, this study has found that even after the Assizes ended, ceremonial continued to celebrate the arrival of visiting High Court judges.⁴¹¹ How were Crown Court clerks involved in these occasions? In addition to the choice that they exercised regarding reading the Letters Patent, there was another compelling example related to the annual opening of the legal year in Preston in the 1990s where court clerks actively *chose* to be involved in the ceremonial welcome of the judiciary. In order to appreciate

the nature and meaning of their actions it is first necessary to provide some information about the ceremony and pageantry surrounding the start of the legal year in more detail.

As well as opening each new legal year with the reading of the Letters Patent, many Crown Courts around the country also hosted an Annual Church Service in a local church or cathedral, replete with hymns, sermons and blessings for the judges to deliver justice over the year ahead ‘without fear or favour.’ In some regions, particularly Liverpool, Manchester, and Winchester, the Church Service was held on a Sunday and colloquially known as ‘Legal Sunday’. In other areas such as Exeter, Preston, Newcastle, and Durham, it was held during the working week. The Church Service was often accompanied by a procession of the judiciary and Queen’s Counsel donned in full-bottomed wigs, robes, silk tights and buckled shoes, as well as local dignitaries including the Lord Lieutenant, Mayor and High Sheriff, dressed in full regalia. In Newcastle, for example, the procession was approximately 400 yards long from the Moot Hall to St Nicholas Cathedral. In Durham, it was some 300 yards long from Palace Green to the Cathedral and then on to Durham Castle.⁴¹²

In Preston, the entourage processed from the Sessions House court building, half a mile through the main street to the church for the Service, and then journeyed back to Sessions House along the same route. It was customary for the judges to be greeted by trumpeters as they arrived at the court’s entrance. But one year, the funding for the trumpeters was withdrawn. In response, a small group of court clerks decided to take the matter into their own hands. Keith Harrison elaborated:

The pageantry in those days was tremendous because we did have the Lancashire police horses with the parade [procession] and the Lancashire police trumpeters... There would probably be four trumpeters and four police horses... Cut backs, that’s all gone... After that, when there was nothing for the judges... myself and a colleague said, ‘Why don’t we form a guard of honour? Why don’t we stand outside the Sessions House as a guard of honour for the judges as a mark of our respect to them?’... And so then we did get dressed up and we stood where the trumpeters would have stood and...we took their place. It wasn’t as grand as the trumpeters... I, and fellow colleagues thought it would be nice if we had some involvement in it, if there was an opportunity for us to form an entrance into the Sessions House and I think the judges appreciated it because as they processed

through the two lines of six and six they would nod to you, you know, just acknowledge you were there... If they didn't like it they would have just walked through. So I think they did appreciate it.⁴¹³

Two other interviewees discussed taking part in the guard of honour in Preston, and emphasised that their participation was not compulsory. In fact, as Rita Holmes stated, 'If you wanted to go they really expected you to clock out and do it in your own time.'⁴¹⁴ How can this gesture of initiating a guard of honour for the judiciary be interpreted? Our understanding can be informed by the work of Marxist historian, Eric Hobsbawm (1983), who reflected on the role of tradition in English society. Hobsbawm (1983) was particularly interested in how and why traditions originate, which he termed 'the invention of tradition'.⁴¹⁵ The court clerks' instigation of the guard of honour can be read as an act that, in effect, adapted and conserved traditional practice. It can well be imagined that officially attired court clerks standing in two rows at either sides of the judges as they processed into the court building would have appeared to look like an august and age-old ceremony. It is suggested that by devising and enacting the guard of honour, court clerks were upholding the elevated status of the judiciary. Furthermore, they were salvaging and retaining ceremony and pageantry, and traditional performances of justice.

The findings of Brian Harrison's (2012) oral history case study of older and long-serving Oxford 'college servants' are also useful for our purposes. There are clear parallels between this study of Crown Court clerks and Harrison's (2012) informants who, in 1969, reflected on their careers and attitudes towards the roles that they had held in the college during the preceding decades. Harrison's (2012) interviewees began college service after they left school and worked their way up through the ranks; they were paid relatively low salaries; expressed conservative opinions; and were keenly aware of the class distinctions that permeated their work environment. Moreover, their work involved repetitive, regimented work patterns, and was bound by rules of conduct which emphasised 'a high standard of efficiency, fidelity, sobriety and civility' (Harrison, 2012, p.44). The rules also stipulated that 'the comfort and good order of the college depend very largely on the conduct of its servants' (p.44). The similar expectations placed upon court clerks are quite striking.

Harrison (2012) charted the ways in which the work and status of the servants had radically changed during their working lives, which he attributed to three main causes, namely, an advance in technology, specialisation in the college's departments (which were two issues that affected the court clerk's role and were addressed in the previous chapter), and women's paid labour (pp.54-56). In addition, social mores were shifting, and Harrison (2012) noted the diminishing formality and growing discomfort of the postwar undergraduate generation concerning the practice of personal service (pp. 53-54). The servants bemoaned the changes to their way of life. Harrison (2012) wrote: 'Time and again, our informants told us that discipline needed tightening up, good manners should be insisted upon, gowns should be worn in tutorials' (p.52). Numerous further examples were given of servants' insistence upon retaining different customary forms of behaviour. It was they who 'felt particularly strongly about manners, protocol, and dress' (p.53). The servants had spent their lives in service to the college, its dons, and students. Their willing adherence to convention can similarly be discerned amongst court clerks, the majority of whom had dedicated their lives to working for the Courts Service. Harrison's (2012) study offers insight into the ways that those in positions of low status and remuneration nevertheless bought into, believed in, and strove to uphold traditional practices.

The court clerks' creation of the guard of honour in Preston was an expression of their loyalty to the judiciary. Those who participated in it made a conscious choice to be involved. Why were they eager to demonstrate their respect for the judiciary? And beyond this specific example in Preston, the majority of respondents told stories that reflected their deference to the judge. To a large extent, serving the judge was integral to the court clerk's role and training. But why did interviewees hold the judge in such high esteem? What did the judiciary represent to them?

A number of respondents remarked that the judge was the Queen's representative, and as such, warranted great respect. Goodrich (1990) has referred to the 'quintessentially monarchical character of the historical and contemporary English constitution' (p.218). And it appears that interviewees considered the judiciary and monarchy as inextricably

linked. Two respondents were involved in planning and producing the royal ceremonial opening of the Queen Elizabeth II Law Courts in Liverpool in 1984, which they described proudly and enthusiastically as a momentous occasion and one of the highlights of their careers (Appendix P for a photo of Raymond Potter with the Queen at the opening of the Law Courts in Liverpool). Other interviewees also spoke very favourably about the Royal Family.

Additionally, court clerks regarded themselves as servants of a distinctly *English* court system, with which they felt a deep affinity. As Michael Bishop affirmed, ‘I felt a part of the actual process that I actually believed in delivering.’⁴¹⁶ Respondents’ devotion to the judges and the appeal of legal ceremonial may well be connected to feelings of loyalty towards the monarchy and enjoyment of other grand state ceremonies. As Keith Harrison enthused:

I like ceremony... I like tradition. I think Britain is the world’s best at pageantry... You’ve only got to look at Trooping the Colour, Remembrance Day, anything like that. We’re just streets above everybody else.⁴¹⁷

It might be posed that interviewees positive feelings towards legal ceremonies were, in part, a reflection and representation of their British identity and heritage. The following sentiments along these lines were typical. Irene Elliott commented:

We do have a tradition of formal ceremony, like the opening of Parliament, and the Lord Mayor’s parade through London... That’s just a big part of our British culture... I never think consciously I’m very patriotic, but I know when anything like that is going on or we have State funerals...I do feel quite emotional and very proud to be a part of that society.⁴¹⁸

Pamela Sanderson added:

It is tradition, and I feel that, you know, it’s part of England. It’s part of being British...part of England’s heritage... The Lord Mayor...goes back to 1200... One of the lunettes in the Grand Hall [at the Central Criminal Court] is the signing of Magna Carta at Runnymede that meant that everyone is entitled to be judged by a panel of their peers. You can’t say that for all over the world, can you?⁴¹⁹

Leonard Dolphin put it this way:

I think when you think of 'British' you think of tradition and ceremony, not just in the courts, but the Royal family... The ceremonial things we do in the courts do show that sort of tradition, and it's something that's not repeated elsewhere... I think you would lose something if you didn't have that... I think there's something special about the way we deliver justice... because of the respect that everybody holds the process in... And I think ceremonies are very British.⁴²⁰

The above passages would suggest that for respondents, legal ceremony and pageantry were a celebration of British culture, intertwined with 'a sense of history', and 'long-standing tradition'.⁴²¹ Interviewees seem to have assumed an inherent value and worth in 'tradition' for its own sake. Goodrich (1990) spoke to this point succinctly:

Law as tradition depends upon the notion that what is established requires no further or no rational justification; it simply belongs, it is there, part of the system of symbols that constitute a legal identity and system of law. (p. 219)

Goodrich (1990) proposed that English law is largely considered sacred because it can be traced 'beyond the time of memory', 'back to the halcyon times of King Arthur, to Cornwall, to Camelot' (p.214). The mythic quality of this notion of 'time immemorial' works to instil faith in the law by underlining that present day justice is built upon historical precedence and an ethical, reasoned and principled approach. Having stood 'the test of time', and owing to its antiquity and continuity, the law's validity and authority is affirmed (Goodrich, 1990, pp.212-19; Dorsett, 2002; Rowden, 2008, p.15).

Raymond Potter expressed that ceremonial was a way of honouring the law as the bedrock of our society:

It sets the context of years of history gone by, of years of practice in the common law which established our liberties and our way of life that is fundamental to the civilised world we live in... Without the law, where would we be?⁴²²

Michael McKenzie believed that ceremony and pageantry made the law more visible and fulfilled an important function in educating the local populace:

I think the value was...people were aware that there was somebody coming through in a limousine, and it was obviously the High Court judge, and he'd come to dispense justice. And there'd been certain cases that the public had read about where there'd been a nasty murder or a vicious rape or a heavy bank robbery and this was the man coming to deal with the case, and we've got justice in this city that...looks after the wrong doings that are done. And I think it had quite a powerful part to play in the sense of the people of the locality.⁴²³

A similar view was shared by Clerk of Assize for the Midland Circuit, B.H. Sayer, in his submission to the Royal Commission. He stated, 'the Red Judge has a salutary effect on local wrongdoers or potential wrongdoers, and boosts the morale of the law abiding citizens.'⁴²⁴ Yet not all of this study's respondents perceived the value of ceremonial or revered the past and tradition. Shirley Hill's perspective was more unusual and pragmatic than others:

There was an awful lot of pomp and ceremony and people dressing up in silly uniforms and bloomers and shoes with big buckles and things like that... I can't see that it serves any useful purpose. I think it's pointless myself... But to some people it's important. Because it's carrying on...the link with the past... But I mean, I look and think, what's the easiest?... Do we really need this?⁴²⁵

So far this chapter has concentrated on court clerks' participation in ceremonial surrounding the start of the legal year. However, they also organised and orchestrated various ceremonies that took place a few times each year, specifically the swearing in of new Magistrates, Recorders and High Sheriffs, as well as High Sheriff Award Ceremonies, which was outlined in Chapter Four. In addition, court clerks were important players in the *everyday* and *ritualised* performance of the trial. This is worthy of further attention. The work of key ritual theorists in sociology, namely Emile Durkheim (1995), Erving Goffman (1967), and Randall Collins (2004) offer insight into the importance of ritual in the criminal courtroom.⁴²⁶ They have defined rituals as repeated and focused social interactions whereby people come together to participate in a heightened shared experience, for instance, a powerful sporting or religious event, or a trial (Durkheim, 1995, p.217; Collins, 2004, p.35; Summers-Effler, 2006; Rossner and Meher, 2014).⁴²⁷

Academic writings on ritual are extensive and multi-faceted, yet an issue that is pertinent to our discussion is the contention that rituals create, represent, and embed the beliefs and morals of a society. Aligned with this idea, legal scholars (for example, see Buis, 2004; Pyle, 1984; Hibbitts, 1996) have posited that the trial is a collective ritual and affirmation of the moral order. Ideally, those who have breached the norms are punished, and the innocent are redeemed in the eyes of others (Rossner and Meher, 2014). Yet other writers have conceptualised trials as degradation rituals or ceremonies, and ‘ordeals’ that ‘re-victimise victims and silence defendants’ through the use of alienating and oppressive spatial and linguistic practices (Garfinkel, 1956; Carlen, 1976a, 1976b; Rosen 1966).⁴²⁸ The effect of the trial upon court users is beyond the scope of this chapter. But these critical perspectives are relevant in that they recognise the trial is a highly significant and emotive ritual in our society (Rock, 1991, p.267).

Rituals are embodied and participatory events, and as such, they need to be performed. Through their performance, they work to regulate and control behaviour. Rock (1993) observed that in the criminal courtroom, it is the ‘formality and gravity of process which force charged contents into a disciplining frame’ (1991, p.273). He added:

...even a case of petty shoplifting will become the subject of a measured performance in a theatrical arena, a performance in which all the professional participants are gowned and uniformed, language is restrained, and action contained. It will follow known and enforced rules of procedure and evidence, what lawyers call ‘tramlines’, that carry events firmly from stage to stage (Rock, 1991, p.273).

Rock (1991) has elucidated that the contrived staging and time-honoured ritualised enactment of justice helps to both contain and sustain proceedings. Moreover, as Hibbitts (1996) asserted, ‘the embodiment of law in performance authenticates and legitimises law.’⁴²⁹ A clear example of how the court clerk’s performance enforced the authority of the court is vividly depicted in the following story by Pamela Sanderson about an occasion when the spectators in the public gallery refused to follow protocol and stand for the judge to leave the courtroom:

I said, 'Silence and be upstanding', and all the court would stand up. [Then] the judge would stand up. The first time I did it they didn't stand up so I thought, I'm not closing the court until they stand up. So I said, 'In the gallery, would you stand up please.' And they still ignored me... And then we got into this tussle. I wouldn't close the court until they stood up and they wouldn't stand up for the judge. And the attendant in the gallery was telling them, 'Stand up, stand up', and we reached an impasse, you see. And I just kept saying, 'Stand up in the gallery. Stand up in the gallery.' In the end they did, and as soon as they did I rattled off the closing, and got the judge off the bench. And I said, 'I'm sorry about that Judge but if they're coming in this courtroom,' I said, 'they're standing up for the judge'... because that was the protocol in English law, that when the judge comes on the bench everyone rises... I wasn't having them dictating to me. So I insisted... partly because it was English law and tradition, [and] partly, in that particular case, I felt that people in the gallery were trying to impose conditions on me. I wasn't having that. It was my courtroom.⁴³⁰

Social understandings and images of justice are reconstructed and reinforced on a daily basis through the ritualised enactment of protocol and procedure (Rowden, 2011).⁴³¹

The court clerk has been integral to this process. The style and quality of their performance has influenced public perceptions concerning the extent to which the court functioned efficiently, effectively and respectfully. David Hoad commented:

It's a very visual thing, court life... You're the person representing the court. So when people go to the courtroom you are Winchester Crown Court-in-being. And it's important that you reflect the court through you, and that's the attitude I took really. I mean, it's a public arena, members of the press are there, members of the public are there, all of whom comment on what they saw, and it's important to portray... court proceedings in the best possible light.⁴³²

David and Pamela's accounts above convey their conviction and commitment to their court performance.⁴³³ The sincerity with which they approached their role and belief in the value of circumscribed codes of dress, speech and behaviour were common to almost all respondents.

Conclusion

A principal component of the Crown Court clerk's role was the way that they performed in court. This chapter has identified the main elements that comprised their performance: the wearing of official dress – gowns, tabs and wigs; speaking publicly and following a script for different scenarios such as arraigning defendants, swearing in witnesses, empanelling jurors and taking verdicts; and projecting a composed and neutral demeanour. Nearly all respondents strongly believed in and embraced the perceived value and functions of these elements. They were highly conscious of representing the Courts Service through their self-presentation and behaviour, and they took pride and care in ensuring that their clothes were impeccable, their speech was clearly audible and correct, and they appeared calm, contained and 'in control'.

As a demonstration of their support for ceremonial displays of justice, many respondents willingly chose to participate by reading the Letters Patents for the annual opening of the legal year. In addition to organising and orchestrating other special and rarefied swearing in and award ceremonies a few times each year, court clerks were also instrumental in staging and enforcing the everyday ritualised enactment of the trial. This is significant in that the trial has been recognised by scholars as an important ritual event in our society that reflects and entrenches the moral order. Viewed from this perspective, Crown Court clerks can be understood as custodians of continuity who actively upheld traditional practices and behaviour in relation to dress, speech and demeanour. Their repeated performance of justice, alongside judges and barristers, in accord with fixed patterns of protocol and procedure, served to dignify proceedings and to link the administration of justice to an ancient and revered history. In this way, the Crown Court clerk's performance worked to reinforce the authority and legitimacy of the law.

Notes

³⁵¹ The standardised modernist court design contrasts sharply with buildings that were erected during the Victorian era and housed the courts. These buildings have been written about as grand monuments to the law and rich in architectural symbolism (Mulcahy, 2011, p.7, p.24, p.25; SAVE, 2004, p.2; Girouard, 1990, p.207; Briggs, 1963, p.179; Graham, 2003, p.97).

³⁵² In this context, legitimacy is used to refer to ‘the entitlement of a public authority to be obeyed’ (Mack and Roach Anleu, 2010, p.137), and it is argued that institutional agents enhance legitimacy by acting in alignment with preordained principles or rules (McEwen and Maiman, 1986, p.258).

³⁵³ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 5 [1:28:17-1:34:16]

³⁵⁴ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 3 [4:07-4:55]

³⁵⁵ For further information about how the physical court environment affects the process of adjudication, see for example, Mulcahy, 2011; Garfinkel, 1956; Rowden, 2011; Rock, 1993.

³⁵⁶ [online] Available at: <<http://law.pitt.edu/archive/hibbitts/describ.htm>> [Accessed 26 January 2017].

³⁵⁷ Scholars have looked at the criminal trial in terms of a theatrical performance but this is not a subject that this study is specifically concerned with. The literature in this area has identified overt similarities between the trial and theatre such as the costuming and staging, and primarily focussed on the lawyer as performer (See for example, M. Ball, 1975; Vogelmann, 1993; Parush, 2001; Harbinger, 1971. Carlen (1976) in particular, argued that the Magistrates’ Court is a theatre of the absurd which renders the experience remote and meaningless for the defendant (pp.21-22, p.38).

³⁵⁸ These ideas parallel philosopher and gender theorist, Judith Butler’s (1988) theory of gender performativity. Butler contended that gender is not a fixed or coherent identity. Rather, it is composed through a ‘stylised repetition of acts’, and specifically through the ‘way in which bodily gestures, movements and enactments of various kinds constitute the illusion of an abiding gendered self’ (p.519).

³⁵⁹ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 4 [40:35-48:09]

³⁶⁰ Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 3 [1:02:05-1:02:54]

³⁶¹ In this context, demeanour refers to Goffman’s (1967) use of the word which he defined as ‘deportment, dress and bearing’ working together to present certain attributes and qualities that we intend to convey, as well as our perceived status in relation to those around us, and expectations of how others should behave towards us (Goffman, 1967, p.5, p.77, p.78).

³⁶² Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 4 [1:16:01-1:16:04]

³⁶³ This speaks to Goffman’s (1967) metaphor of the ‘face’ and social interactions as ‘facework’. Goffman (1967) posited that in our interactions, we adopt a ‘line’ or statement of the self which we express through the face that we project. Face is the positive self-image that an individual holds when interacting with others and needing to maintain and live up to that face, such as when a person represents their profession positively by representing themselves well (Goffman, 1967, p.5).

