



THE 'JUSTICE FILES' FILM PROJECT: A BRIEF ACCOUNT

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Introduction

'The Justice Files' project is a planned series of short film dramatisations of famous legal cases that established leading precedents in English law. These cases, which have rich and remarkable background stories, had a profound impact not only in the UK but also around the world, as they form a vital part of the law in over 60 countries including the US, Canada, Australia, India and much of Africa. The first of these films, entitled 'Mrs Carlill v Carbolic Smoke Ball Co' was created in 2021 to dramatisate the most famous contract law case as a visual education resource for law students and teachers, whilst also providing insights and engagement opportunities for historians and members of the public.

Concept

The original inspiration for the film came out of my interest in legal pedagogy and in particular visual learning. There is an enduring public fascination with lawyers and legal process. Many students are inspired to study law by glamorous and dramatic law films and TV shows featuring courtroom battles², and arrive at university eagerly expecting it to be just like that. Although they may at first be disappointed by a perceived shortage of glamour, case law does provide plenty of drama and human conflict, and students soon discover that law is a fascinating subject.

I teach on a module entitled 'Dispute Resolution Skills'³ and lead another module entitled

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² For example, A Time to Kill, Legally Blonde, The Trial of the Chicago 7, Suits, How to Get Away with Murder, Denial, the Mauritanian, Mangrove, Silk, Showtrial and countless others produced in the US, UK and around the world.

³ This module develops practice-based skills in relation to drafting, negotiation and advocacy.

'Law, Literature and the Screen'.⁴ For both modules I often show examples from film and TV of legal scenarios, some based on fact and others on fiction, featuring court cases and successful lawyers using advanced advocacy skills to win them. I also lead the Contract Law module, much of which focuses upon nineteenth-century cases that established important legal precedents. In January 2020 it occurred to me that the seminal case of *Carlill v Carbolic Smokeball*⁵ could be made into a short film to illustrate a highly memorable factual story, bringing the case to life and enhancing students' understanding of the legal principles involved. If this proved successful, then it could be extended to a series of short films based on famous cases in other areas of law. That led to a conversation in the pub with Rob Giles, who had made documentaries in the past for the Law department,⁶ and he liked the idea.

Initial planning and realisation

Thereafter we began to formulate some plans concerning the length, format and genre of the film. We agreed that it should be no longer than 30 minutes to optimise student concentration and to leave enough time for teaching to be delivered around it, within either a one-hour lesson or a two-hour lecture or seminar. Regarding format and genre, we discussed whether to opt for a dramatised re-enactment using live actors filmed in historical locations, or alternatively a computer animated film, featuring CGI characters within a virtual courtroom environment.⁷ We decided upon the re-enactment option, with some additional use of green screen overlays and CGI to help recreate the period.

However, like most people, our working lives were significantly affected by the Covid-19 pandemic. The first national lockdown on 23 March 2020 directly impacted upon our ability to make the film, due to having to work from home, as well as social distancing and a ban in most cases on gatherings of people. As a result, the project ended up being shelved for a year. In March 2021 however, after the restrictions were partially lifted, we revisited it. Rob introduced me to Hugh Janes, a playwright and screenwriter, and the three of us agreed to produce the first film together, subject to funding being obtained. After a couple of meetings,

⁴ This module examines how lawyers and the law are portrayed in literature, film and television, the impact of these media upon the law, and how law regulates them through libel and obscenity law, censorship and classification.

⁵ *Carlill v Carbolic Smoke Ball Company* [1892] EWCA Civ 1.

⁶ Rob is a Senior Technician in the School of Society and Culture at Plymouth University, specialising in digital education. With Professor Kim Stevenson, he co-produced two documentaries, entitled *How Do You Fix a Town Like Plymouth?* (2018) and *A Returned Pilgrim – Nancy Astor and Plymouth* (2019).

⁷ Rob had previously created a virtual courtroom modeled on a Victorian court, for another project.

we drew up an outline proposal for the film, intended as a pilot for the series, for which Rob came up with the name 'The Justice Files'. Subsequently, Rob and I applied to the university for some modest funding to make the film, which was approved on 21 May 2021.⁸

Research and adaptation process

Thereafter Hugh, Rob and I had a meeting via Zoom every week or two, and regularly emailed each other with updates, as we had a lot of work to do in a short timeframe of seven weeks, before filming in July.

Firstly, we conducted research into every aspect that related to the case, including the impact of the Russian flu pandemic within England and Europe from 1889-92, the lives and occupations of each party in the case, as well as the judges and counsel in the Court of Appeal, their court attire, the building, courtroom and clock, the London newspapers that published the Carboloc Smoke Ball advertisements in 1892, the patent description of the smoke ball, its actual contents, the original court reports, the judgments and other published accounts of the case.

