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

**Abstract:** This article discusses an oral history doctoral research project about the little known, yet critical role of the court clerk in Crown Courts. It is surprising that even though Crown Court clerks have been pivotal in trials of the most serious criminal offences, they have been neglected in legal scholarship. This research project has contributed towards filling an absence in the academic literature about the nature and function of their vital work between 1972 and 2015, and was carried out by Dvora Liberman, in partnership with the London School of Economics Legal Biography Project and National Life Stories, British Library.

**Keywords:** Oral history; Crown Court clerk; administration of justice system; criminal justice

### **ABOUT THE PROJECT**

Funded by an Arts and Humanities Research Council (AHRC) Collaborative Doctoral Award, the Crown Court clerk study was 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 research project was to create and deposit a publicly accessible archive of interviews with Crown Court clerks at the British Library Sound Archive. The *Crown Court Clerk Life Story Collection* now sits alongside *Legal Lives*, an ongoing NLS project which comprises interviews with lawyers, solicitors and barristers with the aim to document changes in the legal profession in Britain. Interviewees include Lord Bridge, Peter Goldsmith (former Attorney General of England and Wales), Lady Hale (the first female Law Lord) and barrister Sir Sydney Kentridge QC.

The Crown Court clerk study offers an alternative approach to traditional legal biography which has tended to document the lives of elite figures in the legal system, and typically, white, male, heterosexual judges and barristers.<sup>i</sup> Yet it is important to acknowledge a few scholars have concentrated on those who have been marginalized within the field of law by virtue of their gender, race or beliefs.<sup>ii</sup> Eliciting the memories and life stories of non-elite court officials has revealed previously unheard accounts of the lived experience of the criminal justice system, and represents a broader, more pluralistic and democratic approach to legal life writing.<sup>iii</sup>

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 generally legally qualified, nor did they play a central role in the construction and determination of legal issues in hearings. So what precisely did Crown Court clerks do day to day? This research project drew upon in-depth oral history interviews to answer this central question and to uncover the nature and function of their role; the minutiae of their everyday tasks and responsibilities; how they perceived and experienced their contribution to the delivery of justice; their socio-economic backgrounds and career trajectories.

A further major focus of the study was to glean first-hand accounts from former court clerks about radical reform to the administration of justice system in England and Wales in 1972. At that time, the system was fundamentally transformed 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.<sup>iv</sup> Scholars have since deemed the reforms ‘drastic’ and ‘spectacular’,<sup>v</sup> and this study has charted the ways in which centralisation of the system significantly impacted upon the court clerk’s work in the immediate aftermath of reform and subsequent decades.

## **ORAL HISTORY RESEARCH METHODS**

The study’s primary aim was to learn about the everyday lives of Crown Court clerks from their perspectives. A methodological approach was required that would obtain data about daily life in the court, and give primacy to court clerks’ thoughts, feelings and worlds. Oral history is highly effective in drawing out personal stories and experiences, and garnering rich, nuanced and multi-faceted responses. Moreover, oral history has often been used to record and disseminate testimonies of people from marginalized and minority groups, and whose stories have not been told.<sup>vi</sup> Constructing history ‘from below’, and valuing a diversity and multiplicity of voices has been at the heart of oral history’s mission.<sup>vii</sup> Therefore, oral history methods were fitting for a study of Crown Court clerks who have been overlooked in legal scholarship and have remained hidden and unknown.

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. A fuller life history approach was chosen for this study and included conversations about interviewees’ ancestors, childhood, education, work, leisure and later life. The in-depth life history interview helped to reveal how respondents experienced, navigated and interpreted their lives. It exposed the social and cultural worlds in which they lived, their beliefs and values, and the world views they took for granted.<sup>viii</sup> Gaining an understanding about court clerks’ backgrounds and life trajectories offered insight into why they might have expressed particular attitudes and feelings towards their professional role.

Twenty-one life history interviews were conducted in total, ranging between six-thirteen hours each, with predominantly older, long-serving and retired court clerks who had worked in Crown Courts throughout the country. Fourteen respondents were male, and seven female, aged between 43-95 years old. The shift to the new Courts Service in 1972 is still within living memory, and court clerks who worked through this transition had much to contribute to our understanding of the changing nature of the criminal justice system. Seven interviewees had clerked under the old Assize system and continued working in the new permanent Crown Courts. It was crucial to carry out this research 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.



**Michael McKenzie, Clerk of the Central Criminal Court (The Old Bailey) between 1979 and 1984.**

## **KEY RESEARCH FINDINGS**

The remainder of this article will provide an overview of the study's major findings, and draw upon respondents' testimonies and bring their everyday experiences of the Crown Court to life in rich and vivid detail.