³⁶⁴ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 2 [22:46-23:18]

³⁶⁵ In 1635, the Commission of Westminster published a decree that laid out sartorial rules for judges and other officers of the courts. These rules followed closely the observations of a scholarly work of 1625, *The Discourse on Robes and Apparel* (McQueen, 1998, p.33; Hargreaves-Mawdsley, 1963, p.60). Hunt (1996) asserted that after the Restoration in 1660, the regulation of dress for barristers and judges was no longer part of sumptuary regulation, and was in the hands of members of the legal profession themselves. (The sumptuary laws were an attempt to regulate the consumption of apparel, food, furniture) (McQueen, 1998, p.34; Hunt, 1996, pp.71-2). Most modern day dress standards of English judges and members of the court derive from this decree. Wigs however, were not included in the rules of this time (McQueen, 1998, p.33; Hargreaves-Mawdsley, 1963, p.60).

³⁶⁶ The Tie Wig that is worn by court clerks and barristers today was patented by Humphrey Ravenscroft in 1822 (Ede and Ravenscroft, 2003, p.42). In 1835, Ravenscroft also patented a new form of ‘full-bottomed’ wig which is today worn for ceremonial occasions (McQueen, 1998, p.36). Wigs were first introduced to England around 1660 at the time of Restoration of the monarchy of Charles 11, and subsequently worn during the reign of Queen Anne by officers in the superior courts. But they were not solely worn in the courts (Ede and Ravenscroft, 2003, p.9; McQueen, 1998, p.35). In fact, wigs were initially a fashion item and various types, sizes and styles signified an individual’s rank, wealth and professional status (Ede and Ravenscroft, 2003, p.24). They were also worn by stage actors and women, and to conceal hair loss (Ede and Ravenscroft, 2003, pp.10-11). Wigs of the seventeenth century tended to be voluminous, with cascading blond, black or brown curls, parted in the middle and flat on top. These wigs, known as full-bottomed or full-bottoms, were very different to the periwigs of modern courts (Ede and Ravenscroft, 2003, pp.13). Though they were not part of any official regulation, full-bottoms were initially adopted by judges who followed the lay fashion (McQueen, 1998, p.35-36). Then in the 1770s, in keeping with changing trends, and because they were much easier to maintain, judges also began wearing smaller wigs (Hargreaves-Mawdsley, 1963, p.67). This is purported to be the origin of the undress wig which is worn for ordinary sittings of court (Hargreaves-Mawdsley, 1963, pp.67-68; McQueen, 1998, p.36). At this time, barristers began wearing a wig similar to that which they wear today (Ede and Ravenscroft, 2003, p.41). Wigs were no longer fashionable in Europe by around 1815, but they continued to be worn by certain professions in England into the nineteenth century due to the prestige and authority associated with them. Doctors, soldiers and clergymen slowly relinquished wearing wigs but the practice was retained by lawyers (Ede and Ravenscroft, 2003, p.37). It is worth noting that wigs have never been part of legal dress on the continent and have come to represent the dress of advocates, judges and court officials of the English courts (McQueen, 1998, pp.39-40; Ede and Ravenscroft, 2003, p.35, p.37).

³⁶⁷ The triangular piece of cloth at the back of the barrister’s gown is said to represent the original pouch in which their brief fee was placed (Anon, 2005). Legal historians have traced the designs of the modern barristers gowns to periods of mourning following the deaths of Queen Mary and Queen Anne in 1694 and 1714 respectively, but J.H Baker stated that the gown is associated with the death of Charles 11 in 1685 (Ede and Ravenscroft, 2003, p.61).

³⁶⁸ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 6 [28:50-28:53]

³⁶⁹ Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 6 [24:34-25:49]

³⁷⁰ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 6 [4:03-4:31] and [6:40-6:45]

³⁷¹ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 9 [1:09:52-1:11:14]

³⁷² Interview with Ron Churcher, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/06, Track 3 [33:15-36:32] It is worth noting that the court clerk’s uniform was obvious to those who understood the court’s workings but to the public they appeared among a mass of officials (Rock, 1993, p.143).

³⁷³ This point is made by scholars such as Bell, 1947; Joseph, 1986; Watt, 2013; and Warwick and Cavallari, 1998.

³⁷⁴ Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 2 [6:45-7:04]

³⁷⁵ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6 [56:34-57:46]

³⁷⁶ In a similar vein, Watt (2013) noted that ‘dress is the ordering of bodily appearance for purposes of protection and projection’ (pp.6-7), and more specifically, protects and cloaks the individual’s ‘private domain’ and projects the image of the office that they represent (p.121).

³⁷⁷ Joseph informed us that for the wearer, a uniform acts as a ‘group emblem’ and separates them from ‘outsiders’ (Joseph, 1986, p.66-7, p.74).

³⁷⁸ Rock (1993) observed that there were exceptions to this. For example, the press office inside a courthouse did not mean that reporters were insiders (p.188).

³⁷⁹ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 6 [10:03-10:29]

³⁸⁰ Interview with Valerie Jerwood, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 6 [4:03-4:31]

³⁸¹ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 6 [27:43-28:03]

³⁸² Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 6 [20:01-20:48]

³⁸³ Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 6 [30:36-30:45]

³⁸⁴ Graham (2003) also suggested that trials are held in a separate place to create a ‘formal and recognised arena for debate...at a distance from their heated origins’ (p.11).

³⁸⁵ There have been a number of inquiries and debates about whether or not to retain court dress in recent decades. A brief history is as follows: In 1992, The Lord Chancellor’s consultation paper on court dress found a strong majority in favour of maintaining traditional dress. The Commercial Bar Association proposed discarding wigs in court which prompted debate in the House of Lords, and wigs began to be removed in proceedings involving children. In 1997, the Lord Chancellor’s Department indicated that the Government might dispense with wigs. In 2001, the Bar Council issued a survey on the wearing of wigs in response to the Lord Chancellor and the Lord Chief Justice who were in favour of revising the dress code for barristers. In 2003, the Lord Chancellor’s Department initiated a survey to ascertain the perceptions of court users about legal dress. In 2006, the Lord Chief Justice and the Chairman of the Bar Council wanted to abolish wigs, and judicial gowns could be discarded in civil cases where the Head of Division, Senior Presiding Judge or the President of the Court of Protection felt that they should not be worn, for example, at the risk of intimidating minors. In 2007, a survey by the Bar Council found that two thirds of barristers supported the wearing of wigs. In 2008, reforms to Court working dress for judges hearing civil and family cases were introduced. Since then, judges hearing such cases now wear a new civil robe with different coloured tabs at the neck to indicate the rank of judge, without a wig. Robes for judges hearing criminal cases were not affected by the changes, although High Court judges’ court dress was simplified and they now wear winter robes in summer and winter. Circuit judges have retained their wigs for all cases. For further information see: [online] Available at: <<https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/court-dress/examples/>>; <http://sixthformlaw.info/01_modules/mod1/1_4_legal_personnel/1_4_2_barristers_solicitors/04_barristers_wigs.htm> [Accessed 30 January 2017]; Practice Direction [Court Dress] (No 5) [2008] 1 WLR 1700 (in Watt, 2013 p.86).

³⁸⁶ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6 [22:42-23:44]

³⁸⁷ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 8 [17:12-17:36]. In the Central Criminal Court, the usher opened and closed the court. Some High Court judges preferred their own personal clerk to open and close the court.

³⁸⁸ Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 7 [6:41-9:49]

³⁸⁹ This point speaks to the work of philosopher, John Austin (1962), who developed the theory that certain ‘speech-acts’ or ‘performative utterances’ carry ‘illocutionary force’ and have concrete consequences. For a comprehensive explanation of Austin’s theory and speech categories, see Austin, *How to Do Things With Words*, 1962, pp.152-163.

³⁹⁰ Austin (1962) and Hibbitts (1996) noted that legal pronouncements come alive and generate intensity through embodied performance.

³⁹¹ This accords with Butler’s (2010) idea that a ‘speech act is a reiterated form of discourse’. She gave the example of a judge who learns what to say and to speak in codified ways, and that ‘the codification and ritualisation of that discourse precedes and makes possible the subject who speaks. This is equally applicable to the court clerk (p.148).

³⁹² Interview with Jim Reid, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/03, Track 7 [3:49-4:21]

³⁹³ Interview with Geoff Walker, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/17, Track 4 [1:21:27-1:23:53]

³⁹⁴ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 2 [0:16-6:30]

³⁹⁵ Unlike the annual ceremony of most other courts, the Central Criminal Court ceremoniously marked the start of each legal term. Three times a year, the court was officially opened by the Lord Mayor of London, attired in ceremonial dress of tricorne hat, chain of office and fur stole. In addition, in the Central Criminal Court, the usher recited the Letters Patent rather than the court clerk.

³⁹⁶ Other wording that was also simplified with the establishment of the Crown Court was the jurors oath. During the Assize system the oath was as follows: 'I swear by almighty god that I will faithfully try the several issues joint between the defendant and the Queen and give a true verdict according to the evidence.' It was changed to 'I swear by almighty god that I will faithfully try the defendant and give a true verdict according to the evidence.'

³⁹⁷ Interview with David Dawson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/11, Track 5 [9:06-10:35]

³⁹⁸ Interview with Karen Hazell, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/13, Track 4 [36:14-36:18]

³⁹⁹ Interview with Patricia Douglas, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/21, Track 9 [32:54-34:07]

⁴⁰⁰ Interview with Trevor Hall, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/15, Track 5 [44:17-45:05]

⁴⁰¹ Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 3 [13:14-13:18]

⁴⁰² Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 5 [47:03-54:55]

⁴⁰³ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 8 [0:33-0:51]

⁴⁰⁴ For example, there were long-standing rivalries between different towns vying to host the Assizes, such as between Abingdon and Reading, as to which would be the Assize town for Berkshire. Abingdon won and then lost to Reading in the mid-nineteenth century (Girouard, 1990, p.29).

⁴⁰⁵ Furthermore, at the Worcestershire Assize, the mile long procession was greeted by the pealing of Cathedral bells, and the visiting Red Judge was lavished with gifts by the Sheriff of the county, the Mayor, and other 'principal gentleman'. In 1574, for instance, these gift 'included bucks, a dozen rabbits, chickens, ducks, pheasants, partridges, mutton, cheeses and a dish of berries' (p.491) (Excerpt taken from Worcester Evening News, in 'Reaction to reform', Farewell to Quarter Sessions Issue, *Justice of the Peace*, Saturday 29, 1972).

⁴⁰⁶ Assize ceremonial was still extravagant in Bristol, Cardiff, Chester, Derby, Hereford, Newcastle, Norwich and Exeter in 1971 (Derriman, 1955, p.127). For example, in Exeter in 1971, where the Assize ceremony had been held for the previous 434 years, there were still trumpeters, javelin men, and a 130 year old Sheriff's coach (BBC audio archive, 1971). Sir Justice Basil Nield (1972) described a grand procession from the Cathedral to the Moot Hall at the Newcastle upon Tyne Assizes in February 1971 which included; the Chief Superintendent of Police, the City Under Sheriff, the City Chaplain, the City Sheriff, the Clerk of the Peace, the Lord Mayor's Chaplain, the Lord Mayor, the County Under Sheriff, the High Sheriff's Chaplain, the High Sheriff of the County of Northumberland, the Clerk to the Commission, Mr Commissioner Smith, the Clerk to the Junior Judge, Mr Justice Rees, the Clerk to the Judge in Commission, the Judge in Commission, Mr Justice O' Connor, and the Judge's Marshal (Nield, 2011, p.138).

⁴⁰⁷ Memorandum from the Clerk of Assize of the Western Circuit, May 1967. Royal Commission on Assizes and Quarter Sessions, LCO7/34, p.12.

⁴⁰⁸ Memorandum by the Clerk of Assize for the Northern Circuit from the Royal Commission on Assizes and Quarter Sessions, LCO7/31, pp.40-41.

⁴⁰⁹ At a hearing of the Royal Commission. Note of a Meeting held on 2nd May 1967. Royal Commission on Assizes and Quarter Sessions, LCO7/30.

⁴¹⁰ To gain a sense of the wider discussion about the purpose and value of Assize ceremonial see: Rock, forthcoming; *The Impact of the Beeching Report on the Midlands*, Institute of Judicial Administration, University of Birmingham, July 10-11 1970, pp.29-30; Nield, 1972, p.262; *The Guardian* November 8, 1971, p.7; Judge Christopher Barnett Millennium Memory Bank British Library January 20, 1999.

⁴¹¹ The Assizes were chiefly organised by the sheriff and under-sheriff in each county. In the thirteenth century, the office of the sheriff or shire-reeve (an Anglo Saxon term meaning governor of the shire) was a royal official, and over time became an annual appointment of a local gentleman. Serving as sheriff was a distinguished and expensive role and was often given to a new landowner keen to establish their social position. The under-sheriff was usually a lawyer who dealt with legal matters, while the sheriff's duties revolved around providing court accommodation and judges' lodgings, arranging and participating in pageantry, and escorting and entertaining Assize judges (Graham, 2003, p.39; Derriman, 1955, pp. 102-103; Girouard, 1990, p.48).

⁴¹² The procession followed a strict protocol in order of seniority with the most senior judges at the back. Two interviewees, namely John Brindley and David Hoad planned the Annual Church Service but this was later in their careers when they held the posts Court Administrator in Exeter, and Court Manager at Winchester Crown Court respectively.

⁴¹³ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 4 [1:47:59-1:50:01]

⁴¹⁴ Interview with Rita Holmes, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/12, Track 6 [1:48:45-1:48:51]

⁴¹⁵ Eric Hobsbawm (1983) wrote that traditions 'are responses to novel situations which take the form of reference to old situations' (p.2). This is precisely what happened in the scenario that Keith has described when financial constraints resulted in the paring back of ceremonial and destabilised the status quo. The subject of invented traditions was taken up by British historian, David Cannadine (1983) who argued that one of the core reasons for 'invented traditions since the industrial revolution was to establish or legitimise institutions, status or relations of authority' (p.9). Furthermore, Cannadine (1983) posited that the motivation of great ceremonial is to provide reassurance and the appearance of continuity and stability during a time of change and uncertainty (p.120, p.127, p.159, p.160, p.161). Cannadine's (1983) essay about the meanings and changes to English royal ceremonial between 1820-1977, asserted that it was precisely during the final decades of the nineteenth century when the British monarchy was declining in power on the international stage, coupled with rapid domestic change and turbulence, that ceremonial became grand and monumental. Spectacular, well-executed and polished royal ritual was a concerted effort to bolster the image of Britain as a great world power (pp.101-64).

⁴¹⁶ Interview with Michael Bishop, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/14, Track 6 [0:25-0:34]

⁴¹⁷ Interview with Keith Harrison, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/20, Track 4 [1:51:05-1:51:26]

⁴¹⁸ Interview with Irene Elliott, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/05, Track 6 [16:27-17:04]

⁴¹⁹ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 7 [0:56-2:19]

⁴²⁰ Interview with Leonard Dolphin, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/18, Track 9 [29:04-32:51]

⁴²¹ Interview with Valerie Jerwood , interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/16, Track 8 [12:59-13:46]; and Jim Reid C1674/03, Track 7 [1:26:12-1:26:13]

⁴²² Interview with Raymond Potter, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/01, Track 2 [5:22-5:41]

⁴²³ Interview with Michael McKenzie, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/07, Track 6 [14:47-15:40]

⁴²⁴ Memorandum by the Clerk of Assize for the Midland Circuit, April 1967, Royal Commission on Assizes and Quarter Sessions, LCO7/29.

⁴²⁵ Interview with Shirley Hill, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/10, Track 3 [12:10-14:56] and Track 4 [19:22-19:48]

⁴²⁶ Ritual theories encompass an extensive literature that spans sociology, anthropology, sociobiology, philosophy and the history of religion. For a history of writings on rituals, see C. Bell, (1992) *Ritual Theory, Ritual Practice*. New York: Oxford University Press.

⁴²⁷ Collins (2004) outlined Emile Durkheim's model of ritual which contains two main features: firstly, the notion of 'group assembly' whereby people assemble together at the same place and time with the explicit intention to participate in a group activity; and secondly, participants may experience 'collective effervescence', or the sense of participating in a heightened shared experience (p.35). In addition, interaction ritual, as developed by Goffman (1967) and Collins (2004), put forward the idea that our actions are largely influenced and determined by the situation we are experiencing. Goffman's (1967) famous quote 'not men and their moments, rather moments and their men' (p.3) speaks to this emphasis on the situation at hand (Goffman, 1967, p.3; Collins, 2004; Summers-Effler, 2006, p.137). Like Durkheim, Collins (2004) and Goffman (1967) also perceived rituals as embodied and require the physical *co-presence* of participants. Collins (2004) added that rituals are characterised by a *barrier to outsiders* which mark the participants and the space they occupy as special and sacred. When people come together and the space is well-demarcated, a *mutual focus of attention* and *shared mood* can be created (p.35).

⁴²⁸ As mentioned earlier, some scholars have argued that placing defendants in the dock undermines their perceived innocence, and the positioning of the dock means that they are often far removed from other parties in the courtroom; they have trouble hearing proceedings and participating in their own trial; and intimate details of their lives are exposed in full of view of strangers (Carlen, 1976b, p.12, p.50; Mulcahy, 2011, pp.74-75; Mulcahy, 2013, p.1140).

⁴²⁹ B. J. Hibbitts., 1996. *Describing Law: Performance in the Constitution of Legality* [online] Available at: <<http://faculty.law.pitt.edu/Hibbitts/describ.htm>> [Accessed 26 January 2017].

⁴³⁰ Interview with Pamela Sanderson, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/19, Track 9 [1:33:50-1:36:16]

⁴³¹ E. Rowden, 2011. Unpublished PhD thesis, p.110.

⁴³² Interview with David Hoad, interviewed by Dvora Liberman, Crown Court Clerks Life Story Interviews, British Library, catalogue reference C1674/08, Track 6 [36:12-36:49]

⁴³³ This accords with Goffman's (1959) point that a sincere performance involves a wholehearted belief in the part that one is playing (pp.28-32).

Chapter Seven

Conclusion

This study has demonstrated the value of an alternative approach to legal biography that has traditionally focussed on the lives of elite legal actors, namely white, male and heterosexual judges and barristers (Sugarman, 2015, p.13; Mulcahy and Sugarman, 2015, p.1). Eliciting the personal memories and life stories of *non-elite* players in the law has revealed previously unheard accounts and generated fresh perspectives on the lived experience of the criminal justice system. This study has highlighted that although Crown Court clerks have been overlooked in the academic literature, they played a crucial role in the administration of justice. In fact, having discovered the extent of their contribution to court proceedings, it is surprising that they have been neglected by scholars. Four major findings have emerged from this thorough investigation into the everyday working lives of Crown Court clerks between 1972 and 2015. Firstly, it can now be understood that their primary function was to ensure the efficient functioning, and maintenance of order, in the criminal courtroom. This was achieved in a number of ways and can be understood by comparing court clerks to stage managers. They were responsible for preparing and setting up the courtroom with the requisite props; gathering and coordinating a disparate cast of characters, namely the judge, barristers, jurors, witnesses and defendants at the appropriate time for court hearings. They strove to convene and call each case in quick succession to make the best use of court time and to prevent the judge from having to leave the bench. During hearings and ceremonies, court clerks spoke publicly at key moments and guided court users step by step, through each stage of proceedings, and instructed them as to where and when to sit, stand and speak.

