

Drawn to court: what does the unofficial eye see?

In many cases, quick and dirty justice would do better justice than the full majesty of a traditional common law trial.

– Lord Neuberger, when President of the UK Supreme Court,
Justice in an Age of Austerity, Tom Sargant memorial annual lecture 2013

Leaving aside the full majesty of traditional commissioned portraits and grand set-piece artworks, I argue that there is room in court for quick and dirty drawing. When there are so many calls for transparent justice, it is regrettable that sketching remains illegal inside most UK courts.

I draw in various locations from the viewpoint of the uninitiated stranger, straying into someone else's mystery. I write about my experiences on

<http://isobelwilliams.blogspot.com>

One of the places where I draw (with permission) is the UK Supreme Court. I show what can be seen from the public seats.

The path leading me there originates in life class...



...when I'm asked if I'd like to be unofficial artist-in-residence under the Westway, a road in London which flies over Portobello Road in Notting Hill.

I start to draw the people of the streets. My chief muse is Egbert, a Rastafarian born in St Lucia:



Egbert Knight Polycarp Glasgow on Portobello Road

Then, in the autumn of 2011, protesters from the pro-equality movement Occupy pitch camp outside St Paul's Cathedral in the City of London. I drop in on this street tragi-comedy, which runs for a few months. This is Tom, who has changed his name to Marcus, after Marcus Aurelius:



Marcus



Jimmy

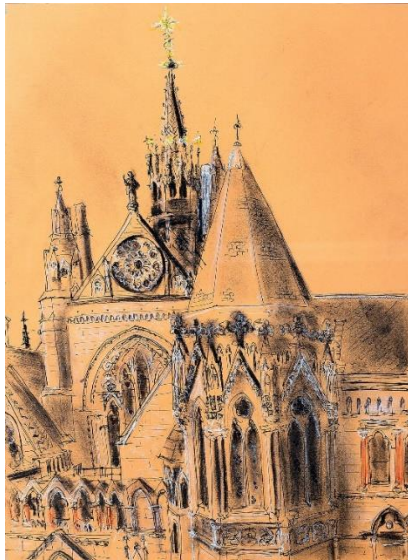
Jimmy (seen above in the Occupy supply tent) is very charming, plays the battered camp piano and helps to keep order among the younger rootless people who drift in. Two years afterwards, a monologue partly based on Jimmy's experiences, *Protest Song* by Tim Price, is performed at London's National Theatre by Rhys Ifans.



Drawing outside St Paul's Cathedral by night

Beyond the protesters' tents outside the floodlit cathedral are buildings owned by the Corporation of the City of London. Soon there is a lawsuit to evict the campers: *Corporation of the City of London v Tammy Samede and persons unknown*.

The hearing takes place in a packed courtroom in the Royal Courts of Justice. I sit in the public gallery. Earnest citizen journalists around me are tweeting uncontrolled words. The tweets might be defamatory or in contempt of court – there is no way of monitoring them before they are sent. But if I start drawing, then the sight of my sketchpad, the scratch of my pen and the flash of my varifocals will attract attention, a hefty fine and a criminal record.



Royal Courts of Justice

As ever, the law lags behind technology. Section 41 of the Criminal Justice Act 1925 and Section 9 of the Contempt of Court Act 1981 make it an offence to sketch or photograph legal proceedings with a view to publication, or to record sound without permission. And no court official is going to accept your argument that you don't have 'a view to publication'.

The UK Supreme Court (the only UK court not bound by s41 above) provides footage of its appeals on www.supremecourt.uk and judgment summaries on YouTube; I received permission to draw there. The Court of Appeal (Civil Division) streams certain hearings on YouTube (still no drawing allowed).