### **The nature and function of the Crown Court clerk's role between 1972 and 2015**

#### ***Order in court***

This study discovered the Crown Court clerk was chiefly responsible for the maintenance of order in the courtroom, and the efficient management of proceedings. Interviewees 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. In this respect, they can be compared to stage managers of the dramatic action that took place within the courtroom. The onus was upon them to ensure that the courtroom was set up and essential items were in the correct place, and all the various parties were assembled in the courtroom at the right time. The court clerk 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.<sup>ix</sup>

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, 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.<sup>x</sup>

Court clerks established a sense of order in a number of ways. During key moments in hearings and ceremonies, 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.<sup>xi</sup> The court clerk themselves followed a scripted performance that served to guide participants through proceedings in a logical and pre-ordained way. For example, 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, and at the end of a trial they were required to educe the verdict from the foreman of the jury. The court clerk may have been perceived as 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.

A further means by which court clerks maintained order was that they were constantly overseeing and monitoring 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. The court clerk regularly anticipated and prevented conflict amongst members of the public and adopted measures 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. In addition, interviewees acknowledged that attending court as a witness, family member, 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.<sup>xii</sup>

A number of respondents perceived themselves as gatekeepers 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.<sup>xiii</sup>

Court clerks also sustained order by enforcing 'courtroom etiquette', such as 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 bench. 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'.<sup>xiv</sup> 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.<sup>xv</sup>

### ***Serving the judge and dealing with essential case documentation***

Integral to the smooth operation of the court, court clerks were assigned responsibility for serving judges. They prepared their case papers each day and acted as a 'conduit' or 'go-between' between the judge and listing office, and 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.

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 one another and their respective personalities. However,

interviewees pointed out they had distinctly less contact with High Court judges than Circuit Judges. High Court judges tried the most serious criminal cases and were typically accorded a higher status and greater respect than Circuit 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.

Interviewees described being invited into the judge's chambers and having conversations about their personal interests and families. Respondents told numerous colourful anecdotes about the characteristics, idiosyncrasies and styles of judges they had clerked for. Many interviewees 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. 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'.

A further major component of the court clerk's daily work was to deal with essential case documentation. This involved preparing the case files, drafting court orders, and maintaining a detailed 'court log', or record of the trial as it progressed. These tasks were instrumental in facilitating the processing of cases through the system.

### **Significant changes to the court clerk's role between 1972 and 2015**

Underpinned by the principles of economy, efficiency and effectiveness, the establishment of the centralised new Courts Service in 1972 heralded a monumental shift in the administration of justice. A major 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. Respondents who lived through this historic turning point recognised the immediate impact of reform upon their daily lives. They noted that the crucial difference with the formation of a nationalised and unified service was having to adapt to the new hierarchy and management structure, and new processes of reporting and accountability. The new Courts Service afforded unprecedented 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 of travelling from town to town and setting up and dismantling temporary courts. Raymond Potter explained:

The office on the Assizes was any office space you could find... 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.<sup>xvi</sup>

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.'<sup>xvii</sup>

This study found that the Crown Court clerk's job has been progressively deskilled and depersonalised over the last three decades. Since the shift towards the centralised administration of



justice, the system has become increasingly streamlined and specialised, and key elements of the court clerk's work have been removed from their charge. Firstly, the important responsibility of drafting indictments (which lists the charge/s and describes the particulars of the alleged offence/s), was reallocated to CPS lawyers with the establishment of the independently operated Crown Prosecution Service (CPS) in 1984. Secondly, court clerks were previously required to 'tax' or assess the claims for fees that barristers and solicitors submitted to the court. Court clerks determined whether claims were fair, equitable and correct, and allowed or reduced them accordingly. Yet due to a series of legislative reforms to legal aid since 1988 which sought to achieve greater uniformity of payment and cost control in publicly funded criminal work, the court clerk's responsibility for assessing and determining barristers' and solicitors' fees was gradually decreased and then removed entirely.

The tasks of drafting indictments and taxing barristers and solicitors fees 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 designated more mundane, simplified, and automatic administrative duties which were reliant upon computer systems and other digital communication technologies. Respondents' narratives reveal a progressive move away from personal autonomy and 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 have 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.

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. This study's respondents echoed scholars who 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.<sup>xviii</sup> Court clerks had less direct involvement with jurors when a 'state-of-the-art' 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 jurors.