There were further critical ways that court clerks sustained order throughout proceedings. They constantly monitored the courtroom and reacted to the needs of those present, for example, by alerting the judge if a defendant needed attention, or spectators in the public gallery were intimidating the jury. Court clerks anticipated and prevented conflict between members of the public by allocating the victims and defendants

supporters to different areas of the courtroom, and staggering the times that each group was permitted to leave. They enforced courtroom etiquette, such as by insisting that people did not move or make any noise while the judge was speaking, and that they rose for the judge to leave the courtroom. Order was also maintained by being able to communicate skilfully with different parties, notably the judge, ushers, barristers, and often distressed and anxious victims, witnesses, defendants, and their families and other supporters.

The Crown Court clerk undertook additional responsibilities that aided the efficient running of proceedings, namely: to provide general assistance to the judge, often acting as prompts regarding court orders that needed to be issued, and as ‘go-betweens’, who relayed a range of vital messages between the judge and counsel, and the judge and listing office; as well as preparing essential cases papers and drafting court orders. In addition, the emotional demands of the court clerk’s role were invisible yet intrinsic to their work. They developed various coping strategies to deal with the often harrowing stories they were subjected to on a daily basis, namely ‘black’ humour; not looking at photographs of victims of violent crime; desensitisation and detachment; rationalisation; creating a sharp divide between their home and work lives; or conversely, seeking support from their spouses; religion and prayer. Court clerks reinforced a sense of order and control by being able to manage and conceal their emotions in court.

Secondly, this study has uncovered the immediate changes that court clerks experienced during a period of radical reform to the administration of justice system in 1972 arising from the Beeching reforms. Respondents’ testimonies support scholarly writings about the monumental transition from the ancient and locally administered Assize system to the centralised new Courts Service. More specifically, under the leadership of the Lord Chancellor’s Department, the reformed and unified Service introduced a new national hierarchy and management structure. It afforded novel opportunities for promotion and possibilities for personnel to transfer between Crown Courts and County Courts around the country. The establishment of permanent Crown Courts also brought an end to the itinerant Assize lifestyle. The memories of court clerks who experienced the changeover to the new system corroborate and enrich the existing literature by adding the

perspectives of those who worked ‘on the ground’ and managed the courts on a day to day basis. They personally benefitted from the opportunities that the new Courts Service offered in terms of promotion and career development. Yet they also believed that centralisation had resulted in greater bureaucracy and managerial control, a loss of a sense of ownership of the courts, and the small-scale, close-knit working culture they recalled had existed when the local authorities were responsible for the courts during the Assize system. Furthermore, although the Beeching reforms marked a radical turning point in the administration of justice and the reorganisation of the structure and operation of the system itself, the day to day in-court work of the court clerk did not initially change. This was not a surprising finding considering that reforms were not concerned with court procedure.

The third key finding relates to the longer-term impact of centralisation upon the court clerk’s role, and the administration of justice more generally. It took time for the effects of policy implementation to be seen, and its potential wider implications were not anticipated or discussed in the academic literature. This study has discovered that the Crown Court clerk’s job has been progressively deskilled and depersonalised over the last three decades. The important responsibility of drafting indictments was removed from their charge with the establishment of the independently operated Crown Prosecution Service in 1984. The work of taxing barristers’ and solicitors’ fees was also taken away from them with a series of reforms to legal aid. These tasks had demanded higher level skills, particularly interpreting and applying legal regulations, and required that court clerks were able to defend their reasoning orally and in writing. From the late 1980s, they were assigned more mundane, simplified, and automatic administrative duties which were reliant upon computer systems and other digital communication technologies.

In addition, the court clerk’s work became depersonalised in the sense that they had less direct contact with defendants in custody, vulnerable and child witnesses, and jurors. The advent of live video link meant that defendants in custody, and vulnerable and child witnesses ‘appeared’ in court remotely from another location via a televised screen. More broadly, this study’s respondents echoed scholarly accounts that have asserted that

using live link was somewhat similar to watching television, and reduced the sense of immediacy and connection with witnesses and defendants in contrast to their physical presence in the courtroom. Court clerks had less involvement with jurors when a film was produced to introduce jurors to the Crown Court, and made the court clerk's 'jury speech' redundant. Moreover, the phasing out of the practice of accommodating juries overnight when they were deliberating a verdict, meant that court clerks were no longer required to supervise them. Over the past three decades, in the name of greater economy, efficiency and effectiveness, the Lord Chancellor's Department (and then the Ministry of Justice), increasingly implemented specialised processes and practices that significantly modified the court clerk's everyday work. It is notable that these changes were only able to take place because the system had been centralised.

Fourthly, it has become evident that court clerks were vital players in the performance of justice. Their performance was comprised of three core elements, namely wearing official dress (gowns, tabs and wigs); speaking publicly and following a script for different scenarios such as arraigning defendants, swearing in witnesses, empanelling jurors, and taking verdicts; as well as projecting a composed and neutral demeanour. It has been suggested that their formal court dress was similar to that worn by barristers and served three main functions. Firstly, it was a uniform that was easily identifiable. It tended to obscure their individual physical attributes and indicated court clerks were official representatives, or figureheads of the court. Secondly, donning court attire was also similar to putting on a theatrical costume in that it helped court clerks to inhabit a more confident and authoritative presence and persona in the courtroom. Thirdly, official dress enhanced the dignity of proceedings by denoting a special, out of the ordinary space for adjudication. Together with the court building and architecture, and other rituals and ceremonies, court dress worked to present sombre and depersonalised legal professionals and court officials who were in command of proceedings.

The language that court clerks adhered to during hearings and ceremonies was formal and formulaic. It has been posited that their set script contributed towards endowing proceedings with clarity and gravitas. Moreover, their speech, in terms of the actual words spoken and the way in which they were delivered, portrayed the law as

authoritative, distant and reified. In addition, the deference that court clerks accorded judges through formal forms of address, namely ‘My Lord’ to High Court judges, and ‘Your Honour’ to Circuit judges, supported the image of the judge’s wisdom and power. Beyond the court clerk’s words, their physical demeanour or bearing, was another powerful aspect of their court performance. Appearing impartial and ‘in control’ of the courtroom were considered paramount. Indeed, around the country, court clerks were trained to aspire to present themselves as calm and graceful swans. Although they might have felt like they were paddling madly beneath the water to keep afloat, this was not permitted to be shown publicly in open court.

Court clerks also actively performed justice through their involvement in ceremony, pageantry and ritual. They participated in the rarefied ceremonial that honoured the opening of the legal year by reading the Letters Patent. In addition, court clerks organised and orchestrated other special ceremonies that were held a few times a year for the swearing in of the offices of High Sheriff, and new Magistrates, as well as High Sheriff award ceremonies. Moreover, alongside judges and barristers, court clerks were instrumental in the everyday ritual enactment of hearings which followed fixed patterns of protocol and procedure. It has been argued that the ways in which court clerks repeatedly and consistently performed justice served to link the law to an ancient and revered history. In this respect, court clerks can be viewed as custodians of continuity who upheld traditional practices and perpetuated the sense of the law’s authority and legitimacy.

It was striking that this study’s sample of respondents reported a high level of commitment towards their work. Nearly all of them strongly supported the more performative and ritualistic elements of their role and they believed in their value and merit. They were proud to have represented the Courts Service in an official capacity and upheld its strict conventions of dress, speech and behaviour. Perhaps this finding is unsurprising considering that interviewees were self-selecting and keen to be interviewed for this study. Most respondents had spent their working lives serving the courts. It could be presumed that they volunteered to participate in this research because they had personally invested a considerable amount in their work and it was important

to them, and they wanted to add their voices to the historical record. This thesis has also suggested that their dedication to their work was largely influenced by the social and cultural worlds in which they were raised. It was noticeable that many interviewees were acculturated into strict, formalised and hierarchical social systems – their families, schools and religion. They tended to be conformist and accepted the behaviours and expectations that these frameworks imposed upon them. It has been suggested that the court environment was similarly bound by prescriptive moral and behavioural codes and was a familiar institutional setting. This serves, in part, to explain their acceptance of, and loyalty towards their clerking role.

Investigating court clerks has been particularly illuminating because of the unique position that they held within the Crown Court. They were insiders within the courts system and privy to its most intimate workings and processes. Yet unlike judges and barristers, they were not legally qualified, they did not play a central role in the construction and determination of legal issues in hearings, nor did they enjoy the same levels of economic, social and cultural capital. Respondents' accounts revealed that they were highly aware of these differences, and this thesis has discussed the complex ways in which social distinctions and class dynamics manifested themselves within the court environment.

This study has sparked a number of ideas regarding further areas of research that would be interesting to pursue. Firstly, it is recommended that a similar life history case study be undertaken with ushers in Crown Courts. It is notable that ushers represent another group of non-elite actors in the English legal system, and their life histories would reveal previously untold accounts of the administration of justice. This thesis has already described their invaluable assistance to court clerks. In addition, this study's interviewees indicated that ushers were responsible for jurors, as well as vulnerable witnesses when they gave their evidence from another room in the court building. Again, learning more about the usher's interactions and relationships with different court users would be informative. Furthermore, it was suggested that there was a distinct shift in those who were recruited to the usher's post in recent decades. It was perceived that previously, they tended to become ushers later in life, and even after they

had retired from careers in, for example, engineering, the police force and industry. More recently, newly appointed ushers have been much younger and regarded their role as a stepping stone early on in their careers. It would be enlightening to investigate the accuracy of these statements, and the concomitant social factors that led to this change, as well as to discover more about the usher's role and function from their own perspectives.

The second field of study that this research project has inspired concerns the social world of judges' lodgings. A number of respondents described visiting the lodgings, usually to attend a dinner or garden party hosted by the High Court judge. This thesis discussed an occasion in Preston when the High Court judge dined with his guests, notably barristers and other local dignitaries in the main dining room, while the Judge's Clerk and Crown Court clerk ate their meal in separate quarters. It would be fascinating to find out whether this type of segregated dinner was a commonplace or rare scenario. More critically, key research questions to inquire into are: Why do High Court judges continue to be accommodated in lodgings in the present day? And why, especially in the face of radical changes to the administration of justice over the past 45 years, and increasingly limited resources, have judges' lodgings been deemed necessary and worth the considerable expenditure of public funds, and by whom?

Graham (2003) has referred to judges' lodgings in earlier centuries (pp.128-29), and the Victorian Judge's Lodging Museum in Presteigne, Wales, portrays the lifestyles of judges and their servants at the lodgings during the 1870s.⁴³⁴ It seems that there is a fascinating story waiting to be uncovered about modern day lodgings that would yield insight into a little known world of the law. It is envisaged that a study on the social world of judges' lodgings would seek to interview a range of different people who currently frequent the lodgings in different capacities, including High Court judges, High Court judges clerks who travel with the judge on Circuit and reside with them at the lodgings, and the staff who support them, such as live-in housekeepers and cooks. This approach would build a picture of the relationships between those who occupy the lodgings, the everyday activities and special events that take place there, and importantly, the lodgings' perceived need and function.

A third area of study that this research project has prompted relates to the issue of the longer-term impact of centralised control. It would be instructive to investigate other locally administered services that formerly operated independently and were brought under an overarching national body during the 1970s and 1980s. The main objective of this inquiry would be to chart the longer-term effects upon the everyday lives of those who worked within and administered the respective systems or organisations.

Turning back to this research project, there is still more that can be gleaned from Crown Court clerks' narratives. Two subjects in particular have potential to be developed further. The first concerns the theme of emotions. This thesis looked at court clerks' emotions in relation to the concept of emotional labour. Yet there is an extensive literature on emotions to draw upon from different disciplines such as history, psychology, critical theory and trauma studies. There is more untapped material on emotion in interviewees accounts that is deserving of a larger piece of work than was possible in the context of this study. Interpreting their testimonies through different theoretical frameworks on emotion would offer a deeper analysis and understanding of this important theme.

Finally, court clerks' narratives could also be examined through the lens of gender dynamics in the court environment. Prior to the Beeching reforms, courts were clerked almost entirely by men. With the creation of the new Courts Service in 1972, there was a considerable increase in the number of women who entered the courts. Further study is warranted into this historical shift and women's impact upon a previously male-dominated culture. A further question to be asked is whether there were any noticeable differences in the ways that male and female court clerks administered the courts, and interacted with judges, counsel and court users. The collection of interviews created for this study offer a wealth of information that can clearly be mined further. Most importantly, this research has added to scholarship in the field of legal biography, specifically the lives of non-elite legal agents, and contributed towards redressing an absence in the academic literature concerning the role and function of the Crown Court clerk.

Notes

⁴³⁴ *The Judge's Lodging: A Victorian Revelation*. [online] Available at: <<http://www.judgeslodging.org.uk>> [Accessed August 12 2017].

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Appendices

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Appendix A: Commission of Assize address

All persons having anything to do before my Lords the Queen's Justices of Assize of Oyer Terminer and General Goal Delivery for this County draw near and give your attendance.

My Lords the Queen's Justices do strictly charge and command all persons to keep silence whilst Her Majesty's Commission of Assize is produced and read upon pain of imprisonment.'

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith to Our well beloved and faithful Counsellor the Lord High Chancellor of Great Britain

Our beloved and faithful Counsellor the Lord President of Our Council

Our most dear Cousin and Counsellor the Lord Keeper of Our Privy Seal

Our well beloved and faithful Counsellor the Lord Lieutenant of the County

Our well beloved and faithful Counsellor the Lord Chief Justice of England

Our Judges for the time being of Our Supreme Court of Judicature

such of Our Counsel learned in the Law as are for the time being authorised by Our Royal Warrant or by the Warrant of Our Lord High Chancellor to be of the Commission and the Clerk of Assize and Circuit Officers of the Circuit

GREETING KNOW YE that We have assigned you and any two of you of whom one of Our Judges of Our Supreme Court of Judicature or one of Our said Counsel learned in the Law shall be one OUR JUSTICES to enquire more fully the truth by the oath of good and lawful men of Our Counties of all offences and injuries whatsoever within our said Counties and to hear and determine the premises and to deliver the Gaols of Our said Counties of the Prisoners therein being and to take all the Assizes Juries and Certificates before whatsoever Justices arraigned within Our said Counties.

AND THEREFORE WE COMMAND you that at certain days and places which you shall appoint for this purpose you and any two of you as aforesaid shall make diligent enquiries about the said injuries and offences and hear and determine the same within Our said Counties and deliver the Gaols of Our said Counties of the prisoners therein being and take all those Assizes Juries and Certificates within Our said Counties doing therein what to justice does appertain according to the laws and customs of England saving to Us the americiaments and other things from thence to Us accruing AND WE COMMAND AND EMPOWER you to do in the execution of this Commission all

things which have heretofore been lawfully done in obedience to Our Commissions of Oyer and Terminer General Gaol Delivery Assize and Association and Our Writs of Association and Si non omnes AND WE WILL that this Commission shall be deemed to be a Commission of Oyer and Terminer a Commission of General Gaol Delivery and a Commission of Assize.

IN WITNESS whereof We have caused these Our Letters to be made Patent WITNESS Ourselves at Westminster'

GOD SAVE THE QUEEN.

Mr High Sheriff of this County be pleased to produce the several writs and precepts to you directed and delivered and returnable here this day so that my Lords the Queen's Justices may proceed thereon (Nield 1972, pp.1-2).

Appendix B: The Bidding Prayer

This was the prayer used in the twentieth century in the Church of St John the Baptist, in Devizes

Ye shall pray for Christ's Holy Catholic Church, that is for the whole congregation of Christian peoples dispersed throughout the world; and especially for the Established Church of England; for the Queen's most excellent Majesty, our Sovereign Lady, Elizabeth, of the United Kingdom of Great Britain and Northern Ireland, and of the British Commonwealth beyond the seas, Queen, Defender of the Faith, over all persons supreme; also for Elizabeth, The Queen Mother, Prince Philip, Duke of Edinburgh, Charles, Prince of Wales and all the Royal Family.

Pray also for Ministers of God's Holy Word and Sacraments, as well Bishops, especially Joseph (Fison), Bishop of Diocese, and Archbishops, especially Michael, Archbishop of Canterbury, Primate of all England and Metropolitan; also for the Queen's most honourable Council, for the High Court of Parliament, and for all the nobility of the realm.

And, as in special duty bound, let us pray for Her Majesty's Judge of Assize, now on Circuit in this County; for the High Sheriff of the County, and for the Mayor, and the Alderman and Councillors of the Borough, that they may live in the faith and fear of God, in dutiful obedience to the Queen, and in brotherly charity to one another.

And that there may never be wanting a succession of persons duly qualified to serve God in Church and State, let us implore His blessing on all places of religious and useful learning, particularly of the Heads of Colleges and the Chancellors of Universities, that there and in all places set apart for God's honour and service, true religion and sound learning may flourish and abound.

To these prayers let us add unfeigned praise for mercies received in this place, for our creation, preservation and all the blessings of this life, particularly for the advantages afforded by the munificence of benefactors, such as Roger, Bishop of Salisbury; Matilda, Empress; Edward 111, King; Thomas Thurman, Thomas Bancroft, Sir John and Dame Mary Eyles; Sidmouth, Viscount; Charles Henry Lowe and many others who have enriched this ancient Church and Borough.

Finally, let us praise God for all those departed this life in the faith of Christ, and pray unto God that we may have grace to direct our lives after their good examples; that, this life ended, we maybe partakers with them of the glorious resurrection in the life everlasting; through Jesus Christ, our blessed Lord and Saviour. Amen. (cited in Nield, 1972, pp.5-6).

Appendix C: List of Clerks of Assize in England and Wales in 1971

Appendix D: Interview question structure

An oral history of Crown Court clerks: Question structure

FAMILY / CHILDHOOD

Date of birth

Place of birth

Family name

What were you christened?

Significance of your last [maiden] name

How did you come to be called X [first name]?

Childhood home

Where did you grow up?

Who did you live with?

What are your earliest memories of childhood home?

Can you give a description of what it looked like (interior and exterior)?

What did your bedroom look like?

What was the view from the window?

Who were your neighbours?

Can you give a flavour of the neighbourhood?

How long did you live there for?

Why did your family move?

Did you or your family have any big changes of home or country as a child?

Are there any significant sounds or smells from your childhood?

Can you remember any significant landscapes from your childhood?

Or formative experiences?

Parents

Father

How do you remember your father?

What was his name?

Where was he born?

What work did he do?

What hours did he work?

How did he feel about his job?

Had he been in the First/Second World War? Doing what?

Did he ever discuss the war with you? What did he say about it?

How old were you at the time? How did his words strike you?

Have his attitudes to war informed your own attitudes to war? How?

What did he look like?

Have you inherited any of his characteristics and qualities?

What sort of a father was he to you?

Mother

How do you remember your mother?

What was her name?

Where was she born?

Did your mother work before she was married?

What sort of work did she do?

Did she continue to work after she was married?

Did she work part-time or full-time?

How did she feel about her job?

What did she look like?

Have you inherited any of her characteristics or qualities?

What sort of a mother was she to you?

Parents

How did your mother and father meet?

Was it a first marriage for each of them?

How would you describe their relationship?

What kind of relationship did you have with your parents as a child?

Siblings

Did you have any brothers or sisters?

What were/are their names?

Were they older or younger than you?

What was it like to be the youngest/middle child/oldest?

Was/is there one you feel particularly close to?

How did your relationship with him/her develop in adulthood?

Paternal and maternal grandparents (ask about both sets of grandparents, in turn)

How do you remember your maternal/paternal grandparents?

Where did they live?

What did they do for a living?

How often did you see them?

What kind of relationship did you have with them?

What part did they play in your upbringing?

Were there any other significant relatives who were important to you when you were growing up?

Nicknames

Did you have any nickname/s as a child? What was it?