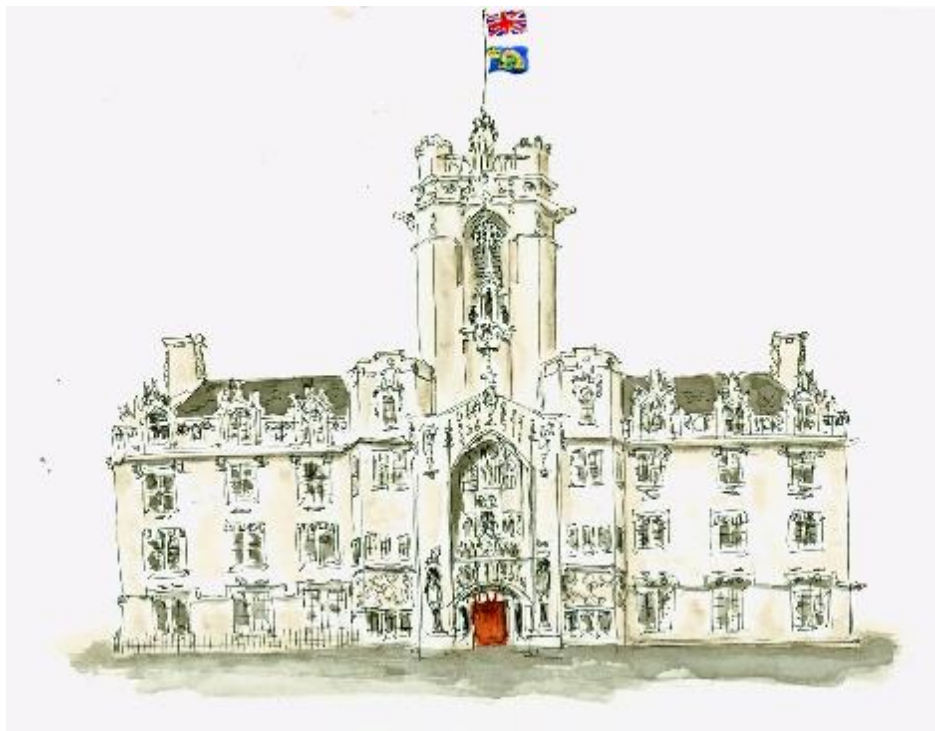
The 1925 law was introduced after newspapers caved in to sensationalism by printing paparazzo courtroom scenes. For example, Frederick Seddon, a poisoner, was photographed being sentenced to death in 1912, looking attentively at the black-capped judge, a fellow Freemason (but that did him no good); and Dr Crippen (who was to be hanged for murder) was photographed with his mistress Ethel Le Neve in the dock at Bow Street Magistrates Court in 1910.

Today there are still (some) boundaries of taste, and a duty to conceal identities of juries and any vulnerable people. But where is the harm in drawing the passing scene in a courtroom? It can only help to demystify the legal process.

In the UK, official court artists commissioned by news outlets have to rely on their trained memories. Hoping for a dramatic gesture, they take a good look around the courtroom, write notes, then dash out to concoct a convincing tableau on the nearest flat surface while the deadline looms. The chosen medium is pastel, a source of bafflement to artist Richard Cole. At the Abu Ghraib prison abuse courts martial in Baghdad, where he was the sole accredited artist (and allowed to draw in court), he preferred pencil and watercolour, which had the added drama of still drying when it was being photographed for broadcast.

We know the camera lies and I'm not claiming that drawing always presents the truth either. Drawing is autobiographical. The artist intervenes between the subject and you. And events can unfold during what art historians call the campaign. The light changes. Richard Cole says a drawing can be 'a map of time'.

The UK Supreme Court



UK Supreme Court on Parliament Square

After the Occupy protesters are evicted, I seek another occasional drawing locale. The UK Supreme Court (UKSC) is, as already mentioned, not held by the legal restrictions on drawing which apply to the lower courts. The court kindly gives me permission to draw discreetly from the public benches at suitable hearings.

The UKSC takes its aim of open justice very seriously. It welcomes and educates the public. We are all consumers of the legal system even if we are not consumed by it.

I keep up my blog, more stream of consciousness than law report, in response to the coded theatre of proceedings.

