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Sage Research Methods Inclusive Research Methodologies: Case Study

Authors: Please complete the white fields below. Direct any questions to your editorial contact.

Case Study Title		<i>The Practical Challenges of Doing Court-Based Research</i>
<i>Maximum of 20 words. Please ensure that the title aligns with APA style.</i>		
<p>Authors. The order of authorship in the publication will follow the order below. Please add additional rows for co-authors if necessary.</p> <p>Please specify the number of contributors to this manuscript: [Click here to indicate # of authors]</p>		
1	Name	Dr Charlotte Walker
	Author email	c.walker3@yorks.ac.uk
	Affiliation, country	York St John University, UK
	SAGE Author ID	[office use only]
Author bio.		[Maximum of 200 words]
<i>Bios will not be copy-edited; please ensure they are correct.</i>		Dr Charlotte Walker is a Lecturer in Criminology at York St John University. Her research focuses on the criminal courts and criminal proceedings.
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Series Editor		
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For which student level is this case study most suitable?		Advanced Undergraduate
Method Categorisation		Mixed Methods
Discipline of Original Research		<i>Criminology & Criminal Justice [D10]</i>
Which thematic areas best describe the research practise the student will learn about? Select up to two. They can be updated subsequently.		<i>Inclusive, Adaptive, and Flexible Data Collection Methods</i> <i>Building Trust: Power Dynamics and Research Relationships</i>
Published articles based on the research project this case study reflects on.		<ul style="list-style-type: none"> • Walker, C. (2024). Defendants' experiences: Video hearings from prison(s) to court(s). <i>The Howard Journal of Crime and Justice</i>. 63, 127-141. https://doi-org.yorks.jidm.oclc.org/10.1111/hojo.12554 • Walker, C. (2025). How are unrepresented defendants treated in magistrates' courts? <i>Criminology & Criminal Justice</i>. 0(0). Online ahead of print. https://doi.org/10.1177/17488958241312520 • Walker, C. (2026). The pains of going to court: Unrepresented defendants' ability to effectively participate in court proceedings. <i>Criminology & Criminal Justice</i>. 26(1), 49-65. • Walker, C., and Dehaghani, R. (2026). Structural and innate vulnerability: Compounding disadvantage in the absence of criminal defence. <i>Criminal Law Review</i>. 5, 287-304.

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Your case study must not exceed 5000 words. Discussion Questions, MCQs, and References do not count towards this limit.

Please ensure you have read through this template and the manuscript guidelines before you begin writing your case study and direct any questions to your editorial contact.

Abstract

*The abstract should be a concise summary of this case study. What original research is this case study based on? What aspect of the **research process**, or **specific methodological and practical challenges**, will your case study address? Who will this case study be useful for?*

*Emphasize what the reader will **learn** from reading this case study, and how they might **apply** it in their own research practice.*

*Please do **not** cite references within the abstract.*

[Insert here: Maximum of 250 words]

This case study examines a research project which focused on understanding why defendants self-represent and their experiences of doing so. Observations in two magistrates' courts were carried out and interviews with a range of court actors were conducted. The case study reflects on my experiences conducting this project from the perspective of an early career researcher. It addresses key questions, including how I accessed the criminal courts, how I navigated the environment, which sampling techniques I used, how I recruited participants, and how I overcame obstacles during the research process. This reflection aims to help future researchers anticipate and navigate the practical challenges of conducting research in courtroom settings.

Learning Outcomes

*Learning outcomes must explain what the reader will learn from reading your case study. Readers should be learning about research **methodology, methods, and practicalities**. How will the reader be able to apply what they have learned to their own research practice?*

*Please refer to these learning outcomes when writing your case study. Your case study must satisfy each proposed outcome. It is vital that you provide **achievable and measurable** learning outcomes. Please start each learning outcome with an **action verb**.*

See the links below for guidance on writing effective learning outcomes:

- [Writing learning outcomes](#)
- [Blooms Taxonomy Action Verbs](#)

Insert **3–5** learning outcomes, **beginning with an action verb**, completing this statement:

Having read this case study, readers should be able to . . .

- Recognise the practical challenges of observing court proceedings and conducting interviews with court actors.
- Understand the strategies used to gain access to court settings and participants.
- Develop solutions to overcome common obstacles in court-based research, particularly those relating to data collection.