Who gave it to you, and why?

Was it a name you liked or disliked? Why?

Social class and money

Were you aware of growing up in a particular class?

How did you reach that awareness? / What point of comparison did you have?

What did being a member of that class mean to you? To your parents?
What about your parents friends? Could you describe what you remember of them?
Did your class then differ from the class you consider yourself to be now?
Were you given pocket money? How much? What did you spend it on?
What was your father's attitude to money? Your mother's?

Family morals

What kind of moral attitudes did your parents have?
What was done and not done in your family, said and not said?
Were there things you couldn't talk about in your family? What were they?
Did your parents expect you to achieve certain things in life? What were they?
How were you expected to behave in front of your parents? Did you behave in that way?
How much did you talk to your mother/father?
Could you share your worries with her/him?
In what ways have your parents morals affected the way you have lived your own life?
And brought up your own family as an adult?

Religion (during childhood)

Did your parents follow a particular religion?
Were your parents members of a church/synagogue/mosque?
Did they attend services?
Did you go with them? Why?
Where was their place of prayer?
What do you remember of those services?
How important was religion in your household?
Did you celebrate any religious festivals?
Did you say prayers (before bed, mealtimes or other times)?
In what ways did religion influence you as a child?
And as an adult?
How have your religious views (or lack of) influenced your work? Can you give a specific example?

Consumption of Media

What types of newspaper, magazines and journals were read in your house?
What sorts of radio and TV programmes were listened to and viewed in your house?
Would this involve the whole family in a shared activity?
Where any particular forms of media approved of or disapproved of?

Family political views

Was your father interested in politics?
Was your mother interested in politics?
Do you know who they voted for in elections? Why did they vote this way?
Have their political views influenced your own? How?

Early experiences of discipline, punishment and justice/injustice

Do you remember being punished as a child (at home, school, or elsewhere)? What for?

What was the punishment?

Who would administer it?

Do you feel the punishment given to you was fair or unfair? Why?

How did you tend to deal with conflict growing up? With your parents? With your friends and peers? Teachers and others in positions of authority?

Did you have a sense that there were certain things that weren't fair or right as a child?

Can you give an example?

Did you do or say anything about this?

The War

How old were you when the Second World War broke out?

What do you remember of the War?

Were there any economies made due to rationing in your household.

If working:

How did the War impact on your daily work?

Did the War allow you to develop new skills?

Did you use these skills postwar?

If evacuated:

Were you (or members of your family) evacuated from London? Where to?

How did you/they feel about being evacuated?

When did you/they return to London?

How did you/they feel about returning?

How did you hear that the allies had won the War? Where were you?

How do you remember the end of the War?

How did the War affect your childhood/adulthood?

If emigrated:

Why did the War lead you to emigrate to Britain?

What were your experiences upon arrival?

School education

Primary school

How old were you when you started school?

How do you remember your first school?

Where was it?

Can you describe what it looked like?

What sort of school was it (private; state; public? mixed or single sex?)

Was there a uniform?

Can you describe yourself at this moment in your life?

How did it feel, to be attending school for the first time?

Are there any particular memories that stand out?

What subjects were you taught? Which did you most enjoy?
Do you remember your classmates? Your friends?

Secondary school

How old were you when you moved up to secondary school?
What was the name of your secondary school?
Where was it?
What sort of school was it (private, state: grammar, secondary modern, comprehensive mixed or single sex)?
Did your friends move with you?
What subjects were you most interested in?
Did you learn about the justice system or the law in secondary school? What were you taught?
What did you enjoy about secondary school?
What were your school reports like?
Did you hold a position of responsibility in your school, or the opposite? How did it affect you?
Can you remember any particular teachers?

Extracurricular

Did you take part in any extra-curricular activities (clubs outside of school or summer schools such as sport, chess, drama, music, photography, debating)?

Leisure activities

Can you describe the things you and your family did for enjoyment when you were young?
Did you read/enjoy particular books or listen to music? Which books? What type of music?
Did you go to the cinema, theatre, nature walks, other places?
What did those activities mean to you at the time?

Holidays

Did your family take holidays?
Where did you go? Why that place in particular?
How did your family travel there?
Can you describe any landscapes or places that particularly struck you?
How would you spend your time there? What activities would you do?
Do any particular memories stand out for you? Why do you think those memories have stayed with you?
Have you returned to those places since?

Early experiences of the law, justice system and crime

Were any other members of your family, or ancestors, court clerks?
Were your parents or other relatives interested in the law or justice?
What sort of things were they particularly interested in?
When did you first become aware of the justice system?
How did you learn about the justice system (books, radio, TV)?

Did you witness an Assize ceremony growing up? When and where?
Can you describe what happened?
What impression did it have on you?
Who did you go with?
Did you speak with them about what the ceremony was for, what it represented?
What image did you have of the justice system as an institution?
Can you remember any famous criminal trials?
How did you hear about them?
Did you ever attend any yourself? Why?
Was there much crime in your neighbourhood growing up?
What sorts of crimes were most prevalent?

Early relationships

What were the significant, influential friendships or relationships during your teens?
Did you have any girlfriends or boyfriends?
Or enemies?

End of school

Did you take any exams? Which ones?
Did you leave with a certificate?
Can you describe yourself when you left school? How old were you?

How did you see your future when you left school?
Did you do a technical apprenticeship before going to university?
What happened next?

HIGHER EDUCATION

Did you go to university?
What university did you go to? Where was it?
Had anyone in your family been to university?
What did you study?
Why did you choose the course/subjects that you did?
How many women were studying there at the time?
What other things did you do at university?
Were you a member of any clubs or societies?
Who were your friends? What subjects were they studying?
What did going to university represent for you?
Do you remember any of your lecturers or tutors?
Where did you live, and who with?
What degree/s did you obtain at university?

WORK

What was your first job? With which company/institution?
Where were you based?

How did you apply?
How were you recruited?
How do you remember your first day?
Was there continuity between what you studied at university and your first job?
What was your role? And what did your responsibilities entail?
What did having a job for the first time feel like?
Did you enjoy that job? If so, what did you enjoy or not?
Can you remember any particular colleagues from that period?
How many people worked there?
Were there many women working there? Did that strike you as unusual at that time?
Can you describe the environment in which you worked?
Could you describe the layout of your workplace?
Can you describe the room in which you worked?
How much were you paid?
What did you spend your wages on?
Did you move house to be nearer your place of work?
What was it like leaving your family and friends?
Did the job equip you in any way for subsequent events in your life/career?
Did you have other subsequent jobs before you became a court clerk?

Work as a court clerk

When did you first become a court clerk?
How old were you at the time?
Why did you want to become a court clerk?
How did you apply?
Did you need any qualifications for the job?
How were you recruited?
Who were you employed by, egs. local authorities, Home Office, Lord Chancellor's Department?
What training did you receive when you began the job?
How did you learn about court practices, ie. the rituals and administration of the courtroom?
Did you have an office? Can you describe what the room looked like?
What were your first impressions of the courtroom environment, egs. the formality with which trials are conducted, the rituals, specialised language, dress codes?
Can you remember the first trial where you managed the courtroom? What was that like for you?
What were your duties and responsibilities as court clerk?
Can you describe a typical working day?
What do you consider to be the most important aspects of the role of court clerk?
What skills and qualities do you think are important to be an effective court clerk?
Why?
Can you tell me about the different sorts of clerks who worked in the court? ie. Clerk of Assize, Clerk of the Peace, their assistants, and other court clerks
What were the differences between their roles, responsibility, backgrounds, qualifications, status and dress codes?

What were your relationships like with other court staff, ie. clerks, ushers, listing officers?

What sort of contact and involvement did you have with other members of the legal profession - judges, counsel, solicitors,

And members of the lay public - witnesses, defendants, juries, public spectators?

With which group did you feel your allegiance primarily lay?

How were you managed? By who? What was your relationship like with them?

Where do you feel the court clerk was positioned within the overall hierarchy and structure of the court system?

What contribution do you think you made to the trial?

How many years did you serve at that court?

Have you worked as a court clerk at other courts? Which courts?

Were there options available to you for a promotion with the courts system?

Did you aspire to any other post within the courts system or beyond?

What were the most challenging or difficult aspects of your work?

What did you enjoy most about your work? Find the most rewarding?

What sort of an experience did you want members of the lay public to take from having been in a trial in the Crown Court?

Details of subsequent jobs, with emphasis on the ones the interviewee remembers as the most enjoyable/most unpleasant; the reasons for taking on those jobs.

Pre-reform 1972

Did you work at an Assize or Quarter Session court?

(if Assize court) What Circuit was it?

How did members of the legal profession express their loyalty towards their respective Circuit?

Where was/were the court/s you worked at geographically located?

Were you based at one court or did you travel to different courts on a particular Circuit?

What venues were the trials held at, egs. county halls, town halls, guildhalls?

Who set up and dismantled the courts, and what was involved?

What were the court conditions and facilities like?

If they went on Assize Circuit pre-reform

Could you describe what it was like to go on Circuit with the High Court judges?

Who else would be part of the entourage?

How would you travel from Assize town to town?

What were the first things you would do when you arrived at an Assize town?

How long would you be on Circuit for?

How long would you stay in each Assize town?

How did you feel about this itinerant lifestyle?

Where would you stay? And who arranged your accommodation?

What were the court conditions and facilities?

Did you have much contact with the High Sheriff in each Assize town?

Did you attend the dinners and other social gatherings hosted by the High Court Judges and High Sheriffs? Who would typically attend?

If they were a Clerk of Assize pre-reform

Was the post of Clerk of Assize associated with high status and prestige?

Did you have the sense that you were part of an ancient lineage and institution?

Was that sense of history and tradition important to you or not?

Was it like for you to open the Assize and read the Commission of Assize?

Reform to the administration of justice system in the late 1960s and 1970s

Did you think that reform was necessary in the late 1960s? Why?

What difficulties did the old system pose specifically for court clerks? And for others?

Did you, or your Circuit, Association or Society submit any evidence to the Beeching Commission? What was the content of that submission?

Were you sorry to see the end of the Assizes and Quarter Sessions? Why?

Were there strong objections when the offices of Clerk of Assize and Clerk of the Peace were abolished? On what grounds?

Did the prestige and status of the role of court clerk diminish post-reform?

What were the biggest changes to the administration of justice with reform specifically for court clerks? And more generally?

Did your day to day work change with the introduction of the new Courts Service?

What changed specifically?

Did you have new responsibilities?

Do you believe that the reform was radical? What made it so?

In what ways do you think the new Courts Service served people better?

Were there less delays to trials?

Were courts more convenient for people to access?

In what ways might people have been disadvantaged as a result of reform?

Critics of the new Courts Service said that there was a loss of the personal element and the system became much more bureaucratic. What is your opinion about that?

In what ways did distinctly local legal cultures continue under a nationalised service, egs., in the artwork at the court, or the decor of the court building?

To what extent were you aware of the local area ie. Local people, local patterns of crime, local concerns and needs?

What sort of bureaucracy and new procedures came into effect with the new system?

Did the new listing system create greater certainty about when cases would come to trial?

Do you think the new system operated more efficiently? In what ways?

What were the benefits of the new Courts Service? For whom?

Did you feel you had more or less agency and autonomy under the new system?

Did you have contact with clerks at other Crown Courts? Where did you meet, and why?

Did this affect the atmosphere and interactions between people in the court buildings?

In what ways?

Was the new system more formalised and authoritarian?

Did the close-knit sense of pride and commitments to the courts diminish?

Managing the courtroom

How would you describe your demeanour and behaviour in the courtroom? egs. your tone of voice, gestures, facial expressions?

What behaviours are considered acceptable and what behaviours are not tolerated in the courtroom?

What sorts of strategies did you use to diffuse aggression in the courtroom? Can you give an example?

Have you ever felt in danger for your safety or for other people in the courtroom? What did you do about it?

In what ways did you treat and speak to different court users differently?

What factors do you think help to keep a sense of control and order in the courtroom?

How did you manage people's emotions in the courtroom, particularly significant displays of emotion - eg. distress, anger, fear?

How did you manage your own emotions in the courtroom?

Was it difficult to project a calm, neutral face when you might have been feeling differently?

How did you manage being in the midst of intense conflict of the adversarial trial day after day?

What was it like to listen to very disturbing incidents and stories day after day?

Who helped you? What support systems were in place?

Are you aware of any effects of being in an adversarial environment on your health and well-being?

Ritual and ceremonial practices

What did you have to wear in court?

Can you describe the rituals and proceedings of a trial, that is, the order in which the trial is conducted, and who does what?

Can you describe Assize ceremony and pageantry just prior to reform on your Circuit?

What part did you play in orchestrating and/or participating in these ceremonial events?

What do you think these ceremonies represented for the local area? What function did they serve?

What was the general public attitude and perception towards Assize ceremony in the 1960s?

Did you attend dinners and other social occasions hosted by the High Sheriffs and judges when you were on Circuit?

Who else would attend?

Could you describe one of these gatherings?

What ceremonies continued after Assizes and Quarter Sessions were abolished, eg. to honour the arrival of the High Court judges?

What new ceremonial practices emerged with the new Courts Service?

How did they come to be introduced? Who introduced them?

Was there a loss of prestige and status for the role of the court clerk with the end of Assizes and Quarter Sessions?

What effect does using specialised language and terminology in court have on different groups of court users?

Political climate in the late 1960s and 1970s

Could you give me a flavour of the sociopolitical climate of the late 1960s and early 1970s, that is, the major events, changes and issues during that era?

What do you think was different in the late 1960s and early 1970s that enabled radical reform to be implemented after previous attempts had failed?

New Crown Court centres

How did you adapt to working in a newly built permanent Crown Court centre?

Was this a welcome change? Why?

What were the differences in the court buildings you worked in pre and post reform?

Were court conditions and facilities improved after reform? In what ways?

Were you given your own permanent office space in the new Court Court building? Can you describe what it looked like?

In what ways did this impact on how you did your job?

Was the new court in a different location? Was this convenient for you?

How did your relationships with colleagues change as a result of being based in a permanent Crown Court building?

What did you think of the design of the new Crown Court building, in terms of its functionality and aesthetics?

What image of justice do you think the building conveyed?

Was there a way in which the new Crown Court reflected the local history or heritage of the area, such as through artwork or decor?

Did you have more or less contact with different groups of court users as a result of the new Crown Court design? Why?

Do you think that sole-purpose Crown Court buildings helped to create a stronger identity of the law for members of the legal professional, and in the eyes of the public?

Working for the Civil service

How did you feel about becoming a civil servant when the system was nationalised?

What was different about working for a centralised body, namely the Lord Chancellor's Department, compared to local authorities?

Did your job title change with the introduction of the new system?

Did your salary change?

How did you feel about the changeover to the new system? How was it managed?

What was the impact of removing the responsibility of the administration of justice from local authorities?

Was the new system in touch with, aware of and responsive to local issues circumstances and need?

Professional societies and organisations

Were you aware of any societies or organisations which existed to assist court clerks?

What was your understanding of what they did? Why were they important?

Do you know if they still exist?

Were you a member of any professional organisations? Which ones? When did you join? Why?

What activities did they involve? Were they important or helpful to you?

Social life/mixing with other clerks (integrate with career path)

Did you socialise with other clerks? How often would you get together?

Can you remember any particularly important friendships with other clerks, or other members of the legal profession?

Gender: Women clerks

Did you work with women court clerks?

How many women court clerks were there at your place of work?

Were there any noticeable differences in the way men and women clerks administered the court, and interacted with court users? Can you give any examples?

Were women court clerks integrated and accepted as part of the court system or were they on the margins? Did this change at any point?

Changing work practice/impact of technology

How did computers and technology change your daily work practices?

What equipment did you use?

Marriage and family life (integrate with career path)

Did you marry/are you married?

Who are you married to?

When did you marry?

Where were you married?

How did you meet?

What is his/her occupation?

Did you speak to them about your work?

Has your career impacted on them? How?

Has their career had an impact upon your career? How?

Did you have children? When were they born?

How has having children influenced your work?

What is your relationship like with your own children today?

Do you have grandchildren?

How many?

What is your relationship like with them?

Conclusions/general comments

What advice would you give a young court clerk starting out today?

Who have you told about making this recording? And shared your thoughts about the recording process.

Do you have a sense of the court clerks' contribution to society? Has this role changed over the years that you've been engaged in work? How? Why?

What's your sense of how the role of the court clerk will develop over the next few decades?

Is there anything else you would like to add that we haven't spoken about?

Appendix E: Approach letter

16th February 2015

Dear Tom Brown,

I am writing to invite you to take part in an oral history research project: **Exploring the Social World of Crown Court Clerks from the 1970s onwards**, which is a collaboration between *National Life Stories* at the British Library, and the *Legal Biography Project* at The London School of Economics and Political Science.

National Life Stories was established in 1987 to record first-hand experiences of a wide-cross section of society and the recordings form an invaluable record of British life (www.bl.uk/nls). A main aim of the *Legal Biography Project* is to facilitate scholarship in legal biography, and to generate discussion about the perspectives of those who work and participate in the justice system. (<http://www.lse.ac.uk/collections/law/projects/legalbiog/lbp.htm>).

National Life Stories has long aimed to create a permanent archive at the British Library of oral history interviews with judges, solicitors, barristers and other members of the legal profession, for use by researchers and the public. Interviewees within the *Legal Lives* project include Lord Bridge, Peter Goldsmith, Lady Hale and Sir Sydney Kentridge QC. Stories from those in the legal profession also feature in projects throughout the oral history collections archived at the British Library. However, there are key voices and perspectives on the administration of justice in the UK that are under-represented within the oral history collections – such as those of court workers. Both *National Life Stories* and the *Legal Biography Project* recognised this gap – and so have appointed me as a collaborative research student to collect in-depth life story interviews with Crown Court clerks. I will be recording approximately twenty interviews over the course of my PhD.

Considering your long career in the justice system, I would like to invite you to record a life story recording with me for the project. An oral history interview is usually recorded over several sessions and differs from shorter, focused interviews in that it covers early memories, family life, education, work, leisure and later life. The purpose of this in-depth interview is to place the details of your professional practice within a much wider biographical and social history framework. The recordings are made on digital audio equipment and can be conducted in any quiet room at a time and place that is convenient for you. For example, I would be happy to come to your home, or your office, or the interview sessions can take place in a studio here at the British Library in London.

Your interview remains confidential until the end of the final session when you will be asked to complete a Recording Agreement which specifies exactly how you would like your recording to be used. It is possible to request closure of the recording, or parts of the recording, for a period of time.

I very much hope that you will consider taking part in the project and enclose an information sheet. If you have any further questions please do not hesitate to contact me by email at Dvora.Liberman@bl.uk or phone on 0750 339 4370, or via the *National Life Stories* Assistant Archivist, Emily Hewitt, on 0207 412 7404.

Yours sincerely,

Dvora Liberman

Appendix F: Project information sheet

Crown Court Clerks Oral History Interviews: Information Sheet

We are sending you this information sheet because we would like to invite you to take part in the research project: **Exploring the Social World of Crown Court Clerks from the 1970s onwards**. Before you decide whether to participate we would like to outline why the research is being done and what it will involve. Please read this information and ask us any further questions you may have, or if anything is unclear.

What is the purpose of the research project?

This study aims to fill a gap in current knowledge about the important role that Crown Court clerks play in the administration of justice, as well as the changes that have occurred in legal cultures and practice since the 1970s. To try to fill this gap, this study will collate oral history interviews with twenty Crown Court clerks. Some may be retired but others may still be currently in employment. We hope to gain insight into the lived world of the law and the pivotal role that Crown Court clerks play in the administration of justice. This study sits within a broader oral history programme led by *National Life Stories* at the British Library called *Legal Lives*, which to date comprises interviews with judges, solicitors, and barristers, and aims to document changes in the legal profession in Britain. Interviewees include Lord Bridge, Peter Goldsmith, Lady Hale and Sir Sydney Kentridge QC. We are keen to add interviews with Crown Court clerks to the *Legal Lives* programme, as perspectives from court workers are currently under-represented in the archive.