This is my first drawing in the Supreme Court; it is also this barrister's first day there:

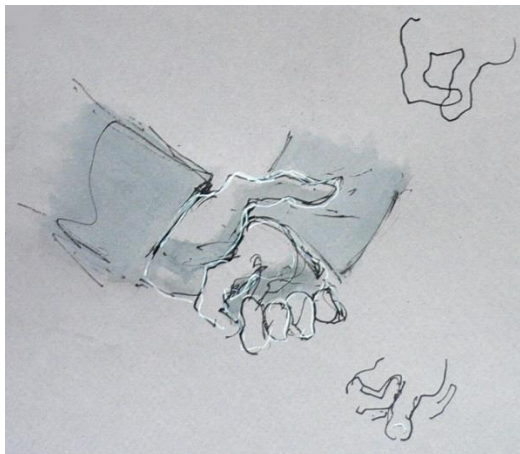


Laura John, Monckton Chambers

It is an unrepresentative drawing. The UKSC has dispensed with as much pomp as possible. The Justices do not wear robes except for ceremonial occasions, and in most appeals barristers choose not to wear wigs or gowns.

Some of the tourists who wander in are clearly stricken by a primitive fear of inadvertently attracting attention: they have left the busy streets near the centre of government to confront an abstract – British justice – in its visible manifestation: an inexorable process removed from the layman with primitive roots in human sacrifice. As they shift on the wooden benches you hear the susurrations of Gore-Tex anoraks on leather upholstery; the oak creaks like a sailing ship.

The lawyers cultivate a professional gloss but I see nervous hands clench and unclench behind a QC's back, out of sight of the Justices. Sometimes one hand seems to hold the other hand for comfort.



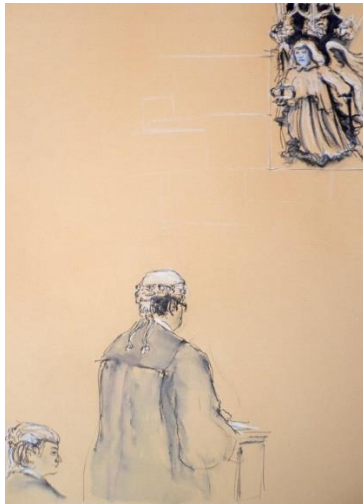
Zakrzewski v The Regional Court in Lodz, Poland, concerning the Extradition Act 2003

A QC nervously flips up the back of his jacket for a second to reveal the citrus lining:



Versloot Dredging BV and another v HBI Gerling Industrie Versicherung AG and others

The exposure can look lonely. This QC has no one to help him now he's in front of five Justices. His junior sits beside him; above is a carved stone angel:



R v Hughes, concerning responsibility for a fatal road accident

The three courtrooms of the UKSC are built on flat, democratic principles. There is no jury, no witness box, no panel of judges raised above everyone else. This means that the sightlines from the public seats are terrible. I can solve this problem by making people transparent.



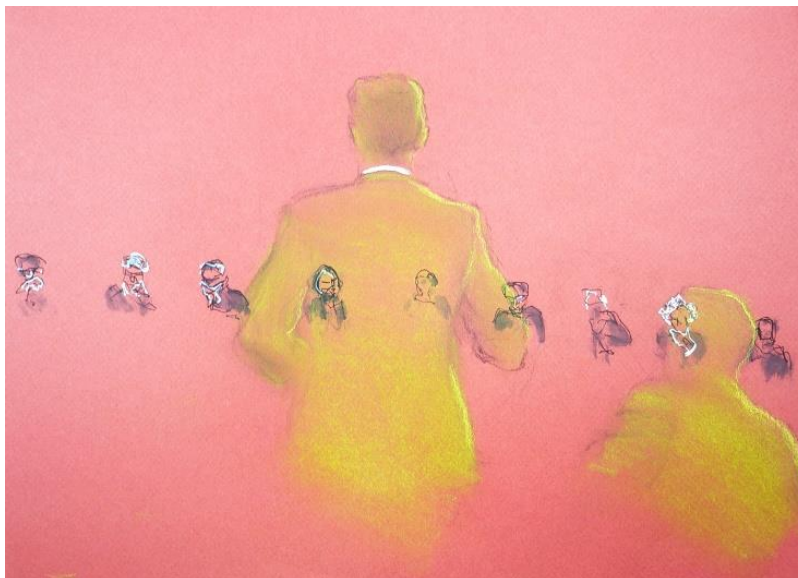
R v Hughes: the Justices are pink, court staff orange



Pora v The Queen

Pora v The Queen may be the final appeal from New Zealand to reach the Judicial Committee of the Privy Council, which sits in the same building. For this hearing, monitor screens are in position to show an extreme rarity in this court – evidence. The JCPC is the court of final appeal for UK overseas territories, Crown dependencies and some Commonwealth countries. A flag in the courtroom indicates the jurisdiction of each appeal.

