

This article will discuss the wide-spread influence of journalism, and both the positive and negative impacts on its application of the law with reference to recent, highly publicised cases.



## **A. INTRODUCTION**

Journalism has developed into a powerful phenomenon over the years, as a vital source of communication and a way of relaying news to the public. This is advantageous as it broadcasts a myriad of issues and in doing so, allows individuals to gain an insight into the inner workings of the legal system. This ensures the public remains updated and regularly informed of significant events.

However, despite the various advantages embedded within journalism, it also contains the ability to influence the application and perception of the law altogether. In addition to informing the public of impactful occurrences, the depiction of these incidents is varied and may be portrayed in a biased or prejudiced light. This transforms it into an unreliable source of information and consequently, journalism has the ability to impact the application of the law. This is arguably most prevalent in highly publicised cases, notably the Johnny Depp v Amber Heard defamation trial and the George Pell trial.

## **B. CASE STUDIES**

### **B.1. DEPP V HEARD**

This is a recent, high profile defamation case that was extremely popular with the wider public as it involved Johnny Depp, a famous actor who faced claims of domestic violence and assault by his ex-wife Amber Heard, a fellow actress. As a result of the trial involving two public figures, it gained an immense amount of media attention, with various news channels, newspapers and social media sites documenting the progress of the trial and the surrounding events prior to its commencement.

This is a primary example of how journalism and the law are intertwined as the media live-streamed the trial so members of the public could watch it in real time; yet by doing so, may have disrupted the course of justice.



A main argument proposed by the defence's lawyers was that journalism was responsible for Heard's loss in the courtroom as the jurors were exposed to the media after returning home from each trial day and hence, their perception of the case was skewed. As a majority of the reports (particularly those on social media platforms) favoured Depp, it has been argued that the jurors could not have been impartial, and the inevitable bias impacted the application of the law and the verdict overall.

## **B.2. DPP V PELL (DPP V PELL [2019] VCC 260)**

Another highly publicised case which gathered a multitude of journalism attention involved allegations of assault against Cardinal George Pell in 2018. This case gained immense coverage before, during and after the juror's verdict of 'guilty'. Similar to Depp v Heard, the media largely focused on the victim's allegations against Pell which created a natural angst against the defendant. As it was widely reported, it is inevitable that the jurors were exposed to the journalism on the allegations against Pell, despite having been instructed by the court to avoid discussing or reading the topic in the media. As a result, this may be argued to have created an avenue for bias in the courtroom.

As Pell was found guilty in the first trial by jury in Victoria, there was speculation regarding the fairness of his trial as he did not have the option to be heard by a judge alone.

Due to this opportunity not being available to him, many individuals have argued that the jurors were inevitably biased due to the media attention and documentation of the case. Hence, their natural instinct to produce a guilty verdict demonstrates the impact of journalism on the law, as it may have generated a sense of inevitable bias and obstructed procedural fairness. This is likely as the High Court of Australia eventually acquitted Pell of the assault allegations against him.

## **C. CONCLUSION**

Therefore, through these case studies, it is evident that journalism is a powerful mechanism in society and has the potential to influence the overall application of the law. Particularly in high profile cases, it has been argued that judge-only trials should be available and are more appropriate to prevent the natural bias journalism implements in the public.

However, this would also act to prevent society from participating in legal proceedings and as a result, remove public opinion and the opportunity for the defendant to be heard before their peers. Therefore, a balance between these significant arguments should be established to ensure the rights of all parties are considered, and for journalism to be a reliable source of information rather than a vessel for bias in the law.

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