Drawing upon this information, Hugh wrote a first draft script for the film, which established the relevant scenes and identified the characters. This enabled us to consider the number and type of film locations, actors, crew, equipment, costumes and props that were required. This led to various preparations and developments that were reflected in five successive drafts of the script before filming commenced. Although information was at hand regarding what counsel on either side and the three judges had said in the Court of Appeal, none was available concerning what the plaintiff Mrs Carlill or the defendant Frederick Roe (owner of the company) may have said privately about the matter. Hugh therefore added a fictional but highly relatable character, Virginia Trent, a young press reporter, to aid the storytelling and enhance the viewer's understanding of the case. This was also a useful way of improving the age and gender mix (since most of the legal 'players' in the case were middle aged and male) and appealing to younger viewers (law students in particular). This was achieved without detracting from the authenticity of the legal dialogue in court, which I wrote and advised upon. This required a balance to be found between retaining the original Victorian language wherever possible, tweaking the odd sentence to make it less convoluted for modern audiences, and focusing primarily on the leading judgment of Lord Justice Lindley, to avoid needless repetition of the similar judgments in the case.

⁸ With thanks to Annika Bautz (Head of the School of Society and Culture) for her support.

Filming preparation

At an early stage, Hugh and Rob identified and obtained filming permissions from ideal historic locations (The Royal William Yard, Park Pharmacy Trust and Prysten House in Plymouth) for the non-courtroom scenes. Unfortunately, however, the Victorian court that we had originally lined up for the crucial courtroom scene was undergoing refurbishment work that ended up being seriously delayed. This meant we had to find another suitable court and obtain filming permission for that at extremely short notice, a few days before filming was due to commence. Fortunately, whilst frantically searching online, I discovered Bodmin historic court, housed within the town council building, which turned out to be perfect for our requirements.⁹

In the meantime, Hugh recruited three professional local actors (Sarah McCourt, Charlie Coldfield and Mike Terry), engaged an excellent film crew (Tony Murphy-Jones and Mickey Rogers), hired costumes from the Theatre Royal, Plymouth, and secured delicious catering for the cast and crew from his wife Fleur. Rob obtained some essential software that was needed for the special effects and liaised with the film crew. For my part, I sent an invitation to the university drama students to enquire if they would like to audition for some of the acting roles. After we auditioned three interested drama students, Natalie Mae was offered and accepted the role of Virginia Trent. Due to tight budget constraints, the other members of the cast were all volunteers, comprising me, two law colleagues (Jon Ward and Nigel Firth), and three other volunteers.¹⁰ The university Law department provided additional wigs, shirts, collars, bands and gowns for two of the judges, whilst Jon and I (acting as counsel) already had our own wigs and robes.

Filming issues

Our budget and schedule meant that we had to shoot the whole film in just four days during the week beginning 12 July 2021. Luckily, the weather was dry and generally sunny, with enough natural lighting for most interior and exterior shots, boosted by a 'softbox' lighting kit, which is all that we had. Unfortunately on day two, whilst filming outside in a shaded area of the Royal William Yard, a sudden gust of wind came out of nowhere and blew the softbox over, smashing the powerful lamp. Luckily I found a supplier some distance away that had one, so we were later able to resume filming. There were also sound issues caused by noise

⁹ With thanks to all these organisations for their support.

¹⁰ Thanks also to these other volunteer actors, including Gary Wyatt, Dave Pickles and Kevin Giles.

disturbance and interruptions whilst recording outdoors, such as seagulls screeching overhead, cars revving in the street nearby, power tools in operation, members of the public speaking loudly, clanging doors, inadvertently walking on set and so on, which meant that filming had to be cut each time and started again with yet another take. The courtroom scenes were not helped either by the fact that Jon and I had not learned our lines properly! Even so, Hugh, Rob and the film crew managed to get just about enough footage for the film, including close-ups, tracking shots, cutaways and many other varied shots and angles to create interesting content.

Post-production

After filming was accomplished in four days, the long process of post-production began, which was undertaken by Rob over a period of two months. This included editing the content of the film and soundtrack, adding visual effects (green screen overlay and CGI), sound effects, legends and credits, and then colour grading the whole film, all of which required long hours, endless patience and meticulous attention to detail. When Rob had done the first 'rough edit', Hugh and I met up with him to go through it all, scene by scene, proposing and discussing (heatedly at times!) various changes and improvements that might be made within the limitations of the material and resources available. During the weeks that followed, each time that Rob completed another edit we repeated this process, until finally after five edits it was agreed unanimously that it was ready for screening.

Film screenings and promotion

In October 2021, I gave 100 first-year law students an exclusive preview of the film, after which they completed an online survey and gave overwhelmingly positive feedback. Subsequently the university press office issued a news bulletin ahead of the official premiere, which was featured twice on BBC Radio Devon and made the front page of the Herald newspaper. The film then premiered as part of the European Social Research Council Festival, with two free screenings in November at the Jill Craigie cinema on campus. The screenings were very well attended and received excellent feedback from the audience, including many members of the public, during Q&As afterwards and from online questionnaires completed after each event. We then received numerous requests from other people who had missed the screenings and heard about the film, so we organised a 24-hour live streaming event for them that resulted in many more viewings. Following the success of these events, the Carlill film is now due to be promoted and distributed as widely as possible;

we hope this will also generate further interest in the rest of the series.

Conclusion

This project has proved very successful so far and personally I have found it a fascinating, creative and thoroughly enjoyable experience. Along the way, we have learned useful lessons about improvements that can be made, which will be implemented in our next films, as we have two more in the pipeline for 2022-23.