

ATTACKS ON JUDGES U.S. STYLE

It is sometimes said that Australia often follows trends set in the United States of America. Having seen a recent example of the way in which the US media treats judicial officers there, I hope that is not universally the case.

The example I am referring to was the front page of the New York Post newspaper, late edition, on 24 July 2002.

The headline "Hypocrite" appeared in large bold type above a full page photograph of a woman walking between two uniformed officers.

The woman was Judge Dorothy Cropper, a serving Supreme Court judge for the State of New York.

The two uniformed officers were court officers who were escorting the judge to lunch after the media had set upon her at the door of the court following a ruling she had made earlier that day.

The judge had ruled that three undercover police officers were required to disclose their names in open court when giving evidence in a drug case.

The newspaper claimed the police officers had refused to do so fearing for their safety.

The newspaper apparently thought that Judge Cropper was a hypocrite in making such a ruling and then seeking the protection of the court officers from the milling media when going to lunch.

Whilst the logic behind the newspaper's attack on the judge was

puzzling, it was of greater significance that the accompanying article did not contain any details, nor any analysis, of the rights and wrongs, of the judge's ruling.

The headline and the article simply amounted to a direct personal attack by the newspaper on the judge.

Perhaps this treatment stems from the fact that many state and local judicial officers in the United States are elected to office.

Perhaps the media reasons that judges vying for office engage in "political" campaigns for election and they are therefore fair game once they are elected to office, in much the same way as politicians are.



John Reeves QC, President of the NT Bar Association

If this is so, it is somewhat ironical that Judge Cropper was appointed to her judicial office, not elected.

Coincidentally, a related issue has recently arisen in Victoria where Justice Bongiorno ruled that, with the exception of material contemplating or advocating the removal of a judicial officer from office, the qualified privilege that arises from the freedom of communication about government and political matters, does not apply to media discussion of the conduct of judges or magistrates.

critical examination

That is not to say that a court decision cannot be subjected to critical examination by the media.

But the media does not have free reign to attack the conduct of judges and magistrates in the discharge of their duties. See *Popovic v Herald and Weekly Times Ltd (2002) VSC 174*

Thus Judge Dorothy Cropper would have been afforded a measure of protection from personal attack if she were an Australian judicial officer.

Nonetheless, this article serves to show the extremes that could be reached if the unrestrained criticism of the conduct of judges or magistrates in the discharge of their duties were permitted in Australia. ①



West Wing star shocker

HYPOCRITE



Judge Dorothy Cropper escapes her police escort's grasp in the court of law by a court officer to lunch off an Supreme Court building.

It's OK for judge to hide, but not cops

By LARRY FELDMAN and BRAD HUPNER
The judge who wants to sneak undercover cops in open court — but then she won't wear the public to see her face.

Manhattan Supreme Court Justice Dorothy Cropper — wearing a large floppy hat and sunglasses — hid from a press photographer when she went to lunch yesterday and later went to court to see her face. See JMW 2 Page 2

Hypocrite judge tries to go 'undercover'

The cops in the case — none of whom are involved in larger undercover stings — refused to testify in a pretrial hearing last week, fearing for their safety.

The pretrial Cropper on her own testimony and evidence from the cops concerning the undercover operations from last time.

When the judge's spokeswoman was waiting for her outside the courthouse, the judge in the custody — four court officers to escort her back after her 45-minute meal.



DOROTHY CROPPER
Cropper shy
The judge who wants to sneak undercover cops in open court — but then she won't wear the public to see her face.

Above left and left: the New York Post's story about Judge Dorothy Cropper.