A particularly resonant Supreme Court case is *R (on the application of Nicklinson and another) v Ministry of Justice*, about the right to assisted suicide. Tony Nicklinson brought the case after suffering a massive stroke, but died before the hearing. The appeal is heard by nine Justices, reflecting its importance – there are normally five, sometimes seven. His family are present. The formality of legal process – calm but not chilly – mercifully cauterises emotion during the proceedings.



R (on the application of Nicklinson and another) v Ministry of Justice

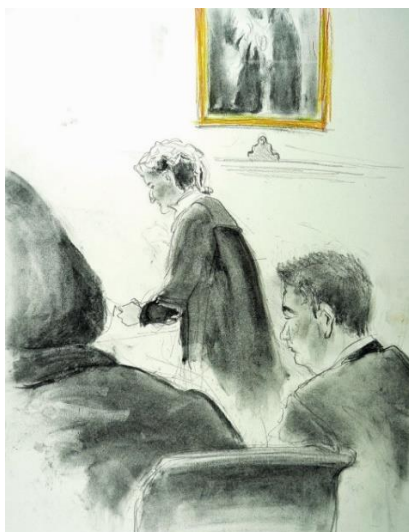


Hallam and Nealon

The court (above) is hearing two joined appeals: *R (on the application of Hallam) v Secretary of State for Justice* and *R (on the application of Nealon) v Secretary of State for Justice*. Sam Hallam and Victor Nealon are making combined, ultimately unsuccessful appeals about compensation for wrongful conviction. Sam Hallam served seven years in prison. Victor Nealon served 17 years. Here Heather Williams QC (left) appears on behalf of Hallam.



R (on the application of Paul Black) v Secretary of State for Justice, an appeal about smoking in prisons; a carved dog is an object of contemplation



Agricultural Sector (Wales) Bill. On his feet: the then Attorney General, Dominic Grieve QC MP



Lady Black between barristers with the Court Usher behind her.



Zakrzewski v The Regional Court in Lodz, Poland. Lord Neuberger, then the President of the UKSC, is on the bench