Case Study

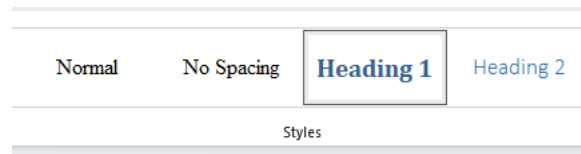
The main body of the text should be between **2,000 and 5,000 words**.

We encourage the use of headings and sub-headings to add structure to the body of your case, enhance online discoverability and make your case easier to read on screen.

Suggested top-level headings (H1s) are included below, **starting at “Project Overview and Context”**.

Note: The wording of these headings is up to your discretion, but please adhere to the guidance written in italics below each heading.

For section headings please use Word Style ‘Heading 1’. For any sub-headings within sections use Word Style ‘Heading 2’. To use Word styles in Microsoft Word, select the text you want to format, click the “Home” tab and then use the “Styles” pane.



Every section with a heading must be followed by a Section Summary.

Each Section Summary should consist of **3-5** bullet points, written out as **full sentences**, which succinctly summarize the key information in the section.

If you include **figures**, they must be provided in **high-resolution**. Resolution should be at least **300 PPI or 300 DPI** to be considered hi-res.

Project Overview and Context

Here you can include information about the focus of your research project. Why were you interested in studying this topic? In what context was this research undertaken? You may wish to begin with a brief positionality statement, succinctly articulating key aspects of your identity, life experiences, and political/theoretical beliefs.

This section should not read as a literature review but should explain the **rationale** behind your research project. In the following sections you will be concentrating on your research methodology, which is the primary focus of your case study.

[Insert text here: We suggest up to 500 words]

This case study is a reflective account of my journey undertaking doctoral research. My research focused on unrepresented defendants in the magistrates’ courts in England. I became interested in this topic while volunteering at my local magistrates’ court, where I first encountered unrepresented defendants. I remember going home and researching this issue, and I was struck by the lack of up-to-date studies exploring their motives and experiences. This was particularly surprising given the growing number of self-representing individuals (Transform Justice, 2016).

Research on the criminal courts has examined a range of issues including court cultures (e.g., Church, 1985; Rumgay, 1995), the use of bail (e.g., Doherty and East, 1985; Hucklesby and Marshall, 2000), the experiences of defendants (e.g., Bottoms and McClean, 1976; Carlen, 1976), the experiences of unrepresented defendants (e.g., Dell, 1971; McBarnet, 1981), and the use of virtual technology (e.g., Plotnikoff and Woolfson, 1999, 2000). In relation to the field of criminology, though, Baldwin (2008, p. 377) argues ‘it is odd that, if one reads the methodology texts or research monographs, one forms only a limited impression of what it is like to carry out research’. This is because in-depth information is not usually provided about the methods and sampling procedures used or about the obstacles that researchers must overcome when conducting research. Baldwin (2008, p. 377) goes on to say, ‘one might ... argue that many criminologists present a misleading picture of the experience of conducting research because of their inclination to skate over the problems they have encountered’. Due to this, when I was conducting court research as a doctoral researcher, I was somewhat surprised at some of the challenges I faced. This was despite the formal methods training that I had received – but learning about doing research is not the same as doing it in practice, as I soon discovered.

I was once asked, while delivering a presentation about my study and discussing the issues I had encountered, whether I thought doing court-based research was easier or harder than I had imagined. I responded that it was a lot more difficult. No doubt, that was partly down to my naivety and lack of research experience prior to doing doctoral research. However, it was also due to the lack of discussion around the complex nature of conducting research. It is often described as a linear process, where obstacles are not always acknowledged and conversations about how to overcome them are usually missing. This makes the process more difficult, which is unhelpful for all researchers but particularly new ones.

Section Summary

- The research focused on unrepresented defendants in the magistrates’ courts.
- I noticed a lack of research on unrepresented defendants, despite growing concern about the increasing number of individuals representing themselves in court.
- Existing criminological research has covered a range of topics relating to the criminal courts, but the challenges and complexities of conducting court-based research are often underexplored in academic literature, leading to a misleading picture of what the process entails.

Research Design

Describe **how** you designed your study, and **why** you designed it that way. Explain the rationale behind the fundamental decisions you made. When writing, consider these questions:

- Why did you choose this research approach?
- What strategies did you use to engage the research sample?
- How did you plan to analyse the data?
- How did you ensure your research findings would be reliable and/or trustworthy?