Who is organising and funding the research?

The interviews and research will be carried out by Dvora Liberman, supervised by Dr Rob Perks (Lead Curator of Oral History and Director of *National Life Stories* at the British Library) and Professor Linda Mulcahy (Co-director of the *Legal Biography Project* at the London School of Economics and Political Science). *National Life Stories* was established in 1987 to record first-hand experiences of a wide-cross section of society and our recordings form an invaluable record of British life (www.bl.uk/nls). A main aim of the *Legal Biography Project* is to facilitate scholarship in legal biography, and to generate discussion about the perspectives of those who work and participate in the justice system (<http://www.lse.ac.uk/collections/law/projects/legalbiog/lbp.htm>). The research is funded by an Arts and Humanities Research Council Collaborative Doctoral Award.

Why have I been asked to take part?

We aim to interview twenty court clerks who have worked in, or are currently working in, Crown Courts in different regions throughout England and Wales. We hope to interview court clerks who worked in Assize courts before they were abolished and replaced by the new Courts Service in 1972. We also want our sample to include male and female court clerks. We think that you would match at least two of these criteria and that is why we are asking you to take part.

Do I have to take part?

It is not compulsory for you to take part – however, we believe that you have something valuable to contribute to our study, and to future researchers. We want to record the important role Crown Court clerks have played in the administration of justice and we hope that you will therefore contribute. If you agree to take part you will be asked to sign a Recording Agreement once the interview is completed (see below).

What are the possible benefits of taking part?

We trust that the interview will provide you with an opportunity to remember some of your experiences, and to share the difficulties and satisfactions of working in the criminal justice system. We also hope that you will find it rewarding to have your contribution recognised publicly, and that you will be pleased to add your account to a historically significant collection of archived interviews at the British Library for access by future generations.

What does taking part mean?

If you agree to take part we will arrange an interview with you and will audio record the interview. We would be happy to interview you in a quiet room at your home, or a studio at the British Library, or another place that is convenient for you. The interview will most probably involve a few sessions and will cover your early memories, family life, education, work, leisure and later life. The purpose of this longer interview is to place the details of your professional practice within a much wider biographical and social history framework.

What are the possible advantages and risks of taking part?

We hope that the experience of taking part will be enjoyable. However, as in all memory work we are aware that some sad or difficult experiences might also be recalled.

What happens to the interviews?

The interviews will be content summarised and stored digitally. Audio recordings and the documentation will be deposited at the British Library Sound Archive. The British Library will preserve each recording as a permanent public reference resource for use in research, publication, education, lectures, broadcasting and the internet. At the end of the project, the interviews will form part of the *National Life Stories* online audio collection, and become available to the public to listen, in line with any access restrictions requested by interviewees.

Will my taking part in the project be kept confidential?

The aim of this study is to identify changes in legal cultures and practice through the perspectives of Crown Court clerks. The significance of the interviews largely lies in the particular details of each participant's unique life experiences. For this reason, it would not be ideal for us to anonymise the interviews. However, if you prefer to close your contribution for a period of time, this will be possible, and will be carried out in discussion with you, and specified in the Recording Agreement.

What will happen to the results of the research project?

All those who take part in interviews will be offered an audio recording of their interview, and a typed content summary of their full interview. The research findings will be documented in a PhD thesis, and are likely to be published in academic journal articles. Publications or educational materials which are produced as a result of the project may use quotations from the interviews. A key part of the project will be to work with legal museums across the country with a view to producing materials based on the original interviews to use in their exhibitions and displays, dramatisations of historic trials and workshops for schools. All participants will be asked for their permission before any such use is made of their interviews. As the British Library will preserve each recording as a permanent public reference resource for use in research, publication, education, lectures, broadcasting and the internet, it is also likely that other researchers will access your interview for their research, and they may request from the British Library to use written or audio quotations of your words.

What is the Oral History Recording Agreement?

At the conclusion of the interview, you will be asked to fill in an Oral History Recording Agreement to ensure that your recording is added to the collections of the British Library in strict accordance with your wishes. The Agreement confirms your willingness to take part in the recording and specifies the terms under which your recording will be archived and made publicly accessible at the British Library. If you

wish to listen to your recording before you fill in the Recording Agreement, please request a copy from the researcher.

The Recording Agreement allows you to specify how researchers can use your recording – both now and in the future. If you wish to restrict access to all or part of your recording there is space on the Agreement to specify these restrictions.

- If you do not wish to impose any access restrictions, then simply leave this section of the Agreement blank.
- If you do wish to restrict access to the recording – in its entirety or particular parts – please specify this in the space provided. You are required to give an end date to each restriction you specify. In most cases a maximum closure period of 30 years is appropriate.
- If you have requested an embargo for all or part of your recording, please note that it is not possible for anyone to request access to the embargoed material under the Freedom of Information or Data Protection Acts, due to the confidential nature of the material.
- If at a later date you wish to change the access restrictions, you can contact the Oral History Curators at the British Library oralhistory@bl.uk or telephone 020 7412 7404. Once an interview is catalogued and archived at the British Library, the British Library does not destroy or delete interviews.

The Recording Agreement also includes a statement about the assignment of copyright in your contribution, which is further explained in a separate leaflet available from the researcher or the British Library Oral History team.

Who has reviewed the study?

This study has been ethically reviewed by the London School of Economics and Political Science.

Contact for further information:

Project Researcher: Dvora.Liberman@bl.uk or phone *National Life Stories* Assistant Archivist, Emily Hewitt, on 0207 412 7404.

Project supervisors:

Dr Rob Perks (Lead Curator of Oral History and Director of *National Life Stories* at the British Library). Email: rob.perks@bl.uk; Professor Linda Mulcahy (Co-director of the Legal Biography Project at the London School of Economics and Political Science). Email: L.Mulcahy@lse.ac.uk.

Appendix G: British Library oral history recording agreement

National Life Stories
The British Library
96 Euston Road
London
NW1 2DB
020 7412 7404
nls@bl.uk

ORAL HISTORY RECORDING AGREEMENT

Recordings of oral histories are integral to the British Library's intention to preserve the nation's memory. Your recorded interview will become part of the national collection cared for by the British Library, where it will be preserved as a permanent public reference resource for use in research, publication, education, lectures, broadcasting and the internet. The purpose of this Agreement is to ensure that your contribution is added to the collections of the British Library in strict accordance with your wishes.

This Agreement is made between **The British Library Board, 96 Euston Road, London, NW1 2DB** ("the Library") and you ("the Interviewee", "I"):

Your name:.....

.....

Your address:.....

.....

in regard to the recorded interview/s which took place on:

Date/s:

.....

Declaration: I, the Interviewee confirm that I consented to take part in the recording and hereby assign to the Library all copyright in my contribution for use in all and any media. I understand that this will not affect my moral right to be identified as the 'performer' in accordance with the Copyright, Design and Patents Act 1988.

If you do not wish to assign your copyright to the Library, or you wish to limit public access to your contribution for a period of years, please state these conditions here:

This Agreement will be governed by and construed in accordance with English law and the jurisdiction of the English courts.

.....

.....

.....

.....

Both parties shall, by signing below, indicate acceptance of the Agreement.

By or on behalf of the Interviewee:

Signed:

Name in block capitals:Date:
.....

On behalf of The British Library Board:

Signed:

Name in block capitals:Date:
.....

Office use only:

Full name:

Acc.no.:

Series title:

Appendix H: British Library oral history information leaflet

The deposit of your oral history recording at the British Library

This leaflet explains:

- How your recording or interview will become part of the British Library's collections
- The forms we will ask you to complete to ensure we can provide public access to them in accordance with your wishes
- How people use recordings at the British Library

The British Library is the national library of the United Kingdom and one of the world's greatest research libraries. It provides world class information services to the academic, business, research and scientific communities and offers unparalleled access to the world's largest and most comprehensive research collection. The Library's collection has developed over 250 years and exceeds 150 million separate items representing every age of written civilisation, among which the oral history recordings are considered vital to the Library's intention to preserve the nation's memory.

As a statutory charity, the British Library is most grateful for contributions, such as yours, to help to build, improve and enhance its collections. These collections are cared for by a team of professionals: their priorities are to select, preserve, research and provide access to them.

Your oral history recording will become part of the national collection cared for by the British Library. The audio recording itself will be archived in the Library's Digital Library System (the British Library's system for securing digital content for the long term), and research access will be provided to generations of students, academics, family historians, journalists, writers and many others for years to come.

The British Library's Sound Archive

The Sound Archive holds over 3 million sound recordings. They come from all over the world and cover the entire range of recorded sound from music, drama and literature, to oral history and wildlife sounds.

The Sound & Moving Image Catalogue, <http://sami.bl.uk>, is updated daily. It is one of the largest catalogues of its kind anywhere in the world, covering both published and unpublished recordings. Visit the Sound Archive section on the British Library website for more information: www.bl.uk/soundarchive.

The Oral History collections

Oral history is a powerful means of collecting and preserving the unique memories and life experiences of people whose stories might otherwise have been lost. Few historians, researchers, teachers and students can now afford to neglect the insights that oral sources provide. Our mission is to capture as many voices as possible from across Britain. The oral history collections cover a huge range of topics encompassing diverse voices, from artists to steelworkers, doctors to postmen, Holocaust survivors to authors. Visit the oral history section on the British Library website for more information: www.bl.uk/oralhistory.

Many oral history interview projects are led by National Life Stories, an independent charitable trust based in the oral history section. Visit www.bl.uk/nls for more details.

The Oral History Recording Agreement

At the conclusion of an interview, each interviewee is asked to fill in an Oral History Recording Agreement.

What is this Agreement?

The Oral History Recording Agreement is a legal agreement which allows you to:

- formalise your consent for the recording to be made and archived at the British Library
- stipulate any special provisions for use of and access to the recording
- specify ownership of copyright and underlying rights in your recording.

Recording this information in a short formal document is in the best interests of both the interviewee and the Library.

Before you are asked to sign this Agreement, the oral history interviewer or member of oral history staff will talk through the document with you, explain each part and will be happy to answer any questions you may have. The completed Agreement will then be signed by you, or your legally appointed representative. You will be given one copy, countersigned by the interviewer or by another authorised representative of the British Library Board, as your record of our agreement. The Library will retain the other signed copy of the Agreement.

The Oral History Recording Agreement establishes and confirms a legal relationship between you and the British Library Board. This relationship is also based on trust and a shared understanding of the terms of the agreement: it is therefore very important that you raise any concerns you may have about anything included or omitted from the Oral History Recording Agreement before it is signed.

Key elements of the Oral History Recording Agreement:

1. Permission to record

The Agreement confirms your willingness to take part in the recording made and archived by the British Library.

2. Public access to the interview

The Agreement allows you to specify how researchers can use your recording – both now and in the future. If you wish to restrict access to all or part of your recording there is space on the Agreement to specify these restrictions.

At present, summaries of recordings without access restrictions are usually made available on the Sound & Moving Image Catalogue via the internet. Until recently all users needed to come to the British Library to listen to your interview, which limited access to those who had the means to travel to the British Library. In line with most public archives and libraries, many of our open recordings are now becoming available online through the British Library website, subject to interviewee consent.

The British Library is also approached by broadcasters (particularly radio journalists) who wish to use excerpts from the collections.

If you have particular concerns please discuss these with the interviewer or BL oral history staff member.

Your options are:

- If you do **not** wish to impose any access restrictions, then simply leave this section of the Agreement blank.
- If you **do** wish to restrict access to the recording – in its entirety or particular parts – please specify this in the space provided.

You are required to give an end date to each restriction you specify. In most cases a maximum closure period of 30 years is appropriate.

3. Copyright

The Oral History Recording Agreement contains a statement whereby the interviewee assigns their copyright in the recording to the British Library Board. Clarity around ownership of copyright is central to the Library's ability to provide services that meet the demands of 21st century researchers, such as digital storage and web-based access. Copyright in the words spoken on the recording lasts for 70 years after the year of a speaker's death, so documenting copyright information at the completion of the interview is vitally important.

Almost all interviewees assign their copyright to the British Library Board, as they trust that the British Library will make use of their recording in an ethical and responsible manner and comply with any access restrictions specified. The Library is a strong supporter of author and creators' rights. Assignment of copyright does not affect your moral rights, that is your right to be identified as a contributor and for your contribution to be protected from derogatory treatment which might damage your reputation or the integrity of your contribution.

A small number of interviewees decide to retain their copyright in the recording. This means that no public, published or broadcast use can be made of the recordings without the interviewee's written consent, although the British Library is permitted to offer access to these recordings onsite for

private research and non-commercial use (assuming there are no access restrictions imposed).

We ask interviewees to bear in mind that when they retain copyright this can create considerable difficulties for the British Library. The British Library may lose contact with an interviewee (or, after their death, their relatives or estate), which would prevent the interview being used for published research in the future.

Your options are:

- If you are happy to assign your copyright to the British Library Board leave the Agreement as it is and sign it at the bottom.

- If you wish to retain your copyright in the recording, please strike through the relevant sentence on the Agreement. Then choose one of the following options regarding the duration of the retention of copyright and write it in the space provided:
 - a) I retain my copyright in the recording until 20XX after which I assign copyright to the British Library Board. I undertake to keep the British Library informed of any changes in my address.
 - b) I retain my copyright in the recording for the duration of my lifetime after which I assign copyright to the British Library Board. I undertake to keep the British Library informed of any change of address.
 - c) I retain my copyright in the recording. I undertake to keep the British Library informed of any changes of address and to keep the Library updated with the address and contact details of my next of kin and solicitor.

4. How will the information on the Oral History Recording Agreement be used?

The conditions that you have agreed or asked to be met with regard to your recording will be included in the entry made for your interview in the Sound & Moving Image Catalogue. Such information will be of value to people wishing to include your interview in their research while ensuring that any restrictions you have requested are made visible and upheld.

All personal information about you or any other living individuals recorded in the agreement will be handled in accordance with the Data Protection Act 1998. This means that it will be held securely and used **only** for the following purposes:

- Legal purposes, for example as evidence of ownership;
- Internal administrative purposes, for example to contact you or your appointed representative for matters relating directly to your recording;
- Research, for example as a record of the provenance and history of the recording;
- Collection management purposes, for example to compile a catalogue record.

As a public body, the British Library is subject to the Freedom of Information Act 2000. This gives members of the public a statutory right of access to information held by a public body. While your personal details will not be

released without your consent, other information recorded on the form may be released, for example the date the form was signed and the catalogue number.

IMPORTANT NOTE:

If you have requested an embargo or closure for all or part of your recording, it is **not** possible for anyone to request access to the closed material under the Freedom of Information or Data Protection Acts.

Frequently asked questions

1.How can I find a recording on the Sound & Moving Image catalogue?

Once your recording is catalogued you will be able to find the relevant catalogue entry by searching the Sound & Moving Image catalogue <http://sami.bl.uk>. This catalogue is available on the internet, but at present internet search engines such as Google cannot search within the catalogue itself. This may change in the future.

2.How can I listen to British Library material?

The vast majority of older analogue oral history recordings archived at the British Library can only be accessed on-site at the British Library in St Pancras, London and Boston Spa, Yorkshire. At present, for anyone to access material on-site they need to register for a British Library Reader Pass. To apply for a Reader Pass you will need to visit the Reader Admissions Office at the British Library in St Pancras. For opening hours and further information visit: www.bl.uk. Once a Reader Pass is acquired listeners need to make an appointment with the Listening and Viewing Service www.bl.uk/listening. Please contact the Service in advance and quote the catalogue references for the recordings you require.

We have found that the costs of travel to the British Library prevent people from making use of the interviews in our collection, and we are increasingly trying to provide remote access to digital oral history interviews via the British Library Sounds website (<http://sounds.bl.uk>). Interviewees can of course 'opt out' of online access by noting this on the Recording Agreement (with an 'end date' for this restriction) or, if they do permit access, they can at a later date have their interview removed from the website should they change their mind.

We believe that providing remote access to interviews will, without doubt, increase the use of this important material and we can already see that wider online access is an invaluable resource to the wide range of users who wish to access British Library oral history material including researchers, historians, social scientists, journalists, academics, and general users.

Further contact details:

The British Library Oral History section

T: 020 7412 7404. E: oralhistory@bl.uk. W: www.bl.uk/oralhistory

British Library Listening and Viewing Service

T: 020 7412 7418. E: listening@bl.uk. W: www.bl.uk/listening

Appendix I: British Library oral history interview summary guidelines

GUIDELINES FOR WRITING ORAL HISTORY INTERVIEW SUMMARIES FOR DIGITAL RECORDINGS

OVERVIEW

All oral history interview summaries are added to the British Library's online Sound Archive catalogue (<http://cadensa.bl.uk>), accessible worldwide and the principal way in which a wide range of users approach the collection.

The purpose of summaries is to gather key basic information about the circumstances of the interview and give a concise guide to its contents, serving very much like the index to a book, but with some extra information to help users who will consult the catalogue to decide which interviews they want to listen to. Summaries need to include names, places, events and topics appearing in each interview, with indications of how substantial the reference is, and where in the course of the interview the reference appears.

The great advantage of the Sound Archive catalogue is that 'search/find' commands can be used across a very large number of interview summaries, and so it is important that information given in the summaries is in a consistent form.

SUMMARY LENGTH

There is an absolute limit to the amount of text which can be loaded into each single catalogue record and it is extremely difficult to load more than about 9000 words (12 sides of writing in 10 pt single spacing). It is important, therefore, to try not to exceed this length. As a rule of thumb, each summary should aim for around 250 words for every 30 minutes of recorded interview.

When summarising digital tracks which require over about 500 words, they should be divided into paragraphs of 500 words or less, making the division at a time code. Each paragraph will then be put into a separate 'interview summary' field. (More than 600 words per field creates difficulties in using the Sound Archive catalogue.)

TRACKS AND TIMINGS

The summary for digital recordings will be divided into WAV files, referred to from now on as 'Tracks'. An interview session may go over 1 or more tracks as there may be breaks for lunch etc. where the machine is stopped and then restarted, causing the machine to create a new track. Track numbering should run sequentially throughout the whole recording, regardless of the date it was recorded.

- Begin with the track number in **figures not words**, and follow it with the track duration in hours, minutes and seconds [H:MM:SS] format, in square brackets. For example:

‘Track 1 [2:35:01]’

- If the track begins a new session, state this, with the date, after the track number and duration. Put all this in square brackets. For example:

[Session one: 14 February 2005]

Put the session number in words. Use a colon after it.

(See example B below)

- As individual tracks might be very long, time codes should be inserted to aid navigation. A time code should be inserted when there is a significant change of topic. In practice, this usually leads to time codes appearing at about 5 to 10 minute intervals (but sometimes less than that). However, if you find that what looks like a single topic has continued for a lot longer than this, please sub-divide it and insert additional time codes at intervals of no longer than 15 minutes. If the subject changes with a new question the time code should refer to **the start of the question**, rather than the start of the answer.
- The time code should show the time elapsed in that particular track, not the interview as a whole. Write the timing in the same format as the track running time, and use square brackets. (See example B below)
- Where the summary for one track has been divided into two or more paragraphs (see 'Summary Length' above), give the running time for the whole track at the beginning of the first paragraph, and begin the subsequent paragraphs for this track with, for example: 'Track 1 [cont. from 55:30]' where 55.30 is the time code at the end of the previous paragraph.