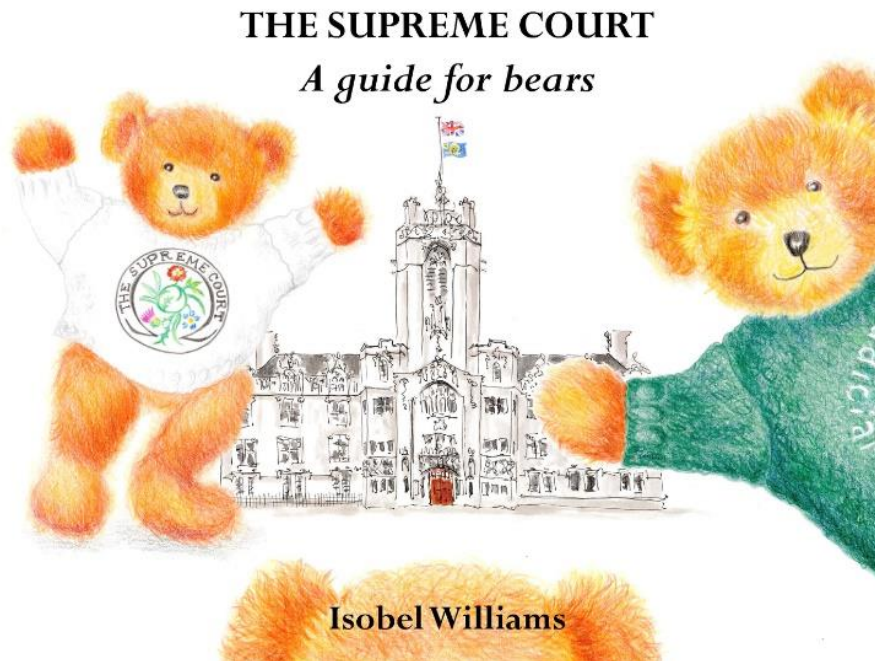


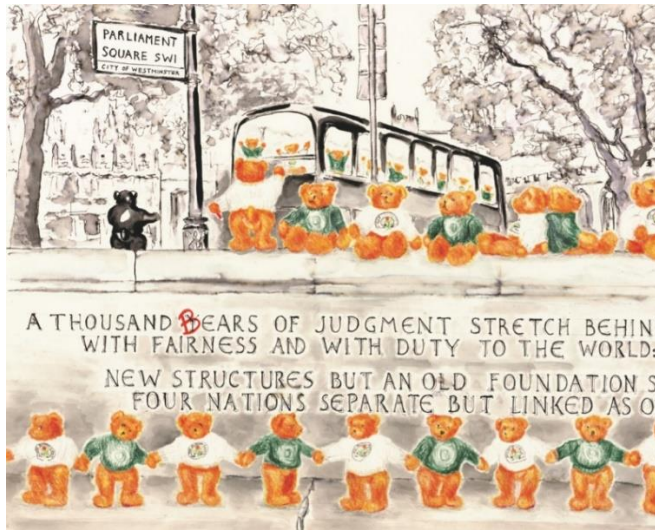
Lynn Shellfish Limited and others v Loose and another

Lynn Shellfish Limited and others v Loose and another is an East Anglian dispute over the right to what the Aldeburgh poet George Crabbe called 'shelly sands'. Norfolk fishermen are in court. And what could be more English than a case which considers the position in 1189 - the date of Richard I's accession, an anchor point for proof of unbroken possession.

A digression on bears

Along with many other British institutions, the Supreme Court sells souvenir teddy bears. The fluffy toys' likely responses to the Pre-Raphaelite gothic building they share with lawyers begin to invade my thoughts, so I produce an illustrated guide to their surroundings which hints at their polite struggle for recognition:





The book has a happy ending

An eighteenth-century moment



Hayes v Willoughby, an appeal about stalking

From the public seats, it's all about the backs of heads. Studying the curve of the lawyers' chairs, I drift into contemplation of William Hogarth's 'line of beauty and grace' which he wrote about in *The Analysis of Beauty* [2]. The line is shown at the bottom left of this self-portrait (with his pug, Trump):



'The Painter and his Pug', William Hogarth, 1745

In the UK today we do not caricature the judiciary in the same way as we caricature politicians, but in the eighteenth century Hogarth was free to do so:



'The Bench', William Hogarth, 1758

Recently, however, judges have been victims of something worse than caricature: as part of the fall-out from the suicidal catastrophe of the Brexit referendum vote, they have been coming under vicious political attack via the media, notoriously in this newspaper front page:



4 November 2016

Meanwhile, in France

These are the doors of the Cour de cassation, the UKSC's equivalent in Paris, which remain closed to me...



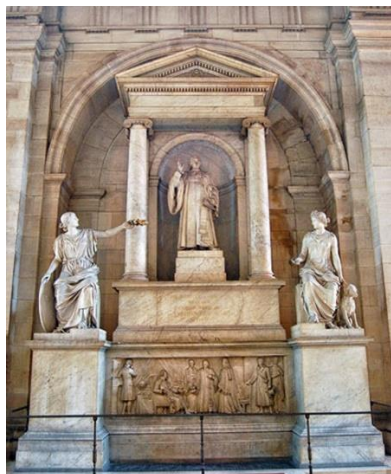
...but I have been allowed to draw in the Cour d'appel. Here I am perturbed by the informality of the judge's bare forearm...



...and by the sight of gendarmes wearing their guns in court:



In the Salle des pas perdus of the Palais de justice, people walk past this marble monument of 1819 to Guillaume-Chrétien de Lamoignon de Malesherbes, martyr to the cause of the universal right to advocacy. He voluntarily came out of an honourable retirement to defend the undefendable client, Louis XVI, along with Tronchet and Desèze. He was the only one of the three advocates to be guillotined for doing so.