Pay particular attention to aspects of the design which ensured your approach was inclusive.

In later sections you can describe any changes that were made to your original design.

Ensure that you define and explain any key terms for the reader.

[Insert text here: We suggest up to 1000 words]

The research aims were to: explore the experiences of adult unrepresented defendants in the magistrates' courts, examine the reasons why defendants self-represent, and investigate the impact that unrepresented defendants have on court proceedings. An unrepresented defendant was defined as someone who at some stage during court proceedings was not represented by a lawyer. It was recognised within the research that unrepresented defendants are not a homogenous group and the characteristics of unrepresented defendants differ. Ethical approval to conduct this study was granted by the University of Sheffield's Research Ethics Committee.

To gather data to meet the research aims, two research methods were employed. A total of 403 court hearings were observed at two magistrates' courts, and 20 court actors were interviewed (i.e., lawyers, legal advisors, ushers, and judicial prosecutors). The observations covered a range of hearing types, including plea hearings, case management hearings, sentencing hearings and trials. The two courts were selected based upon financial and practical considerations. One was referred to as Court A and the other Court B.

Interviewees were recruited by being approached at court or contacted via email. Letters were also sent to their work addresses. After the interviews concluded, I asked participants if they knew anyone else who might be interested in participating and if so, whether they could give

them an information sheet on my behalf. The interviews took place face-to-face at the participants place of work or over the phone. Qualitative interviews were the preferred method: they allowed for in-depth discussion, where participants could share their own experiences and provide detailed qualitative responses. The interviews were semi-structured in design, and the interview schedules favoured open-ended questions. This approach enabled participants to go into as much detail as they wished and to discuss topics for as long as they liked.

Quantitative and qualitative data were gathered through court observations and interviews. This enabled triangulation, which is an approach that uses ‘multiple observers, theoretical perspectives, sources of data, and methodologies’ (Denzin, 1970, p. 310). By acquiring different types of data from multiple perspectives, this research achieved a deeper understanding of the area (Robson and McCarten, 2016, p. 25). Interpretivist researchers recognise that different actors interpret and understand things in different ways. Data triangulation is useful in the interpretivist paradigm because multiple interpretations from different sources enhance the study’s validity (Roberts-Holmes, 2005, p. 40). For interpretivists, ‘knowledge is valid if it is the authentic and true voice of the participants’ (Hughes, 2001, p. 36). By triangulating data, I was also able to verify the authenticity of the assumptions that I made when observing.

By using multiple methods, data were gained that would not have been gathered by using one means alone. For example, by observing court proceedings, I was able to observe how space was used, how individuals in court interacted with one another, their body language, and what was said. These are aspects that participants may not have thought to mention – either because they had not noticed them, were not paying attention, or had forgotten. Moreover, if I had only observed court proceedings, I would have been limited to collecting information on what was directly visible. I would not have been able to explore events that occurred before or after the hearings. I would also not have been able to find out about the internal thought processes of court actors, particularly where these were not made explicit during proceedings. Interviews, on the other hand, allowed me to follow up on specific observations, clarify events and obtain additional information. By using a mixed method approach, a more holistic understanding of unrepresented defendants’ experiences in the magistrates’ courts was achieved. As both qualitative and quantitative data were gathered, different analysis techniques were used. SPSS software was used to analyse the quantitative data, and the

qualitative data were analysed thematically. This involved coding the data and organising it into thematic categories.

Section Summary

- The research explored the experiences of unrepresented adult defendants in the magistrates' courts, examined their reasons for self-representing, and assessed the impact of their presence on court proceedings and staff.
- Data were collected using a mixed-methods approach: 403 court hearings were observed across two magistrates' courts, and 20 court actors were interviewed.
- Both qualitative and quantitative data were gathered to enable triangulation, enhancing the study's validity. SPSS was used to analyse quantitative data, and qualitative data were analysed thematically, offering a more comprehensive understanding of unrepresented defendants' experiences.

Research Practicalities

This section should include a discussion of **practical** and **ethical considerations** you had to navigate when conducting your research. Were there challenges that had to be overcome to access participants or data? Were your personal skills compatible with the research you were intending to carry out? What of time constraints, costs, and resources? What ethical considerations were essential?