Over the past three decades, in the name of greater economy and efficiency, the Lord Chancellor's Department (and then the Ministry of Justice), increasingly implemented specialised processes and practices that significantly impacted upon the court clerk's everyday work. It is notable that these changes were only able to take place because the system had been centralised. However, despite 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 performed or enacted their role.

### **The performance of justice: Custodians of continuity**

A major theme to emerge from respondents' accounts is the important part they played in upholding traditional practices in the Crown Court, alongside judges and barristers. This was accomplished through what could be called their performance of justice, which was comprised of three key elements: firstly, wearing official dress (gowns, tabs and wigs); secondly, speaking publicly and following a set script for different scenarios (such as arraigning defendants, swearing in witnesses, empanelling jurors, and taking verdicts); and thirdly, projecting a composed and neutral demeanour.



The court clerks' official dress was essentially the same as that worn by 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. All court clerks wore wigs, although when exactly they were required to do so depended upon the practice of individual courts. Wigs were often shared amongst court clerks, 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.

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 tee 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. Furthermore, barristers typically owned their own gowns, whereas court clerks' gowns were usually handed down from one court clerk to the next and belonged to the Courts Service. Gowns varied in length and quality and were made of fabrics such as serge or cotton. Underneath their gowns, court clerks and barristers wore a dark suit or dress (black, navy or charcoal grey).

Close examination of respondents' narratives reveals that they attributed three major functions to their official dress. Firstly, 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. 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. Secondly, according to interviewees, 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. Valerie Jerwood stated:

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.<sup>xix</sup>

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.'<sup>xx</sup> Thirdly, respondents believed official dress enhanced the dignity of proceedings by denoting a special, out of the ordinary space for adjudication.

Speech was another vital element of the court clerk's performance. They used formal and formulaic language and recited a script in open court. 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.' Respondents noted that the court clerk's speech fostered an atmosphere of gravitas and formality. Moreover, 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, served to glorify the judiciary, and exalt their wisdom and power. Interviewees perceived that these titles rightfully accorded judges the authority and respect they were entitled to.

Respondents considered themselves the mouthpiece of the court. They mostly had no choice about *what* they said during proceedings. 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.<sup>xxi</sup>

Respondents emphasised it was imperative that they delivered their speaking parts effectively because if a court clerk was hesitant or nervous they could not convey a much-needed sense of solidity and presence. 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.<sup>xxii</sup>

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 fundamental. A surprising metaphor that the majority of interviewees 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.<sup>xxiii</sup>

Court clerks also actively performed justice through their involvement in ceremony, pageantry and ritual. For example, they participated in the rarefied ceremonial that honoured the opening of the legal year by reading the Letters Patent. David Dawson expressed:

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-wracking 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.<sup>xxiv</sup>

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.’<sup>xxv</sup> Patricia Douglas explained that in order for the Letters Patent to make sense, it had to be read slowly, with well-chosen pauses.

Court clerks organised and orchestrated other special ceremonies that were held a few times a year for the swearing in of the offices of new Magistrates, Recorders, High Sheriffs, as well as High Sheriff award ceremonies.<sup>xxvi</sup> Furthermore, court clerks were integral to the everyday ritual enactment of hearings. They 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, and repeatedly entrenched the relationship between the administration of justice and tradition. In this respect, Crown Court clerks can be viewed as custodians of continuity.

It was striking that this study’s respondents strongly supported the more traditional, performative and ritualistic elements of their role which they believed served to dignify proceedings and bolster respect for the law. Nearly all interviewees were proud to have represented the Courts Service in an official capacity and upheld its strict conventions of dress, speech and behaviour. They unanimously reported a high level of diligence and commitment towards their work. Perhaps this finding is unsurprising considering that interviewees were self-selecting. Most respondents had spent their working lives serving the courts, and it could be presumed that they volunteered to participate in this research project 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 article has outlined the study’s major findings, which are discussed at much greater length in a monograph lodged with the London School of Economics and Political Science Library. Furthermore, the Crown Court Clerk Life Story interviews offer a wealth of information concerning English social and legal history that can be explored further, and are available at the publicly accessible British Library Sound Archive. This research project has added to scholarship in the field of legal biography, specifically the lives of non-elite legal actors, and contributed towards redressing an absence in the academic literature concerning the vital role and function of the Crown Court clerk.

## **Biography**

Dr Dvora Liberman is currently undertaking an Economic and Social Research Council postdoctoral research fellowship at the London School of Economics and Political Science Law Department, working in collaboration with the National Justice Museum and National Life Stories, British Library.

## **Endnotes**

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<sup>i</sup> Mulcahy, L. and Sugarman, D., 2015. Introduction: Legal Life Writing and Marginalized Subjects and Sources. *Journal of Law and Society*, 42(1), p.1, p.13.