KEY POINTS FOR COMPILING SUMMARIES

- Fill in an 'Interview summary title page' for each interview
See example A below.
- Summaries should be provided in electronic form, on a disk or by e-mail.
- Document file names should indicate the 'C' reference number, the interviewee name, whether the summary is in draft or final, and the date when the file was saved, thus:

C872-108 John Smith sum DRAFT 10.10.06.doc

C872-108 John Smith sum FINAL 30.10.06.doc

Typing

- When typing, only use carriage returns between paragraphs.
- **NEVER USE TABS.**
- Do not use accents or font formatting (bold, italics, underline etc.).
- Put the titles of books, newspapers, works of art, pieces of music etc. in single quotation marks.
- Only use ampersands (&) in company names.

Composition

- Concentrate on providing a clear statement of what is talked **about** in the interview, rather than detailing particular opinions or anecdotes. The summary should be a guide

to what can be found out from the interview **in sequential order**, not a paraphrase of what the interviewee actually said. Where the interview focuses closely on one subject for a long period, a few short words of summary may be perfectly adequate.

- Time codes in the summary will give a fair indication of how much is said about each topic. However, it is often helpful to point out the character of some of the references in a summary - such as that a passage provides a 'detailed description' of an event, an 'explanation' of an action or technique, a 'comic story' about a person, or whether a speaker only 'mentions' a person named in the summary in passing. Some examples of terms to indicate more or less substantial passages in the interview might be (in roughly descending order):

description (for a long and detailed passage)

discussion (where interviewer contributes a lot)

story

anecdote

comment

remark

mention

Choose whatever terms you think are suitable, but be clear and consistent in using them.

- For brevity and economy of language, avoid elaborate sentence constructions. Leave out prepositions and possessives where possible. So for example use 'Eldest of five sons' not 'He was the eldest of five sons'; and 'Mentions' not 'Next the interviewee goes on to mention'.
- Do not compress too much. Where a distinct aspect of a subject is referred to, it is helpful to make that clear in the summary: e.g. 'describes difficulties of finding work' rather than 'describes search for work'.
- Take care to make clear to whom statements apply. The use of compressed statements can be ambiguous.

Example:

'OW's grandfather, James Walston [JW]. His politics. His taste in furniture.'

Are the politics and the furniture OW's or JW's?

Depending on the meaning, repeat initials to give clarity:

Either

'OW's grandfather [JW]. OW's politics; his taste in furniture.'

Or

'OW's grandfather, James Walston [JW]. JW's politics; his taste in furniture.'

- Use semi-colons (as above) where the meaning of a statement is a continuation of the statement before it.
- Be careful with 'he' or 'she' where it follows references to a number of people. Better to repeat initials if there is a danger of ambiguity.

See also Example B below for style.

Names

- Check all names for accuracy and where possible give names of all people referred to in an interview in the form found in appropriate reference sources. Good general on-line sources are the Library of Congress at <http://lcweb.loc.gov> (follow link to 'Library

Catalogues' and from there to 'Library of Congress Authorities' at the top right corner of the 'Online Catalog' page). Also <http://www.biography.com>. For architecture: <http://www.riba.org/go/RIBA/Home.html> and follow the link to the RIBA Library. For artists the National Art Library catalogue (Victoria & Albert Museum): <http://www.nal.vam.ac.uk>.

- Where names are to be abbreviated, give the full name in the first instance, followed immediately by the abbreviation in square brackets, then use the abbreviation throughout.
- If you use a well-known abbreviation for the name of an institution, such as RIBA or RSPCA, spell the name out in full in curved brackets at its first occurrence.
- Use names for countries etc., not abbreviations (United States, European Union).
- Give place names in the form used in the interview, but add other common forms (in local languages, etc.) in square brackets. For places in Britain, in the first instance, give the county which a place is in, unless there is no possibility of confusion; for places outside Britain, give the country, or state for USA.

Other references

- Where allusions to events (e.g. meetings, conferences or exhibitions) are unclear in the interview, as much clarification as possible should be provided, such as places or dates. Put these in square brackets.
- If you need to correct facts given wrongly in the interview, put your correction in square brackets.
- Interviews which are closed or on restricted access also require a summary on *Cadensa*. We frequently do not provide access to the summary until the access restrictions on the interview are lifted, but sometimes it may be appropriate to give a limited idea of the content while it is still restricted. The above principles hold good, although the summary will probably be much briefer. Here it is even more important to provide an indication of what the interview covers without revealing what the interviewee said. In such cases, you might want to review the summary with the interviewee before it is added to the catalogue.
- See Example B attached for content summary layout for digital recordings.

EXAMPLE A

The British Library		National Life Stories	
Interview Summary Sheet		Title Page	
Ref no:	C960/62		
Collection title:	Crafts Lives		
Interviewee's surname:	Fournier	Title:	Mr
Interviewee's forename:	Robert	Sex:	M
Occupation:	Potter	Date and place of birth:	1915 , London
Mother's occupation:	Housewife	Father's occupation:	Carpenter
<p>Dates of recording, Compact flash cards used, tracks (from – to): 30/09/05, CF1664, track 1; 26/10/05 CF1664, track 2.</p>			
Location of interview:	Interviewee's Home, Market Lavington, Wiltshire.		
Name of interviewer:	Hawksmoor Hughes		
Type of recorder:	Marantz PMD660 on compact flash		
Recording format :	WAV 16 bit 48 kHz		
Total no. of tracks	2	Mono or stereo:	Stereo
Total Duration: (HH:MM:SS)	04:46:01		

Additional material:	5 colour postcards of interviewee's work
Copyright/Clearance:	Full
Interviewer's comments:	Intermittent sound of drilling in street on track 2

EXAMPLE B

(This is only part of the summary)

C960/62 Robert Fournier

Track 1 [2:41:01] [Session one: 30 September 2005] Robert Charles Privet Fournier [RF], born London, 1915. Description of paternal grandfather a French man and a carpenter, remarks on father not learning French. Comments on father using a spindle. Description of father's education and career as a carpenter, story about father, grandfather and another man building motorcars. [07:32] Description of mother's family, remarks on not meeting mother's parents. Description of mother Helen Maud Fournier (nee Privet), comments on her giving up work after getting married. Mentions RF's brother who died in the war. Description of father, Alphonse Robert William Fournier, story about father breaking a rib in a pub. [13:50] Further description of mother who became a Labour politician and alderwoman, mentions Dorothy Summerskill (MP). Description of brother, Victor Noel Gaston Fournier [VF], a navigator in the Royal Air Force, story about his death aged 21 flying over Wales. Mentions RF's childhood home, a flat on New Kings Road, London. Comments on playing with Meccano. Story about making a robot at school, remarks on always wanting to make things. Description of grandfather's and father's business making motorcars. Comments on mother's instinctive cooking. Story about parent's kind landlord. [24:10] Story about RF becoming an atheist. Comments on parent's dreading RF attending grammar school, remarks on going to a Central School. Short description of attending New Kings Road Primary School. Remarks on not getting on with other boys. Comments on being different. Description of attending Fulham Central School, comments on enjoying art, mentions being painted by his teacher Mr. Norton. Comments on father's work making airplanes during the First World War. Remarks on the influenza epidemic after World War One. Comments on Lord Walton being the hero of the Second World War. Remarks on mother's shopping habits. Comments on parents' social life. Remarks on mother's reasons for entering politics. [34:50] Comments on Russian films, mentions Eisenstein and 'Battleship Potemkin'. Remarks on seeing foreign films at the cinema and on going to Covent Garden, story about queuing to buy tickets. Remarks on parents' taste in music. Story about buying classical records from a friend. Description of discipline at school, remarks on receiving the cane. Comments on being relieved to leave school. Remarks on enjoying reading. Comments on parents' attitude to reading, mentions the 'Daily Herald' and the 'Daily Worker'. [41:45] Remarks on father never owning or driving a motorcar. Short description of variety houses in Fulham. [48:00] Long description investigating the Theatre Royal, Bristol, remarks on wanting to be a theatre historian, mentions Richard Southern [RS], remarks on cycling from London to Bristol. [53:50] Story about becoming a librarian at Fulham Library after leaving school, description of duties, remarks on reading everything under the sun, comments on reading 'A Short Introduction to the History of Human Stupidity'. [57:10] Description of RF's relationship with Sylvia, remarks on living with her unmarried, mentions their belonging to a theatre group. Comments on the changes in Britain after the Second World War began. Description of Sylvia, mentions her mother who was a Communist. Comments on peoples' reaction to them living together. Mentions building a house in Hertfordshire after the war. [1:03:05] Further description of VF, mentions his employment with Hornby. Description of cycling from London to Bristol. Description of RF's social life and involvement in theatre group 'The Group Players'. [1:11:40]

Track 1 [cont. from 1:11:40] Story about finding a thunder run in the Theatre Royal, Bristol. Short description of RS. Mentions RF's cousin who writes poetry. Story about living with Sylvia's mother who house sat in Kensington Gardens. Story about dignitaries from the Czech Embassy not wanting to share the air raid shelters with neighbours.

Remarks on nobody wanting to live in Kensington Gardens. [1:18:12] Long description of going to the cinema. Remarks on watching films with a social conscience. Comments on the outbreak of Second World War, remarks on thinking the First World War was worse than the Second World War. [1:25:20] Description of RF's stance as a Conscientious Objector [CO], remarks on his pacifist ideals. Story about RF and Sylvia losing a lot of money after buying a strip of land in the Hertfordshire from a con man, remarks on the local solicitor refusing to represent them. Description of working as farm labourers, remarks on living in a shed. Story about getting arrested and imprisoned for being a CO, long description of his imprisonment in Wormwood Scrubs. [1:37:00] Remarks on making and selling models of animals after leaving prison. Story about returning to prison, further description of his imprisonment in Wormwood Scrubs, mentions the prisoners' magazine, description of hearing bombs dropping over London. Story about RF's release, comments on not feeling part of Sylvia's world. Remarks on never wanting children. Remarks on the breakdown of RF's relationship with Sylvia; mentions meeting and marrying Sheila Fournier [SF]. [1:46:15] Description of attending the Central School of Arts and Crafts to study pottery while working as technical assistant, description of Dora Billington [DB] and Gilbert Harding Green. [1:57:30] Remarks on Potclays clay bodies for studio potters. Comments on writing 'Electric Kiln Construction for Potters' (1977). Description of visiting London Zoo and modelling the animals. Remarks on making more money making pots than animals. Remarks on living in South Kensington. [2:04:20] Story about Leach making a pot for RF. Comments on RF's and DB's opinion of Leach pottery. Description of RF's pot collection, story about meeting dealer Wilfred Sloane [WF]. Description of WF. [2:11:10] Long story about renting the old workhouse in Lacock, Wiltshire, from the National Trust as a studio and place to live (1960). Story about selling RF's pots to raise a deposit on a house. Remarks on setting up a pottery, remarks on selling tableware in the Craftsman Potters Shop. Description of building a house and workshop in Hertfordshire. Remarks on leaving everything with Sylvia when he left her, remarks on her role as housewife. [2:23:40] Long description of building up the pottery, remarks on saving for the future, description of RF's pots. Short description of RF's working routine, remarks on writing books on ceramics in the evenings. [2:30:45] Long description of RF's poetry, story about a teacher not believing he had written a poem. RF reads from one of his poems. Remarks on RF's admiration for T.S. Eliot. Story about publishing a book of poetry with a poetry group (1940). Comments on the aging process.

Track 2 [2:05:00] [Session two: 26 October 2005] Comments on RF's relationship with Sylvia. Remarks on being a founder member of the CPA [Craft Potters Association]. [03:00] Long description of Isaac Button [IB] and his pots, remarks on taking him to the opera. Description of making a film about IB with John Anderson [JA]. [19:45] Description of filming David Leach and Rosemary [RW] and Denise Wren. Remarks on David Attenborough collecting RW's animal sculptures, description of the Oxshott pottery. [25:50] Long description of IB's workshop. Further description of filming IB. Comments on IB's opinion of studio pottery. Description of a raku firing. [33:50] Description of RF's reasons for making films and writing things down. Remarks on RF and JA funding the films themselves. Description of JA. [39:51] Long description of RF's business making and selling slides of pottery, description of photographing pots in the Victoria and Albert Museum. [45:50] Long description of David Leach. Remarks on distributing films. [53:40] Long description of RF's pottery and accommodation in Lacock. [57:00] Description of RF and Sheila's working routine. description of Sheila's and RF's pots. Story about delivering and pots. Description of RF's range of pots. Remarks on selling work through French and German Galleries, description of RF's friendship with a German gallery owner. [1:01:40] Long detailed description of making a pebble pot. Long description of throwing a pot, remarks on RF's tools. [1:17:50] Comments on learning to throw at the Central School. Description of Gilbert Harding Green's advice on throwing. Comments on teaching part-time in art schools, remarks on keeping in touch with old students. [1:20:15]

Description of Ray Finch and Richard Batterham and John Maltby. Remarks on the difficulties of developing friendships with other potters. [1:24:45] Further description of working at Lacock, remarks on living there for 17 years. Remarks on mostly working in stoneware. Remarks on writing the book on electric kilns. [1:29:45] Description of deciding to retire (1987), remarks on not missing pottery. Description of moving to a village near Box, Somerset. Description of RF's retirement, remarks on saving money throughout his working life. Story about selling RF's collection of pots. Remarks on moving to Market Lavington, Wiltshire, description of his 1990s detached house, comments on the benefits of living in a modern house. Comments on the low rent at Lacock, description of repairing the pottery. [1:45:27] Story about writing and producing 'Ducketts Wood Pottery Notes'. Description of RF's books not yet published including a bibliography of pottery. Description of writing 'British Studio Potters Marks Book', story about meeting Eric Yates-Owen. Comments on future writing projects. [1:56:09] Further description of photographing pots in museums. Story about a repaired pot melting under the photography lamps. Comments on RF's extensive slide collection.

Appendix J: Sample interview summary

Pamela Sanderson Life Story Interview: Content Summary

Track 1 [2:03:30] [Session one: 15 October 2015] Pamela Sanderson [PS] Comments on her name, maiden name, Ryding; her father's family come from Lancashire; paternal grandmother died in 1938, was from Sixpenny Handley, Dorset; her family had moved to Crewe for the railway works, then Horwich for the railway works; PS's paternal grandfather's family were from Leyland; moved to Horwich. [2:00] Memories of her grandfather; died when PS was seven years old; brought her biscuits during rationing after the war; grandmother died before she was born. [2:55] Mentions her paternal grandfather was a cotton calico bleacher; grandmother had five children, one died; PS's grandmother worked on the railway works. [3:46] Remarks that her paternal grandfather's side of the family were Methodist. [4:23] Discusses her maternal grandfather; various jobs; worked on the canals; then he was in the First World War, and gassed; worked as a miner until World War Two; sent to the Royal Ordnance Factory at Euxton, making explosives; he had post-traumatic stress; returned to work in the mines; after World War Two he worked in the local dye works until he retired; died in 1972 in his seventies. [7:26] Mentions her maternal grandmother came from a family of weavers; PS's maternal grandmother made jacquard curtaining; her daughters went into the mill; very forthright woman. [8:10] Remarks that PS was the eldest grandchild and her grandmother made a fuss of her. Comments on staying with her grandmother at weekends; very nice to PS; very strict as a parent; PS is very close to an Aunt, her son Jackie had down syndrome; younger cousins who lived nearby; family teapot. [10:45] Mentions her grandfather's war experiences. [11:50] Discusses picnics in the countryside with her grandparents; PS went shopping with her grandmother; the first time she went to the cinema, 'The Greatest Show on Earth'; her grandfather was a shadowy figure; PS followed her grandmother and Aunt around; memory of annual birthday parties with her great Aunties. [15:53] Comments on her father, John; born in Horwich, 1920; her father's siblings; PS's father had a shop, shared with an uncle; closest to her uncle Jim. [17:58] Mentions her father's early life and education; lived in Horwich all his life; he left school at fourteen or fifteen years old; various jobs, a telegram boy at one point; called up for the war service; discovered he had a kidney or bladder disease; he spent six weeks in the military hospital; invalided him out of the War; PS found her father's doctors report and discharge after he died. [21:08] Mentions that her father was sent to a sanitary ware manufacturing firm during World War Two; made toilets; studied and qualified as an electrical engineer; and he played the violin. [22:02]

PS discusses her father repairing radios and televisions; then worked for himself as an electrical engineer; wired houses; progressed and took over a shop selling electrical goods and repairs; not a good businessman; PS's mother helped him in the shop with bills; he went bankrupt; explains the business problem; carried on electrical work until the 1970s due to a bladder operation. [24:40] Mentions that her father took a stall in the local indoor markets; bankruptcy; birth of her sister, Joan, when PS was twelve years old; family

financial crises; mother had an evening job in the mill; PS looked after her sister until her mother returned from work; her mother didn't want to be a weaver; she wanted to train as a pharmacy assistant when she left school; describes a cotton mill; mills closed in the 1950s. [28:48] Comments on her mother's work; then PS's mother helped in the electrical shop; sewing in the local hospital in the 1960s; sold fancy goods and spares for hoovers and washing machines at a market stall; appliances and spare parts her parents sold; PS's brother joined them and had his own stalls. [31:08] Mentions that she worked in the shop on Saturdays until she left school; she helped in the market stalls when she returned from West Germany in 1979. [31:48] Discusses her parents musical interests; her father played violin in Little Orchestra; mother sang soprano, in amateur operatics; father played clarinet, piano accordion, tin whistles; double bass; music was in their family; her mother sang in the local dance hall during the Second World War. [33:44] Comments on her parents meeting; they loved dancing; her father's personality; a kind and quiet man; looked after injured animals; he had a social conscience; gives an example. [36:51] Remembers riding on the back of his bike as a child; countryside walks on Sunday morning; football match; visits to his sisters. [37:54] Describes her mother's personality; disciplinarian; she had a hard time; money was irregular; sometimes down to the last thruppence, little in the larder; she made all the clothes, sewed and knitted, as PS did for her own children. [39:14] Memories of walking with her mother; local landmarks; pushing her sister's pram. [40:59] Mentions that her father didn't impose discipline; he worked very long hours; her mother dealt with discipline. [42:14] PS was born in 1945; describes the estate she lived in; played on the moorland; out all day during school holidays with friends; made dens, blackberrying, picked bilberries, collected bonfire wood; went to the Saturday morning pictures if there was money, from ten to twelve years old; snuck in a couple of times if there was no money. [47:25] Mentions that in the post war years, not having money was endemic; everyone was trying to recover from the War; she didn't know anyone wealthy. [48:27] Memory of her mother taking ration books to the shops; other food available. [50:11]