[Insert text below: We suggest up to 1000 words]

Observations: Gaining Access

Before attending court to observe, I sent a letter to the managers at both courts explaining my research and intentions. I did not receive a response from either manager, so it is unclear whether the letters were received or read. Nevertheless, as adult courtrooms are open to the public, I encountered no difficulties in gaining access. Since the late 18th Century – except where reporting restrictions apply – members of the public have been allowed to attend and observe adult criminal proceedings (Townend and Welsh, 2024).

While sitting in court, though, I noticed the lack of members of the public or even reporters present. Family members and friends of the defendant, victims, or witnesses were occasionally there, but often it was just me. As Townend and Welsh (2024, p. 35) argue 'regular public attendance at court hearings is ... now uncommon'. As a result, my presence

often attracted attention from courtroom professionals, who wondered who I was and what I was doing. The presence of someone observing and taking notes resulted in me becoming an 'object of curiosity' (McBarnet, 1981, p. 189), which gave rise to suspicion and bewilderment from those working there. Nevertheless, once staff got to know me, they became accustomed to my presence and were increasingly helpful in sharing information about cases and answering questions. Familiarity was key, and over time, attending court became less awkward and was no longer seen as out of the ordinary.

However, interest in my presence did not only come from court professionals but also, at times, from defendants and their family members. On one occasion, a defendant entered the courtroom, glanced at me and loudly declared that he did not want any press present. Visibly annoyed, he had to be reassured by the legal advisor that no members of the press were there and that the court was open to the public anyway. On another occasion, a family member of a defendant questioned me about why I was there. At times, it felt uncomfortable – like I was intruding, did not belong there, and that it was none of my business or concern. As a result, I was sometimes made to feel unwelcome by those present in the courtroom, although this changed once they knew who I was.

Despite these initial feelings of discomfort, it is important that members of the public, the press and researchers attend court hearings. It is, in fact, all our business – concerning all of us. Observing court proceedings is one way to hold the state to account. It also serves as an educational tool, allowing members of the public to see how the law works in action and how court proceedings take place in practice (Townend and Welsh, 2024).

Observations: Arriving at Court and Sampling Techniques

When I arrived at court, I had to go through the security scanners. Once through security, I noticed there was no one present to direct me or answer any questions. As was the case in the two courts where I observed, many reception areas in courts across England are unstaffed (Justice, 2019). This means there is no one specifically available to guide lay users upon arrival, help them to navigate the building or answer questions about court processes and hearings. As a result, I had to find out this information myself.

I spotted a map on the wall indicating where the toilets, courtrooms and fire exits were, but I did not know which hearings were taking place or when. The building was busy with lots of

people, and I remember feeling unsure about where to go or who to ask for help. I eventually spotted an usher who seemed very busy, but she was kind enough to provide me with some information. She also told me about the court list on the wall, which gave details about the cases being heard and their scheduled times.

Once I had obtained this information, I needed to decide which hearings to observe. Since observations are time-consuming, it was important that I used my time effectively and focused on hearings relevant to my research question. There are two basic types of sampling: probability and non-probability. Probability sampling, which is preferred by quantitative researchers, involves the use of a sampling frame. Each member of the population has a known chance of being selected (Sigmund, 2023, p. 170). In contrast, non-probability sampling does not rely on random selection. I decided against using probability sampling methods to select hearings. This was due to the unpredictability of court schedules, the difficulty in identifying unrepresented defendants in advance, and the exploratory nature of my research, where the aim was not to generalise findings. Therefore, non-probability sampling methods were used to determine which hearings to observe.

Given that unrepresented defendants seemed to be a minority in some types of hearings, I aimed to maximise the number of hearings involving them. When I arrived at court, I asked the usher whether there were any unrepresented defendants in their courtroom or if they were aware of any other courtrooms where a defendant was unrepresented. If someone was appearing unrepresented, I remained in that courtroom; otherwise, I moved to another courtroom based on the usher's guidance. When multiple courtrooms had unrepresented defendants, I prioritised hearings I had observed less frequently in order to gather more comprehensive data.

Time was sometimes wasted when carrying out the observations, as there was no way of knowing in advance whether any defendants would be self-representing. Thus, I frequently travelled to court to ask the ushers if there were any self-representing defendants only to find out there were none. On some occasions, hearings were also delayed, leading to long waiting periods - something which defendants, victims and witnesses will also experience (Jacobson et al, 2015). Whilst annoying at times - the delays and the lack of an information desk - experiencing these issues was beneficial in some ways. It allowed me to consider how such factors might impact defendants' experiences at court.