Guillaume-Chrétien de Lamoignon de Malesherbes by Jean Valade before 1749

Still in Paris, here is the ultimate quick-and-dirty drawing of the legal process: Marie-Antoinette, at the age of 37, being taken to her execution:



'Marie-Antoinette Led to her Execution' by Jacques-Louis David, 1793

Jacques-Louis David was no casual by-stander: he was in charge of corporate identity for the French Revolution and had voted for Marie-Antoinette's execution.

Her obituary in the *London Packet* reported that 'She drew in crayons with infinite taste'.

Naked in the dock

Despite the *fleur de lys* below we have returned to England and Winchester Crown Court, with somewhat phallic municipal art outside the building:



Here are representations of two hearings at this court in the vexed case of *R v Gough*. Stephen Gough, otherwise known as the Naked Rambler, is in the dock. He has defied authority by wearing no clothes in public, for which the blunt instrument of the legal system has kept him in solitary confinement for the best part of ten years at a cost of £40,000 a year. No longer in the UK Supreme Court, I have to draw these pictures from memory:



R v Gough, October 2015

Matthew Scott (@barristerblog on Twitter) of Pump Court Chambers is, on this occasion, the naked barrister, casting off wig, gown and official court status when Gough makes a last-minute decision to represent himself – which he is then not allowed to do, as he is refusing to wear clothes in front of the jury.

With Gough and the jury absent, a fully-clothed barrister's pupil stands in the dock to test the sightlines. Should Gough agree to remain seated throughout, the sightlines from the jury's point of view mean that there will be no problem, but he will not make this commitment.

From the public gallery, you can't see the dock at all – this is a deliberate design feature of many court buildings – so I am seated in the main body of the court. I manipulate the scene: the dock is not transparent, but made of wood. For one memory drawing I forget that he wears hiking boots which you can hear clearly as he tramps into the dock.



R v Gough, December 2015



R v Gough, December 2015

Materiel and audience

In the UKSC I use polite mixed media which won't make a mess. And given the courtroom hush I have to avoid the noisy friction of extravagant sweeps of chalk across textured paper.

I can't use gear like this (bamboo, reed, rope, quills, ink, coffee stirrers, tip of a white man's dreadlock):



For example, this live-drawing of pole performer Ayumi LaNoire is made by dipping sheep's wool in ink, with paper flat on the floor.



Ayumi LaNoire performing at the Grand Opening of *The Violet Crab* at DRAF, 2015. Photo: Dan Weill. <http://davidrobertsartfoundation.com/projects/dz-hosts-the-violet-crab-nights-of-cabaret-at-draf/>

The two worlds of risky ink and judicial appearances collide in my illustration for a book cover, depicting the robes of High Court judge, Court of Appeal judge and District judge:

DEBATING JUDICIAL
APPOINTMENTS IN AN
AGE OF DIVERSITY



EDITED BY
GRAHAM GEE AND
ERIKA RACKLEY



Finally, here I am back in a non-legal setting, live-drawing on stage with ink (right). My task is to sketch the cabaret performers and the audience:



Performance by Ayumi LaNoire and Nina Russ as part of DZ Hosts The Violet Crab – Nights of Cabaret at DRAF, 2015 (documentation video still: courtesy DRAF and ThisIsTomorrow)

I start to draw a girl who is laughing at one of the cabaret songs where laughter is not the intended effect. She sees me drawing her and stops laughing. I feel bad. I've spoilt her enjoyment. But I am not judging

*A transparent plastic curtain divided the on-stage area and the dressing room, meaning not only that backstage preparations were a visible part of the night's performance, but that the actors could watch the audience. **Isobel Williams** silently sketched members of the crowd (an experience I was surprised to find, once her pinched gaze turned to me, totally unsettling), while a vast, beautiful Enrico David canvas (Untitled, 2013) hung above the stage, depicting a screwed-up face, staring out at us like a sentinel. Watch or be watched – watch and be watched. If life is a cabaret, old chum, you're part of the spectacle too.*

– Matthew McLean, Frieze Magazine, May 2015



Dancer in front of Enrico David's 'Untitled, 2013'

And I float in suspension between the subject of the drawing and you.



A performer known as Gorgone