PS comments on attending Lord Street, the local primary school until eight years old; then junior school until eleven years old; teachers; PS enjoyed school. Describes herself as average; dreadful school dinners; PS was left handed; dinner ladies made her eat with knife and fork in her other hands; worse at junior school; she saved the bus fare and went to the bakers. [55:20] Discusses junior school; competitive, tests; St Catherine's; learning poetry; PS wanted to keep her class position near the top; took the Eleven Plus - english, maths, intelligence papers; a few mock tests; not much expectation around the Eleven Plus; she took an exam for a scholarship at Bolton School, a private school; she never had a chance of a scholarship; failed the test; passed the Eleven Plus and went to the grammar school. [1:00:18] Comments on being pleased about going to the grammar school; PS thought she wouldn't be able to go because they couldn't afford the uniform; her grandmother paid for part of her uniform; grateful she could go; Rivington and Blackrod grammar school. [1:01:12] Discusses the grammar school; brilliant; languages; took O Levels; she did eight and got five, english, maths, french, religious education, domestic science; subjects she failed. [1:02:30] Mentions she enjoyed english, english literature, maths, french; varied ability of teachers; gives examples of teachers; she still goes to school reunions each year. [1:06:16] Discusses not liking

homework; no place in her house to work; skimped on her homework; didn't like sports. [1:08:17] Remarks that there were no school clubs; went to Girl Guides when she was thirteen years old; patrol leader with the Guides; craft activities; camping; she was a Guide Leader until she began work in London; her sister runs guides with five to seven year olds now in Lancashire. [1:12:55] Reflects on two close friends she is still in contact with. [1:13:22] Explains that after she did O Levels she wanted to stay on at school but her mother insisted she leave school to work and subsidise the family at sixteen years old. [1:15:45] Comments on obtaining a job in the office of a local bakery firm for a couple of years; begrudged not being able to go back to school; a dead end job; applied for the Civil Service but the jobs were gone except in Bedford and she wouldn't leave home; majority of her pay went to her mother; PS spent money on clothes, makeup and going out; fashion at the time, pre mods and rockers. [1:19:15] Mentions applying for the Civil Service; advised by the Youth Employment Officer to take the Civil Service exam in Bolton; PS was sacked. [1:20:24] Discusses going to the Employment Exchange; applied for various jobs; the Employment Exchange sent her to the aircraft factory, many clerical jobs were available; skills she acquired at her previous job. [1:21:26]

PS comments on obtaining a job at British Aerospace for six months; then she took on an evening job as well in the Odeon cinema selling ice cream in Bolton; working 8.30-5pm, then 6-10pm. Discusses wanting a job in the Civil Service; equal pay with men; five days a week; wages were higher; she thought it would be more challenging. [1:23:52] Describes the swinging 1960s; she wanted to be posted to London; no longer constrained by the aftermath of the War; young people had spending money; she was under the impression you get a job to survive; then get married and have children; many women had to leave work to have children. [1:26:30] Comments on passing the Civil Service exam; posted to the DSS in Wembley, London fifty years ago; there were hostels for civil servants around the country; she lived in Belsize Park; met her husband, Rick at the hostel; dormitories; PS was eighteen years old. Discusses moving to London; exciting to be in the city; visiting the London sites. [1:31:14] Describes meeting Rick at a dance at his hostel; he was from Manchester; a Lancastrian; she could relate to Rick; they came from twenty miles of each other; they went to the cinema, dances, parties. [1:31:14] Mentions moving into flats after the hostel; in Hampstead; helping with the Guides; her social life predominated; the job in the personnel section was boring. [1:34:34] Explains her DHSS work. [1:37:23] Comments on getting married in 1966, couldn't afford to live in London; moved to Manchester when she was pregnant with her daughter; Rick was transferred; bought a small terrace house in Manchester; they wouldn't have had any security in London; moved to Manchester in November 1966. [1:38:39] Mentions Rick's work in the Ministry of Housing and Local Government; PS dropped a grade and lower paid job, from clerical officer to clerical assistant. [1:39:50] Describes Manchester; very parochial; she felt unsettled; their house needed a lot of work; they had two children within a year; she wasn't happy there; blue collar manual workers; they thought Rick was a spy from the local government; difference between going to work in an office in a suit compared to overalls; us and them mentality. [1:43:42] Comments on being friendly with other young mothers; looked after each other's children; she didn't have her mother nearby; she did courses in tailoring at the Union of Lancashire and Cheshire Institutes; then the City of Guilds of London; very poor

at that point; poorer than their neighbours; low pay scale and couldn't do overtime in the Civil Service; blue collar workers were better off; she did the courses to be able to make their clothes until 1972; haute couture. [1:47:55]

PS mentions that Rick was promoted; they had more money; PS could afford driving lessons; bought an old car; bought a house North of Manchester; moved in summer 1972; interest rates went up; they were broke again. [1:50:05] Comments on her children, Darren and Lyn beginning school; PS cleaned for Jewish people; big suburban estate built in the 1960s, Sunnybank. [1:52:58] Discusses working at the Co-operative for twenty hours a week in the insurance office for eighteen months 1974-75; better paid than cleaning; worked in the insurance claims department; boring; at the time of the Miners strike and three day week. [1:56:31] Comments on enjoying dressmaking; hard work as a young mother of two small children; no central heating; couldn't afford disposable nappies; she had a Saturday job with Manchester United; explains her job with Manchester United. [2:00:20] Mentions a friend starting up a playgroup; she cleaned the church hall for the playgroup; visited her parents by bus about an hour and a half away. [2:03:30]

Track 2 [2:04:13] PS discusses becoming a young mother; common at that time for people to start a family before their mid twenties in Lancashire and Manchester; a little older in London. [2:38] Mentions that the pill wasn't in common use in Manchester or Lancashire until the late 1960s; the pill meant more equality for women; she would have preferred to have had children a few years later. [4:11] Comments on leaving Cooperative Insurance in 1975; Rick obtained a foreign posting with the Ministry of Works (now the Department of the Environment) in West Germany; they spent the mid-late 1970s in West Germany; opportunity to do something different; she had never been abroad. Describes living in Rheindahlen, West Germany, army camp, for four years; fantastic to travel around Europe; wives had no status; she had to accept the attitude towards women. [24:58] Discusses leaving West Germany and returning to England; Lynn passed the Eleven Plus and could go to a grammar school; Darren didn't pass and went to the comprehensive school; PS was ready to return to England. [29:24] Comments on Margaret Thatcher coming into power; Rick couldn't get a job in Manchester when they returned; he was posted to a job in London during the week; PS stayed in Manchester with the children who were adolescents; they didn't want to move the family to London or an inner city life; Rick found work at the Building Research Station in Watford. [33:27] Mentions her parents and brother were working in indoor market stalls; PS helped with the stalls; did an apprenticeship in repairing hoovers; she liked the autonomy; they looked for houses north of London; finally found the house they live in now; renovations they've done. [39:28] Comments on wanting to move back up North in 1981; she didn't like the hard water; couldn't sell their other house in Manchester; Thatcher's cuts and mass redundancies; interest rates went up; after bills were paid they had £50 leftover; PS had to find work; worked at a greengrocers shop in the afternoon and Saturday morning. [42:18] Discusses an advertisement in the local free newspaper for civil servants in St Albans; she applied; interviewed and offered two jobs; job centre in Wellwyn Garden City and the County Court at St Albans. [44:27] Describes recruitment in the Lord Chancellor's Department; interview process. [46:33] Remarks that she'd always had a work ethic. [46:46]

Comments on her work at the County Court; she was an Admin Officer, Clerical Officer Grade; describes the County Court; cashier; issuing summonses; enforcements and bailiffs; court clerk did possessions hearings; possession orders; judges hearings; company winding up and bankruptcy; the variety of work was very interesting; gives examples. [54:10] Mentions a good working atmosphere amongst colleagues; Dickensian office; no electric typewriters in 1982; gestetner; old fashioned chief clerk. [57:36] Mentions that the Crown Court had better conditions; describes her contact with the Crown Court; County Court terrible conditions; describes the Chief Clerk who didn't want change. [1:01:22]

PS comments on working at St Albans County Court for five years; loved the work and being the judges clerk and registrars clerk; loved the atmosphere of court; expectancy; theatrical; fine line between doing a task successfully and looking like an idiot. Gives an example of trying to keep a straight face. [1:05:21] Discusses the County Court moving to a new building; learning about the Crown Court and jury system, Crown Prosecution Service (CPS), police and probation, court dress for a Crown Court clerk. [1:08:49] Mentions that women were not allowed to wear trousers in court until 1998/9; the oak at the Old Bailey ruined her tights; she was more comfortable in trousers. [1:10:50] Continues to discuss learning about the Crown Court through a clerk in Luton; senior Crown Court clerks did taxation of bills; differences when the CPS was formed; Crown Court clerk paid defence bills; jury bailiffs paid juries. [1:13:21] Mentions that the senior court clerks role was diminishing; rotated with the list office and manager of administration were on the same grade. [1:14:07] Discusses the Crown Court clerks liaison with different parties in court; PS was encouraged to apply for a vacancy in the Crown Court office and then apply for a promotion to be able to go into court; very formal relationship with the judges; clear demarcation between court clerk and judge at St Albans and Luton Crown Court. [1:17:28] Explains watching a court clerk take a verdict for the first time; tense atmosphere surrounding taking a verdict; various people assembled; electric; responses from different parties. [1:21:24] Comments on the drama of the court; wanting to be part of the experience; and dressing up. [1:22:25] Discusses realising that the Crown Court clerks job would contribute towards her development; a turning point in her life; six months later she applied and was given the job of Crown Court clerk. [1:26:01] Comments on learning about the nuts and bolts of the Crown Court; building a new Crown Court for Bedfordshire in Luton; moved all the cases to St Albans temporarily. [1:29:01] Explains moving to the Crown Court as Admin Officer in 1987; the same grade; she couldn't yet clerk because she needed to be an Executive Officer (EO); attended a cashier's course at the Old Bailey; gobsmacked; tour of the court. [1:30:57] Describes the Grand Hall at the Old Bailey. [1:32:58] Comments on the impression of grandeur; flagship court; dignity; order; due process. [1:34:36] Explains working as a cashier; jury bailiff; summoning jurors; pressurised getting and dealing with jurors; talk for new jurors; now jurors are shown a film; jurors expenses. [1:42:42]

PS discusses working in the list office; the most fun of all; engine room of the Crown Court; List Officer is the most important person in the Crown Court; warned list; fixtures; committals for sentence from Magistrates' Courts; pleas; daily lists; High Court judges list; explains that different types of judges could try

different cases; gives examples of working with the List Officer; worked in the list office for a year. [1:55:56] Mentions that the List Officer helped her get through the promotion board; failed the promotion board the first time; preparation for the promotion board; passed the second board to Executive Officer; first line of management; substantial pay increase. [2:00:32] Comments on viewing the list of vacancies for court clerks; applied to the Old Bailey; turned down by the Old Bailey; Luton Crown Court was opening. [2:01:28] Mentions that she was intent on being a Crown Court clerk; loved being part of establishing justice; listening to prosecution and defence and making conclusions about a defendants guilt or innocence. [2:04:13]

Track 3 [6:32] PS comments on the juries decision making; 99% juries get it right; all parties have a view and influence; the court clerk has no influence on the outcome; PS didn't always form views about a case; may not see a trial through from beginning to end; move from court to court mid trial. [2:12] Gives an example of Joy Gardner case about an illegal immigrant; high profile case; need to know all the information to understand the jury's doubts and acquittals; keeping an open mind about cases. [6:32]

Track 4 [2:04:13] [Session two: 16 October 2015] PS discusses starting as a Crown Court clerk in Luton; three court centre and grew to six courts; hands on training; no formal course; PS sat with an experienced court clerk; crib cards; court log; importance of keeping your face neutral. Explains keeping the court log; helped to check to pay the prosecution bills; helped with majority directions. [3:30] Mentions that appeals were hardest; from Magistrates' Courts; recorded the judges ruling verbatim; continues to explain logging before computers; all hand written. [5:00] Describes the difficulty of a pleas lists or applications on Fridays; chasing up barristers; negotiating with barristers. Remarks that she gained confidence at the Old Bailey rather than Luton. [6:45] Anecdote about going on a site visit with a jury; not knowing what the day would bring. [8:16] Mentions her preference for court work; loved the drama; fascinating. [8:41] Discusses the court clerk post of executive officer post was not well regarded; skills needed to manage a courtroom; different parties you need to work with; have to administer the courtroom. [10:32] Describes managing the courtroom; building a rapport with all the court users. [11:19] Comments on applying to the Old Bailey and the task of advising judges; gives various examples of advising judges. [14:09] Story about prompting a High Court judge to impose penalty points and disqualifications. [15:02] Anecdote about hugging a red robed judge which was frowned on by a resident judge and her supervisor; the judge is a figurehead; difference between the High Court judge and the humble clerk. [16:32] Story about a High Court judge telling off a High Court judges clerk in PS's defence; rapport she had with a particular judge. [19:41] Explains that a judge taught her a lot about appeals; they got on very well. [20:20] Comments on the difference between junior and senior clerks; senior clerks taxed the big bills; couldn't progress beyond a court clerk post; no formal training course; shadowed a call with a sentence; swear in a jury. [22:23] Describes swearing in a jury; taking the oath and keeping them in the right order. [26:03] Mentions other contact with jurors; some jurors needed cash to pay the bus fare; example of a jurors crisis; mainly the usher and jury bailiff dealt with the jury. [27:50] Explains the ushers role and responsibilities; looking after jurors; swearing in witnesses; copying and distributing documents; set up the jury box; court clerk

would swear in witnesses if the usher was away. [29:36] Comments on having to keep a neutral face; couldn't laugh; putting on a court clerk's face; expressionless. Anecdote about being told to hide her facial expressions. [32:59] Mentions that the clerk is anonymous; if the clerk is mentioned something has gone wrong. Gives examples: a defendant making mobile phone calls from the dock; a court clerk putting an indictment sitting down. [35:50]

PS discusses putting an indictment and being thrown by a judge's comment; too difficult to adapt on the spot; embarrassing; learning from that experience and checking with the judge about how he wanted the indictment to be put beforehand. [38:20] Mentions training courses that were brought in later when computers came in; post trial clerks previously dealt with forms; changed with computers; focus of training course was filling in forms on the computer. [39:52] Remarks that her crib cards were a comfort blanket; held them in her hand but never looked at them. Describes different crib cards; they covered different eventualities. [41:29] Explains trial of an issue; two trials for the case; judging the medical condition of a defendant and whether they have a mental disability; and whether the defendant committed the charge against them. [44:50] Mentions that the court clerk's course was mainly to use the computer or fill in forms rather than necessary skills; gives examples of quieting the public gallery with her court clerk's glare; negotiating with barristers and dock officers to produce defendants. [46:51] Explains applications lists; challenging but fun; she made it look very professional; keeping the court running seamlessly. [48:47] Remarks that it was very important the court looked professional; the Old Bailey was a flagship; had to demonstrate how it was done. [49:01] Comments on moving to the Old Bailey in 1993; two years after passing the promotion board; others couldn't understand why she would go to the Old Bailey to work as a court clerk rather than work her way up at Luton; she preferred administering the court; she wanted to be a court clerk and in court every day; she had a court clerk obsession. [52:32] Discusses the Old Bailey as a flagship; the most difficult criminal cases; most famous; unique status; she could also avoid the underground tube. [53:37] Describes the Old Bailey building; magnificent; formal approach; traditional opening of the court; switching of lights to show the court is sitting. [55:10] Gives a recitation of the words to open the court; adds gravitas, formality. [55:43] Mentions the clerks wore wigs; the Old Bailey judges had murder tickets; top end cases. [57:03] Remarks that the Old Bailey was an institution in its own right; Palais de Justice; unique atmosphere. [57:29] Reflects on her court clerk obsession; and her responsibility. [59:10] Mentions feeling fantastic in a wig; court dress gave her a persona; she had her own wig; gave her confidence in her role; her court room to run. [1:03:12] Comments on necessary skills and qualities; patience; awareness of the court; ability to keep a straight face. Story about 'granny in the gallery'; outlines the case; severest test of keeping neutral in court and not laughing. [1:12:03] Remarks that mostly it is easy to control her facial muscles but not her eyes; tension in the courtroom; stare at the computer. [1:12:44]

PS mentions raised blood pressure with taking a verdict; explains the impact of taking a verdict; stressful. [1:15:09] Gives an example of a riot in the public gallery; animosity between two factions; dealing with conflict in court. [1:19:16] Comments on the skill of needing to be succinct in the court log; air of confidence; college graduate court clerks didn't have enough life experience;

most ushers are older and working in court is their second careers. [1:22:50] Remarks that people skills are essential. Anecdote about a court clerk trying to arraign a violent defendant and subsequently left the job. [1:26:14] Mentions that the court clerk needs a degree of maturity; taking the work to heart could bring on post traumatic shock; emotional impact of cases; post mortem photos; forensic pathologist; gunshot wounds, stabbings; drownings. [1:28:44] Comments on becoming immune to the content of cases; growing an invisible skin; compares with a nurse and doctor; can't let it affect you. [1:29:22] Recollects 7/7 terrorist bombing attacks on London; describes dealing with jurors and the chaos at the Old Bailey. [1:41:25] Further comments on growing an invisible skin to cope; grief permeates the atmosphere; can't be indifferent; can't show sympathy or be partial; victims support. [1:45:12] Discusses grief in court; 2000-2010; gang shootings; operation trident cases; turf wars about drugs; respect, honour and fear; PS was irritated and frustrated by these cases; she bottled it up. [1:49:06] Mention cases of attacks in Glassell Park in Stoke Newington; gang murders from Hackney; narrow worlds of twelve to eighteen year old inner city gang members. [1:52:10] Mentions she took off her wig and gown and left work at work; she had to do that. [1:52:56] Comments on drawing on support from colleagues for particular cases; Napper case, Wimbledon Common murder Rachel Nickell; case of Samantha Bisset; defendant's expressionless eyes; pleaded guilty to murder; big press presence; horrific murder of a single mother and her daughter; post mortem and in situ photographs; piece of flesh missing; PS was very affected. [2:01:11] Discusses support from colleagues; previous attacks and murders; she suspected the defendant for the Wimbledon Common murder; sympathetic colleagues; cases you take home with you; colleagues sympathy helped; she calls other court clerks her room mates. [2:04:13]

Track 5 [49:09] PS continues to discuss the Rachel Nickell murder; she asked to clerk the Napper case if it was a plea, for closure for herself; she wanted to see the case through to its conclusion; no longer as haunted; cases you take home. [4:21] Describes being affected by cases; a case of the death of a baby; shaken baby syndrome; her own opinion what may have happened to the baby. [11:25] Comments on sharing her feelings with friends; she couldn't express her opinion at work; not being able to express a view that is different view to the jury in court. [14:40] Explains how cases affected her; cases that niggle; a portion of the truth comes out in cases; PS questions different aspects of the case. [18:02] Discusses having half an ear to the case; simultaneously doing taxing; after swearing the jury in there was little physical participation in court; keep a watch that the trial is running; address any problems; mostly calculate solicitors and barristers bills. [19:17] Mentions that courts were not staffed adequately; not enough clerks; doubling up courts; court clerk is the lowest of the low; eighteen courts run in the Old Bailey; senior court clerks did IRA trials and taxed large bills; senior clerks sent to the National Taxing Team; court clerk was a low status job. [22:25] Remarks that a lot of people couldn't deal with the terrible cases. [23:19] Mentions that there is no need for counselling for court clerks; there is a need for more staff. [24:56] Comments on headquarters being divorced from work on the ground; angered her; gives examples of large cases that were expensive at the Old Bailey; an experienced court clerk will get more cases through the court. [29:07] Discusses the court clerks low status and hierarchy; accepted the situation; loved her job; her intention was to stay at the

Old Bailey for two years; lost her ambition; she didn't want to progress in her career; happy to clerk courts. [31:17] Comments on clerking Judge Beaumont, Common Sergeant and Recorder for ten years; good rapport; around 1995 Rick took early retirement; their children had left home; no longer imperative to progress for financial reasons. [33:32] Explains that it was satisfying to run cases from start to finish; she picked up a lot of law; gives an example. Archbold; bail applications. Anecdote about counsel and a judge referring to Archbold. [38:33] Remarks that she didn't mind doing the paperwork; frustrated later by the old computer system. [39:02] Comments on being furious with standard and graduated fees; graduated fees brought in 1999; standard fees brought in 1989; explains the way the fees worked; inadequate computer system to deal with the fees; implementation of Crest computer system; Xhibit computer system; disjointed computer systems. [48:12] Mentions complaints filtering up the system. [49:09]