Section Summary

- Gaining access to observe was a straightforward process due to the public nature of adult criminal proceedings, although my presence initially drew attention from court staff until familiarity was established.
- Upon arriving at court, the lack of staffed reception areas meant I had to independently navigate the building and obtain case information, often relying on busy ushers and posted court lists to determine which hearings to attend.
- Due to practical reasons and the nature of my research, I employed non-probability sampling methods, prioritising hearings that were most relevant to the study.

Method in Action

How did your research project play out in reality? Did it go according to plan, or did you need to adapt parts of the process? This should be a “**warts and all**” description and evaluation of how your chosen research method/approach actually worked **in practice**.

What went well? What did not go to plan? What challenges did you face? How did you respond? Remember that cases should explore both the successes of your methodology and the challenges and problems. Both can provide rich learning opportunities.

Observations: Collecting Data

In England, it is an offence for researchers to record court proceedings. Therefore, I was unable to use an electronic device to record spoken information during observations. Instead, I completed an observation schedule and made handwritten notes. Initially, I found note-taking difficult. Court proceedings in the magistrates’ courts are fast-moving, so it was not possible to write down everything that I observed and heard, nor would that have been necessary. Therefore, I focused on collecting data that were most relevant to my research aims. I also conducted a pilot study and reviewed previous literature in the area to determine which aspects I needed to prioritise.

Baldwin (2008, p. 382) notes that ‘proceedings in courts can be extremely confusing’. This is, for example, due to the language used and the nature of legal processes and proceedings. As a result of these factors, when I first started observing, I felt a sense of alienation and bewilderment. Although this was frustrating, it proved beneficial: it made me think about how an unrepresented defendant would feel at court, particularly as they are in a different

position to me and court proceedings can have serious consequences for them. Over time, though, court proceedings became less confusing as I saw more and more cases and built relationships with those within the courtroom, which made me feel less like an outsider.

Interviewing Defendants

As said, interviews were conducted with a range of court actors, and attempts were also made to interview defendants. My initial plan was to recruit defendants by approaching them at court – after their hearing – provided they did not appear distressed or irritated. However, I did not receive permission from the relevant court managers to do this. They also did not grant me permission to display posters about my study within court buildings for recruitment purposes. One court manager stated that I did not have permission to approach defendants on HM Courts and Tribunals Service (HMCTS) premises. The other, upon being informed about my research, directed me to submit an application to HMCTS. I did this, and many months later received permission from HMCTS to approach defendants at court. However, after receiving this approval, I emailed one of the court managers several times to inform him of this and to ask whether his stance had changed, but I did not receive a response. Due to this lack of communication, time constraints, and the measures that were in place because of the coronavirus pandemic, I ultimately decided against approaching defendants at court in this way.

While attempting to gain access through the courts, I employed several contingency strategies to try and recruit defendants. Initially, I sent two emails via a volunteer mailing list for staff and students at a British university, seeking potential participants who had experience representing themselves in criminal proceedings. However, I did not receive any responses.

Second, I sent a letter to 11 Citizen Advice Bureaus (CABs) in the two research areas, requesting they advertise my study by displaying a poster. Although CABs do not offer advice on criminal justice matters, it is possible that defendants may use their services or mistakenly believe that CABs provide support with criminal law and, therefore, see the posters. However, I was unsure if every bureau displayed the posters. I tried to follow this up, but I only received one response. In the end, no defendants came forward as a result of this recruitment technique.

Third, I asked the defence solicitors I had interviewed to act as gatekeepers. I emailed them to see if they would be willing to approach their current clients to find out if they had previously appeared in court without legal representation. If so, I requested that the solicitors inform these clients about my study and pass on my contact details. Alternatively, I asked whether they could share my details with former clients whom they knew had appeared in court unrepresented at some point in the last two years. Ultimately, I did not receive any responses from solicitors about this.