<sup>ii</sup> Examples include: Patrick Polden’s writing on early female barristers (2005), Mary Jane Mossman’s *The First Women Lawyers* (2006), Clay Smith’s *The Making of the Black Lawyer* (1993), and a compilation of essays entitled *Legal Life Writing: Marginalized Subjects and Sources* (Mulcahy and Sugarman, 2015).

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- <sup>iii</sup> Sugarman, D., 2015. From Legal Biography to Legal Life Writing: Broadening Conceptions of Legal History and Socio-legal Scholarship. *Journal of Law and Society*, 42(1), p.13.
- <sup>iv</sup> In 1971, the Lord Chancellor's Office 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).
- <sup>v</sup> Shetreet, S., 1979. The Administration of Justice: Problems, Value Conflicts and Changing Concepts. *University of British Columbia Law Review*, 13, p.53; Stockdale, E., 1970. The Beeching Report. *British Journal of Criminology*, 10(2-3), pp.189.
- <sup>vi</sup> Perks, R. and Thomson, A., eds. 2016. *Oral History Reader*. 3rd edition. London and New York: Routledge, p.xiii.
- <sup>vii</sup> Plummer, K., 2001. *Documents of Life 2: An Invitation to a Critical Humanism*. London: Sage, p.90; Thompson, P., 1988. *The Voice of the Past: Oral History*. 2nd ed. Oxford: Oxford University Press, pp.7-8; Wieder, A., 2004. Testimony as Oral History: Lessons from South Africa. *Educational Researcher*, 33(6), p.23.
- <sup>viii</sup> Bertaux, D. and Thompson, P. eds. 1993. Between Generations: Family Models, Myths and Memories. *International Yearbook of Oral History and Life Stories Volume 11*. New York: Oxford University Press, p.39; Sugiman, P., 2013. I Can Hear Lois Now: Corrections to My Story of the Internment of Japanese Canadians – 'For the Record'. In: A. Sheftel, and S. Zembrzycki, eds., 2013. *Oral History off the record: toward an ethnography of practice*. New York: Palgrave Macmillan, p.150.
- <sup>ix</sup> Some High Court judges preferred their personal clerk to officially open the court.
- <sup>x</sup> 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]
- <sup>xi</sup> In some Crown Courts, these tasks were shared with ushers.
- <sup>xii</sup> 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]
- <sup>xiii</sup> Interview with Irene Elliott [ibid.] C1674/05, Track 4 [1:22:21-1:22:36]
- <sup>xiv</sup> Interview with Irene Elliott [ibid.] C1674/05, Track 4 [1:29:57-1:29:58]
- <sup>xv</sup> Interview with Patricia Douglas [ibid.] C1674/21, Track 3 [1:07:16-1:09:10]
- <sup>xvi</sup> Interview with Raymond Potter [ibid.] C1674/01, Track 15 [0:19-1:46]
- <sup>xvii</sup> Interview with Raymond Potter [ibid.] C1674/01, Track 15 [0:44-0:49]
- <sup>xviii</sup> Mulcahy, L., 2008a. The Unbearable Lightness of Being? Shifts towards the virtual trial. *Journal of Law and Society*, 25(4), p.486; Rowden, E., 2015. Distributed Courts and Legitimacy: What do we Lose When we Lose the Courthouse? *Law, Culture and Humanities*. Published online November 5, pp.11-12; Leader, K., 2010. Closed-Circuit Television Testimony: Liveness and Truth-Telling. *Law, Text and Culture*, 14(1), p.323.
- <sup>xix</sup> 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]
- <sup>xx</sup> Interview with Irene Elliott [ibid.] C1674/05, Track 6 [27:43-28:03]
- <sup>xxi</sup> Interview with Jim Reid [ibid.] C1674/03, Track 7 [3:49-4:21]
- <sup>xxii</sup> Interview with Michael Bishop [ibid.] C1674/14, Track 5 [47:03-54:55]
- <sup>xxiii</sup> Interview with Pamela Sanderson [ibid.] C1674/19, Track 8 [0:33-0:51]
- <sup>xxiv</sup> Interview with David Dawson [ibid.] C1674/11, Track 5 [9:06-10:35]
- <sup>xxv</sup> Interview with Karen Hazell [ibid.] C1674/13, Track 4 [36:14-36:18]
- <sup>xxvi</sup> High Sheriff Award ceremonies honoured citizens who actively assisted in the conviction of a criminal, such as by contacting the police if they had witnessed a crime.