Track 6 [52:40] PS discusses speaking publicly in court; voice pitch; intimidating at first; pride; used her personality to control the court; practiced with colleagues; confidence grows. [2:53] Compares the court to a theatre; the court clerk is the conductor; example of an orchestra metaphor; the prompt with a script. [4:25] Describes taking a verdict as the starring role; affected by the atmosphere and tension in court; rising blood pressure. [6:12] Discusses post verdict; relief of tension in the court clerks room. [7:38] Mentions black humour in the court clerks room; let off steam; black humour was necessary. Story about laughing at counsel's mistake. [12:48] Explains that humour is important. [13:16] Describes a typical day: arrive at 9am; assemble court file papers; greet the judge and check they had what was needed; go to court 9:30am; set up for court; gives examples; getting video link to work. [17:31] Explains giving the judge their papers; example of Judge Beaumont; bringing the judge on the Bench; court clerk calls the case; identify the defendant; anecdote about bringing the wrong defendant to court. [20:00] Mentions arraignment - guilty or not guilty; swear in jury; then court clerk sits down; explains swearing the jury in; read the indictment to jurors; put the charge to the jury; if a trial the prosecution would open; call the first witness; usher swears the witness in; the court clerk logged all court proceedings. [21:53] Continues to explain court proceedings: after cross-examination, prosecution can re-examine; child evidence via video link; video evidence of the locus of crime. [23:40] Comments on a break mid morning for jurors; computer work the court clerk does while sitting in court; gives examples of doing computer work for defendants in custody and on bail; multiple defendants; lunch hour. [26:31] Mentions that court finishes at 1pm; clerk and usher are responsible for the security of the courtroom; return to court before 2pm; ready for court to resume at 14:05pm; continue with trials, appeals or applications; check on juries; tannoy announcements; notebooks for the judge; court rose between 16:15-16:30pm. [28:56] Discusses returning to papers to the court clerks rooms; find out the next day's work and papers required by the judge; check court allocations for the next day; gives example of doubling up and clerking two courts; go home just after 5pm. [30:29] Explains applications lists. [31:23] Remarks that she had the sword of justice at the Old Bailey; presented to the City about 1563; describes the sword; making sure the right judge had the sword; ceremonial purpose. [33:24]

PS discusses ceremonial; every quarter at the start of the legal term; Lord Mayor official opening; start at the old main door; Recorder and Common Sergeant; City Mace Bearer; City Sword Bearer; policemen; process into Court One; Lord Mayor sat below the crest. Mentions that in all other Crown Courts, the judge sat beneath the crest. Describes the judges and dignitaries who sits on the bench for the ceremonial four times annually; their outfits; welcome the Lord Mayor; prosecution makes a speech; Recorder welcomes the Lord Mayor and makes a speech; then they do a listing of fixing a trial date; to perpetuate the tradition of the Lord Mayor adjudicating a case. [37:06] Explains that as the Recorder's clerk, she clerked these ceremonial occasions. Story about counsels clerks sending junior counsel; two hundred people in the courtroom. [39:54] Reflects on being part of the ceremonial as nervewracking; packed courtroom; usher reads the Letters Patent; PS felt very important; wanted to support her judge. [41:20] Mentions that in the summer term the judges carried a posy of flowers; explains the origin of the tradition from 1750; made by the Queen's florist. [43:38] Comments on the history of the Old Bailey handouts; Poppy Day service on the nearest Friday to Armistice Day. [45:20] Describes the Lord Mayor's Show; the Recorder and Common Sergeant have other duties than judges; parade starts at the Guildhall and down The Strand; judges, civic dignitaries, retiring Lord Mayor and new Lord Mayor go into the Royal Courts of Justice Court Four, the Lord Chief Justice's court. [47:09] Explains the Recorder of London swears in the new Lord Mayor on behalf of the Queen; PS saw the swearing in 1965; she wanted to see Judge Beaumont swear in a Lord Mayor. Story about having privileged seats with the VIPS; watched the ceremony from the public gallery. Comments on the judges robes, long bottom wigs, and hangman hats; PS felt proud and privileged. [52:40]

Track 7 [7:29] PS continues to speak about feeling privileged to witness the swearing in the Lord Mayor ceremony; comments on the value of legal ceremonial; tradition; part of England, being British and English heritage; origin of the Lord Mayor in 1200. [1:48] Comments on the majesty of the law; Magna Carta; the right to be judged by peers and right to be represented. [3:21] Remarks that ceremonial gives dignity, solemnity, taking an oath; dressing up adds to the theatricality; witnessed by an audience. [4:47] Mentions a colleague who worked for the City of London before the Crown Court was introduced. [5:55] Comments on her knowledge about the history of the administration of justice. [7:29]

Track 8 [1:15:18] PS discusses the metaphor of the court clerk as a swan; common in the Courts Service; calm, gliding along the surface; feet peddling underneath the water. [1:23] Comments on her style and approach of clerking; more traditionalist; gives examples; tradition opening of the court; differences between Luton Crown Court and the Old Bailey; the court clerk stands for the jurors entrance; respect to the jury. [3:48] Mentions passing on test scores to the judge; betting and winning money on a judges racehorse. [5:19] Remarks that she wasn't constrained in her role; a limitation was the lack of staff; current incompetent List Officer at the Old Bailey. [9:40] Discusses factors that create order in the courtroom; a trial follows a set procedure. [10:25] Comments on not feeling threatened for her own safety; concerned for the safety of people in the public gallery; brought in extra police. [11:14] Compares judges at the Old Bailey and Luton Crown Court; formality at Luton; little rapport between court

clerk and judge; surprised that the Old Bailey judges would call her by her first name; she never called a judge by their first name; not appropriate; would lose respect. Remarks that she never called the Recorder Peter, and she clerked for him for twelve years. [13:40] Explains that at Luton judges were 'Your Honour', at the Old Bailey 'My Lord'; 'judge' in chambers. [14:05] Mentions that some judges treated her like an old friend; visiting Circuit judges came to learn from the Old Bailey; big fish in small ponds. [16:29] Gives an example of telling a visiting judge the way the Old Bailey dealt with points of law before swearing in the jury. [18:55] Discusses the importance of calling judges 'judge'; the Recorder she sat with as very formal, towards the end she called him PB in chambers; formality; part of the tradition; called one High Court judge by their first name because she knew her well as a barrister; wouldn't call an usher by their first name. [21:32] Reflects on her relationship with the Recorder; a disparate pair, couldn't hold a conversation outside the courtroom; but she could discuss the intricacies of sexual cases that she could hardly speak about with her husband; their knowledge about each other's personal lives. [23:15] Remarks that the Recorder was the best trainer she had. Story about trying to assist a condescending counsel about bail applications; she was supported by the Recorder. [30:21] Examples of telling counsel how particular judges prefer to do things; team spirit and rapport that develops sitting with a judge for a long time. [31:21] Mentions a colleague, Val Jerwood's rapport with her judge; the court clerk knew the way their judges worked; honed their own attitude to support the judge. [31:59]

PS comments on the importance of the rapport between the court clerk and judge; helps get through cases much more quickly; example of telling counsel what the judge prefers; helps the court to flow better; examples of interpreting her judges moods. [33:36] Story about clerking a new High Court judge to the criminal court; she was assisting the judge with her traffic light system about how to deal with counsel; usher was trying not to laugh as PS helps direct the judge about what to say; devised a plan to help a rookie judge. [44:45] Explains the difficulty clerking in certain courts at the Old Bailey. [45:48] Discusses clerking a fraud trial in 1998 when she began clerking PB; eight defendants with QCs; a long trial; very strict judge on the Bench; contrasts her conversation with the judge in the corridor; direct and honest communication between them; passed on counsels gossip. [49:25] Comments on male and female differences. Discusses a female High Court judge with authority; impressed by her command of the court. [51:29] Mentions counsel trying to charm stunning female court clerks; a smarmy solicitor; immature female court clerks; counsel lied about their expenses; gives an example. [55:47] Remarks that she could speak directly to counsel; she cut through the flowery phrases. [56:10] Mentions that it was hard to know how other court clerks approached their job; she didn't see them. [56:36] Discusses the ratio of male to female court clerks at the Old Bailey; it was fifty-fifty; now sixty-forty, more females; can't live on a court clerks salary in London; maximum now £27,000; not well paid. [57:33] Remarks that when the Lord Chancellor's Department took over the Assize courts, the court clerk was two grades higher than now; eroded the grade and salary; mostly people do the job because they love it; need to bring in senior clerks; huge turnover of court clerks; senior clerks with particular responsibilities would work better in the bigger courts. [1:00:47] Discusses the divide between top management at headquarters and the court clerks; PS suggests cutting the

Courts Administrator; galled by lack of their voice; everything was imposed from the top down by people who had never been in court; a proposal and consultation process would have been much better. [1:03:12] Story about her input in Lord Carter's Review 2006/7; PS was doing graduated fees and challenging counsel; she was annoyed about counsel over claiming on graduated fees scheme; counsels clerks tried to intimidate taxing officers; she contacted Lord Carter's team; gave examples of counsel over claiming; a rooky clerk wouldn't argue with counsel; her proposal to the team; they implemented six of her eight recommendations; PS felt great; she was given a £300 bonus; saved £6-7 million a year. [1:11:20] Comments on her suggestions about brief fees; cracked trial fees; she had made her voice heard; she had no other previous opportunity; frustrations about the computer system. [1:15:18]

Track 9 [2:02:08] [Session three: 9 February 2016] PS discusses tours and talk she gives at the Old Bailey; describes the Old Bailey building; famous Courtroom One at the Old Bailey; enjoys tailoring tours for different audiences; many tours for American lawyers in the summer; video link is more sophisticated in the UK than US; witness suite at the Old Bailey for video link; UK jury system compared to US. [8:39] Comments on her role of supporting the judge; majority of judges she sat with inspired her service and respect; they were interested in justice; PS's role was the communication stream between what was happening in the courtroom and messages barristers needed to send. [9:44] Explains the City duties of the Recorder of London; she would pass messages from the judge to barristers. Anecdote about a barrister who had to leave court early. [11:45] Remarks that judges are interested in the cause of justice compared to barristers for the prosecution and defence. [12:25] Comments on judges dealing with complex issues and wider implications; she has a lot of respect for the judges at the Old Bailey. [12:58] Describes how she trained new court clerks; show, try, do method; no formal training course. [15:22] Mentions the three most difficult aspects in the training period: swearing in a jury; applications list; taking a verdict. [15:53] Describes the atmosphere in an Old Bailey courtroom; tension; drama is emphasised; clerks need to feel confident before they can take a verdict; the tip she gave new clerks about a glass of water; pulse and blood pressure rate before taking a verdict is equivalent to a television news reader; asking the foreman to stand; public gallery erupting; keep the foreman's eye contact. [18:02] Comments on high profile cases and taking verdicts; her curiosity to find out the verdict. Explains the importance of establishing a rapport with the foreman; especially with several counts and different defendants; and majority verdicts. [20:40] Mentions voice projection throughout the courtroom; role play practicing with trainees to swear in a jury and arraign a defendant aloud; PS had to practice projecting her voice; advised women court clerks to lower their voices. [22:58] Gives an example of her court voice; not in an accusing voice; she showed courtesy towards defendants. [24:24] Continues to explain training court clerks; she had difficulty understanding the computer system. [25:12] Remarks that the court clerk job is a very lonely job; only the clerk and the usher. [25:38] Anecdote about Judge Goddard attacked by a defendant. [27:26] Story about a rape trial with a visiting judge; she kept a large canvas bag to put over the defendants head if they tried to escape the dock. [29:14] Mentions dodgy defendants and her plans to put her wig over their eyes; she was wary. [29:58] Recollects a

murder trial and she removed all implements that the defendant could pick up and use for harm. [31:06]

PS discusses the high turnover of court clerks; cul de sac job; shift from a higher grade and higher paid court clerk who did taxations of counsels bills; taxing bills was moved to the National Taxing Team; no longer a need for higher grade clerks; no career progress as a court clerk. [33:23] Comments on court clerks working as a team; not many formal meetings when she was there; the clerks were together in large rooms. Story about a court clerk who became very distressed when a defendant threw a bible in court and she resigned. [36:59] Discusses minimal socialising with court clerks; not much time for socialising; camaraderie in the office; shared and helped each other; court clerk supervisor dealt with crises. Remarks that the court clerks were very different people and clerking was the only commonality. [39:39] Mentions in Inner London court clerks dining in day once a month; water cooler discussions; they mainly spoke about the job; odd night at the pub for a leaving do. [40:54] Explains that if the court clerk is mentioned, then something has gone wrong; court clerk is the administrator in the courtroom; the invisible force in the courtroom; in control of the room. [41:39] Expands on the court clerk as an invisible force in the courtroom; metaphor of the swan; expressionless; she couldn't show emotion. [43:52] Comments on masking her feelings a lot; humour in court; whatever happened in the courtroom was her responsibility. [45:48] Remarks that she had great sympathy for victims who gave evidence and families of murdered victims; she couldn't show it. [46:06] Story about a murder case in the court next to her and she knew the family; judge advised her not to go on the public concourse and risk meeting the family; PS wasn't allowed contact with the family until after the verdict. Mentions that she couldn't be a juror in St Albans; importance of being independent and impartial. [50:02] Comments on feeling empathy for victims and finding others to support them if necessary; dealing with jurors employers; sympathy for jurors. [52:31] Discusses going on different views with jurors; much better than CCTV; helped to give an idea of the crime scene and layout. [58:21] Reflects on why she loved being a court clerk; she never thought she would be a court clerk; with her lack of education it was something she could do; had to leave school at sixteen years old; she could do something professional without a qualification; she loved clerking and then aspired to work at the Old Bailey; impressed by the Old Bailey; after three or four years she decided to stay in the court clerk role though she knew she couldn't progress to the next grade; though it meant less money and less pension. [1:04:16]

PS explains that she liked the drama of the courtroom; every day was different; dressing up; the clerk has no influence on the trial; the clerk is the facilitator; she likes the formality; she never knew what would happen next. [1:05:21] Reflects on the impact of putting on the wig, tabs and gown. Describes the role of the court clerk as courtroom manager, Madame Clerk, and facilitator. [1:06:43] Comments on retiring in July 2010, almost sixty five years old; very tired of commuting; changes to the computer system were difficult to absorb; she was the oldest court clerk; no one else of her generation was left; very lonely; a new younger generation was coming through; she was diagnosed as diabetic type two; PS doesn't think she could have coped with the computer changes that came in after she left. [1:10:59] Discusses the transition to retirement; Rick retired six months afterwards; she was doing a lot of talks

about the Old Bailey; prompted her to write her memoirs of the Old Bailey; she did a few tours of the Old Bailey; still meets former court clerks and ushers for lunch every six months or so; she attends the Old Bailey carol service each year. [1:13:26] Comments on her involvement in the Women's Institute (WI) in Hertfordshire since the 1980s; she is treasurer for her local WI; she was the stage manager for the annual pantomime; she is attracted to the WI ideas of leadership, compassion and making a difference; different WI activities; link with the University of the Third Age (U3A). [1:16:55] Mentions other hobbies and interests; she has recently attended computer courses; she does the accounts for the WI; enjoys walking, knitting, doing her family tree. Comments on learning about her family history. Anecdotes about ancestors in Dorset and Australia. [1:16:55] Remarks that she is motivated to leave a record for her great nieces and great nephew, and her own interest. [1:21:20] Mentions her writing about her court experiences; mentions three chapters she was going to include in her book. [1:23:22] Discusses three further cases she was going to include in her book: terrorist case prosecuting an Imam; tried for racial hatred and inciting people to jihad; police raid of the Finsbury Park mosque; describes the public gallery; rolled umbrellas and ricin; protest about the case; a man under a burqa. [1:32:36] Mentions that she restricted the public gallery to people who would rise for the judge. Gives an example of the words she spoke to close the court. [1:33:56] Story about reaching an impasse with the public gallery who would not stand for the judge; she would not close the court until the public gallery stood up. [1:34:50] Remarks that the protocol of English law is that the court stands for the judge; she insisted on protecting this ritual. [1:35:51] Comments on protecting English law and tradition; her courtroom. [1:36:35]

PS mentions that the judge was offered £50,000 to dismiss the trial; a letter of inducement; PS had to arrange for armed police when the verdict would be taken; the police inspector suspected trouble at the verdict. [1:39:53] Comments on thinking it was great fun; concerned about the ricin; imagining a hyperdermic between her shoulder blades; her throat dried up; fear; relief at the end of the trial; the only full length terrorist case she clerked. [1:44:19] Describes Peppy Brown and others trial; shooting of a gangster family in Hackney; attitude of the young people; arrested childhood and development. [1:48:12] Comments on a baby gangster trial in Ealing; nineteen defendants between twelve and eighteen years old; badly behaved; a riot in each trial; punched a dock officer; trying to control the defendants; a nightmare; gives various examples of their terrible behaviour. [1:53:30] Explains how she spoke to the young defendants about the repercussions of their behaviour; their loyalties were to the gang; delivering drugs. [1:56:22] Comments on another school gang murder at Victoria Station; her judge didn't want to sit on it; she suggested her judge be an adviser on the case and another judge take the case on as a training exercise; many baby gangster trials; knives. [1:58:14] Story about showing a barrister and his client the sword of justice; the oldest sword in England; the boy was frightened of PS. [2:00:00] Reflects on the interview process; pleasurable; she has been prompted to speak about things she's not discussed before; brilliant. [2:02:08]

Appendix K: Photo of the Crown Court clerk's wig



Appendix L: Photos of Crown Court clerks in their official court dress

Appendix M: Sample crib cards

Appendix N: Letters Patent

1

WHEREAS Her Majesty The Queen has caused certain Letters Patent to be made and has commanded the same to be read at sittings of Her Courts in manner now appearing:-

ELIZABETH THE SECOND, by the Grace of God¹¹, of the United Kingdom of Great Britain, and Northern Ireland, and of Our other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith

To our Chancellor of Great Britain, Our Lieutenants and Sheriffs of Counties, Our Lord Chief Justice of England, Our Judges for the time being of Our Supreme Court of Judicature, our Circuit Judges and to all other persons to whom these Presents shall come, **GREETING**

2
WHEREAS, We being most closely concerned to ensure that justice is done to all Our subjects, have appointed as Judges of Our Supreme Court of Judicature and Our Circuit Judges, persons in whom We have especial trust and confidence. Requiring them to try all persons committed for trial in Our said Courts, and all causes and matters depending therein. Doing what to justice doth appertain, according to the laws and usages of this Realm.

KNOW YE that it is Our will, and pleasure, that Our concern for the doing of justice in Our Courts, should be declared to all persons having business therein,

AND THEREFORE WE COMMAND you to ensure that these Our Letters Patent be read at such sittings of Our Courts as Our Chancellor of Great Britain for the time being may direct

3
IN WITNESS WHEREOF We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the first day of January in the twentieth year of Our Reign.

AND WHEREAS the Honourable Paul Walker, Knight, one of the Judges of Her Majesty's High Court of Justice, and certain of Her Majesty's Circuit Judges, and District Judges are present at this Court to hear and determine the causes of all persons committed to this Court for trial, or sentence, and all other causes and matters depending in this Court.

NOW let all persons who have been so committed as aforesaid, and all other persons having business in this Court attend now or in due time for justice to be done accordingly.

Appendix O: Images of Assize pageantry

**Appendix P: Royal ceremonial opening of the Law Courts in Liverpool
in 1984**