Therefore, defendants were not interviewed despite multiple attempts to recruit them. This was disappointing, particularly given the study's aims and the importance of hearing directly from defendants. However, it was not entirely unexpected as defendants are generally a vulnerable and marginalised group, which makes recruitment challenging. Moreover, few other studies focusing on defendants' experiences have interviewed defendants themselves (e.g., Carlen, 1976; Transform Justice, 2016). This represents a limitation of this study. Nevertheless, valuable data were still collected. Defendants were observed during court proceedings, and it was beneficial to gain insights from court professionals given the nature of their work, their involvement in criminal court proceedings, and their experiences of observing and interacting with unrepresented defendants.

Section Summary

- I used an observation schedule and took handwritten notes when observing.
- Initially, the process was difficult and confusing, but my familiarity increased over time through repeated observations and informal interactions with court staff.
- Although interviews with defendants were not achieved, meaningful insights were still gathered through court observations and interviews with court professionals, who provided valuable perspectives on the experiences and treatment of unrepresented defendants.

Practical Lessons Learned

Looking back, reflect on which aspects of your methodology went well, and which aspects did not go well. What would you do differently? What did you learn from the experience, and what advice do you have for readers planning their own research projects? Please note that this section is **not** referring to research findings, but instead the lessons learned from the methodology in practice.

This section should be written in full sentences, and **not** structured as a bulleted or numbered list.

[Insert text below: We suggest up to 1000 words]

Interviewing Court Professionals

To interview all court professionals – with the exception of defence lawyers – I was required to go through a formal process. To interview court staff, specifically ushers and legal advisors, I had to obtain permission from HMCTS. Initially, HMCTS did not grant me permission to interview legal advisors or ushers on the grounds that previous research had already been done in the area (citing two studies - Transform Justice, 2016; and Thomson and Becker, 2019). They concluded that the ‘MOJ [Ministry of Justice] does not think this will add any value to the existing public evidence base’. However, in the Transform Justice (2016) study, the researchers were not given permission to interview legal advisors. Furthermore, Thomson and Becker (2019) focused on unrepresented defendants in the Crown Court, where legal advisors do not work. Thus, they were not interviewed in either study and neither were ushers. Additionally, findings from the Crown Court are not directly generalisable to the magistrates’ courts. This is because the proportion of unrepresented defendants differs, with fewer appearing at the Crown Court (Transform Justice, 2016), and the procedures between the two courts vary. Therefore, it cannot be concluded that experiences will be the same. Without understanding the experiences of legal advisors and ushers, it is difficult to know how best to support them in their work, especially when dealing with unrepresented defendants. Fortunately, with assistance from my supervisor, I was able to convince HMCTS to reconsider my application and permission was eventually granted. The entire process from initial submission to final approval took about 13 months. This was longer than I expected, but nevertheless, it felt like progress had been made.

As well as requiring national permission for any interviews with court staff, it became clear that permission from the local court administrators – who act as gatekeepers - was also necessary. After receiving permission from HMCTS to interview legal advisors and ushers, I asked the court managers (one was based at one of the courts and the other was an area manager) whether they would email court staff on my behalf to ask if they would like to take part in my study. The manager at Court A speedily did this and six interviews (the number

requested) were arranged. The area manager at Court B said he had done this too, but no prospective participants had come forward. I then decided to go to Court B to see if I could persuade anyone to take part and I handed out some information sheets. I asked a few court staff whether they had received an email about my study, but they said they had not. I also attempted to identify whether a legal advisor or an usher team manager was based at Court B and who that person was, so they could assist in arranging the interviews. Although I had permission from the national body in charge of court staff to interview legal advisors and ushers, the interviews had to take place during court working hours, so a manager was needed to help coordinate them. However, I received no response from Court B or the area manager.

My contact from HMCTS who initially provided me with the managers' contact details also contacted the area manager on my behalf, asking him to get in touch with me. He responded several months later saying that no participants had volunteered to be interviewed. However, he did not provide me with the contact details of any managers based at the court being researched, so I was unable to ask them if they could drum up any interest and assist with organising the interviews. Having liaised with HMCTS, it became apparent that there was nothing more they could do to persuade compliance with their decision to grant access. By this time, national lockdown provisions were in force due to the coronavirus pandemic, so I decided it was not possible to interview any ushers or legal advisors at Court B, only at Court A.

I also wished to interview judges, but the JO did not grant me permission to do this. Furthermore, I applied to HM Prisons and Probation Service (HMPPS) to gain permission to interview probation workers who prepare pre-sentence reports at courts. They responded that I first would need to apply to HMCTS and obtain permission from them. Due to the ongoing issues I had with HMCTS and the time it would take to obtain permission, I decided not to pursue this further.

Finally, I sought to interview Crown Prosecution Service (CPS) prosecutors, and I emailed the CPS enquiring about the process. I was informed that it involved a formal and very lengthy application. Previously, a national team handled research requests, but now individual CPS Areas consider them. I contacted the relevant team, and although they expressed a desire to support projects like mine, they said they did not have the resources to support external research. Consequently, they advised that submitting a formal application would be unlikely to succeed, so I did not pursue this option. However, I did manage to

interview judicial prosecutors, who are employed by the police. My application to the relevant police force to interview them was therefore a success.

In summary, negotiating access to participants was a difficult and lengthy process, and it proved to be the most challenging ‘methodological landmine’ (Schlosser, 2008, p. 1501) that I encountered during the project. Court-based researchers have not always discussed in depth the process of gaining permission to interview court professionals or their experiences of doing so. Additionally, the process has changed since some of the older studies were done. This is something, therefore, that I had to largely learn as I went along. The nature of the process and the delays that occurred exceeded my expectations before embarking on the project. Multiple forms had to be completed, and I frequently emailed organisations and gatekeepers – often waiting weeks and, in most cases, months for a response. My advice to other researchers is to allow plenty of time for this stage. While awaiting responses from gatekeepers, it is also useful to work on other tasks to ensure that no time is wasted.

Section Summary

- Gaining permission to interview most court professionals involves navigating multiple layers of bureaucracy and obtaining approval from several gatekeepers.
- Court researchers should allocate sufficient time to write lengthy applications.
- While waiting access decisions, it is important to remain productive by working on other aspects of the project.

Conclusion

This section should include a round-up of the issues discussed in your case study. This should **not** be a discussion of conclusions drawn from the research findings, but should focus reflectively on the **research methodology and methods**. Include just enough detail of your findings to enable the reader to understand how the method/approach you used could be utilized by others. Would you recommend using this method/approach or, on reflection, would you make difference choices in the future? **What can readers learn from your experience and apply to their own research?**

I have reflected on my experiences conducting empirical court-based research, focusing on the practical challenges I faced and how I addressed them. Accessing court proceedings was not an issue, which is a positive thing as observing court proceedings plays a key role in

holding the state to account. Criminal proceedings can have significant consequences for individuals, so safeguards must be in place to prevent state misuse of power (Roberts and Zuckerman, 2010). Observing court hearings is particularly important given the decline in news media coverage, which often focuses only on cases deemed newsworthy and thus fails to provide a complete picture (Townend and Welsh, 2024).

However, I experienced significant barriers when trying to interview court professionals and defendants. These difficulties limited both the number and diversity of participants I was able to interview. Similar access problems appear to have hindered other researchers studying this area, preventing access to the views of some court professionals altogether (e.g., Transform Justice, 2016; Welsh, 2016). This is concerning, as it reflects a lack of transparency regarding what happens in magistrates' courts and a lack of accountability for those who work within them. It is important that all court actors are heard, as different court actors play distinct roles within court proceedings and would not be expected to share identical professional views. Furthermore, because some court actors are employed by different organisations that operate independently of each other, hearing their perspectives allows for mutual accountability and external scrutiny.

Open justice, accountability and transparency are necessary for maintaining public confidence in the criminal justice system (Townend and Welsh, 2024). While magistrates' courts are open to the public and court observations can be conducted, this research method has its limitations. It provides information only on what is directly observable, and the perspectives of court actors cannot be captured through court observations alone. To improve how vulnerable groups - such as unrepresented defendants - are treated, research must be done that examines courtroom practices and the experiences of those involved. Keeping our knowledge up to date is equally important, as procedures change over time. Despite challenges in accessing and interviewing court actors, it is essential that these interviews are conducted to capture a wide range of perspectives and to enhance understanding. Researchers must continue investigating this area to contribute to an ongoing, informed dialogue about court proceedings.

Discussion Questions

[Insert **three to five** discussion questions related to the methodology and practical considerations described in your case study]

Discussion questions should be suitable for eliciting debate and critical thinking. The questions should encourage the reader to **apply what they have learned beyond the context of the research project discussed**. They should **not** test the reader's memory of specifics about the discussed project. Avoid questions which require only a single-word answer such as "yes" or "no." Please make sure that each discussion question is a **single question**, i.e., avoiding multiple questions combined under one point.

1. What practical challenges arise when conducting research involving formal gatekeepers?
2. What are some reasons a gatekeeper might deny a researcher access to conduct research?
3. What strategies can researchers employ to gain access to marginalised and/or hard-to-reach populations?
4. What are the advantages and disadvantages of triangulation?

Multiple Choice Quiz Questions

Multiple Choice Quiz Questions **should**:

- Test understanding of the methodology in question, as opposed to comprehension-based questions which test the reader's memory.
- The questions should allow the reader to apply what they've learned from the case study to a broader methodological context **beyond the specifics of the research project**.
- Prompt the reader to identify the rationale behind the answer.

Multiple Choice Quiz Questions **should not**:

- Require any methodological information that is not included in this case study
- Include 'all of the above', 'none of the above', "both" or implausible distractors

Example:

1. Which of the following statements best describes the main characteristic of interpretive/hermeneutic paradigm?
- a. What we know as reality is a mental reconstruction which depends on the interaction between the researcher's background and the contextual factors [CORRECT]
 - b. It is not possible to understand other people's worldview as it is completely subjective and specific to each individual
 - c. There is no limit to different interpretations of a given text as people have different views and tendencies

Guidance for writing MCQs can be accessed using these links:

- [Tips for writing effective multiple-choice questions](#)
- [The process of writing a multiple-choice question](#)

[Insert **three to five** multiple choice quiz questions below. Each question should have **three possible answers** (A, B, or C), with **only one correct answer**. Please indicate the correct answer by writing CORRECT after the relevant answer.]

1. Which of the following statements is true about observing adult court proceedings?
- a. Members of the public are allowed to attend and observe adult criminal proceedings unless restrictions apply [CORRECT]
 - b. Members of the public are not allowed to attend and observe adult court proceedings
 - c. Members of the public need to gain permission from court staff before attending and observing adult court proceedings
2. Which of the following statements is true about court observations?
- a. Observations always involve the collection of qualitative data
 - b. Observations are generally time consuming [CORRECT]

- c. An observation schedule is always required
3. What are some of the key reasons why it is important that court-based research is undertaken?
- a. It helps lawyers identify winning strategies for each case
 - b. It allows magistrates to make decisions about guilt and sentencing
 - c. It contributes to accountability, transparency and public confidence in the court system [CORRECT]

Further Reading

Please ensure the recommended readings, web resources, and cited references are inclusive and represent a diversity of people. Given our global readership, we aim to publish content that allows individuals with a broad range of perspectives to be reflected in our pedagogical resources.

[Insert list of up to six further readings here. They can include web resources.]

- Crow, I. and Semmens, N. (2008). *Researching criminology*. Open University Press.
- Foster, P. (2006). Observational research. In R. Sapsford. and V. Jupp, V (Eds.) *Data Collection and Analysis* (pp. 57-92). Sage.
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References

[Insert bibliography of references cited in text here]

References should conform to American Psychological Association (APA) style, 7th edition, and should contain the digital object identifier (DOI) where available. Sage will not accept cases that are incorrectly referenced. Please ensure accuracy before submission. For help on reference styling see <https://apastyle.apa.org/style-grammar-guidelines>.

- Baldwin, J. (2008) Research on the criminal courts. In R. D. King and E. Wincup (Eds.), *Doing research on crime and justice* (pp. 375-399). Oxford University Press.

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- Justice (2019) *Understanding court*. <https://files.justice.org.uk/wp-content/uploads/2019/01/06170235/Understanding-Courts.pdf>.
- McBarnet, D. (1981) Magistrates' courts and the ideology of justice. *British Journal of Law and Society*, 8(2), 181-197. <https://doi.org/10.2307/1409720>
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- Roberts-Holmes, G. (2005) *Doing your early years research project: A step-by-step guide*. Paul Chapman Publishing.
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- Thomson, J. and Becker, J. (2019) *Unrepresented defendants: Perceived effects on the Crown Court in England and Wales – practitioners' perspectives*. <https://assets.publishing.service.gov.uk/media/5d0a0e1ee5274a0661cafce8/unrepresented-defendants.pdf>

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- Welsh, L. (2016) *Magistrates, managerialism and marginalisation: Neoliberalism and access to justice in East Kent* [Doctoral thesis]. University of Kent.