

Acknowledgements

Written by Jenny Grahame

Edited by Lucy Webster

DVD produced by Michael Simons

Published by the English and Media Centre, 18 Compton Terrace, London, N1 2UN
www.englishandmedia.co.uk © 2009

Thanks to all those who have given permission for copyright material to be included in *Doing TV Drama*:

The *Guardian* for 'Guilty Verdict on BBC'; Timothy Dutton QC, Chairman, Bar Council, Letters, 2nd July 2008, 'Objection: BBC Drama is Unfair on Us, say Barristers', Sam Jones, 3rd July 2008, 'Captive Audience', Erwin James, 26th June 2008; Spiked Online for 'Skins: a Skinful of Stereotypes', Emily Hill, 25th January 2007; David Brennan and Thinkbox for 'TV and Young People: Thinkbox Research Case Study' and 'The Secret Life of Students: Thinkbox Research Interview'; The *Independent* for 'Best of British: the Frocks and Fops We've Loved', Helen Smith, 7th November 2008; The *Daily Telegraph* for 'The Naked Truth about Being Young', Stephen Pile, 23rd January 2007; BBC Post-Production Department for 'Sound Case Study: Creating a Prison 'Sound-Scape' for *Criminal Justice*' (http://www.bbcresources.com/postproduction/london/sound_criminal_justice.html) and 'Post-Production Colour-grading for *Criminal Justice*' (http://www.bbcresources.com/about/archive/080624_criminal_justice.html)

BBC for excerpts from *Criminal Justice*, *Cutting It*, *EastEnders* and *Oliver Twist*

Channel 4 and Company Pictures for *Skins*

World Productions for *The Cops*

We would like to thank Kate Harwood and Peter Mot at for giving so generously of their time. Many thanks also to Nick Potamitis, Peter Fraser, Jason Mazzochi and Beth Levison for their advice and support.

We have made every effort to obtain permission to reproduce all copyrighted material. In the event of inadvertent omissions, we would be happy to rectify the situation at the earliest opportunity.

Please note: websites referenced in the material were checked March 2009.

Contents	
Introduction	4
Reading TV Drama: An Unseen Extract	7
Contents	7
Teachers' Notes	8
Activities	11
Resources	22
Issue-Based Drama: Criminal Justice	33
Contents and Teachers' Notes	33
Activities	35
Resources	45
Youth Drama: Skins	51
Contents and Teachers' Notes	51
Activities	53
Resources	70
Doing Soap: A Production Perspective	81
Contents and Teachers' Notes	81
Activities on <i>EastEnders</i>	83
Resource A (<i>EastEnders</i>)	91
Activities on <i>Brookside</i>	92
Resources B and C (<i>Brookside</i>)	97
Classic Drama: The Literary Adaptation	99
Contents and Teachers' Notes	99
Activities	102
Resources	114
Realist Drama: The Cops	129
Contents and Overview	129
Approaches	130
Glossary	135
Bibliography	139

Introduction

In common with the other two resources in this series, on *Advertising* and *News*, *Doing TV Drama* is a collection of active classroom approaches and strategies clustered around drama extracts exemplifying generic, contextual and institutional issues central to this much-loved and engaging area of study.

Who Is It for?

- Students preparing for the 'unseen' textual analysis for **AS level across all three Media specifications**, and particularly those heading for the OCR AS G322 paper on TV Drama. We have included a number of group activities, models and sample analyses which can be used post-analysis to help students evaluate their own responses.
- With the accompanying activities, the texts provide structured opportunities to develop the **'reading', analytic and study skills students will require when tackling any unseen moving-image text**, at GCSE or A level. The introductory unit, 'Reading TV Drama', offers a step-by-step approach to this process, which can be adapted to other 'unseen' activities. The units on 'Criminal Justice', 'Classic Drama' and 'Realist Drama' include interviews with writers and producers providing informal commentaries on our chosen extracts.
- In combination with other comparative TV drama texts of your own choice, the extracts could form **the starting point of a cross-platform case study in broadcast television**, a representational study, or the exploration of a number of conceptual areas, from a focus on audiences, to ideas about postmodernity, collective identity, or institutional practices. The unit on *Skins* illustrates one way of using a case study approach at AS which could be built on synoptically to support the critical perspectives required at A2.
- **At GCSE level**, each of these units could provide the core of a portfolio coursework assignment covering media language, representation or audience.
- **Students on Diploma and Nationals courses** could start from the research and production exercises offered in each unit, and use the insights gained from these activities as a way into more critical approaches.

Extracts Out of Context

There are particular tensions for the study of TV drama, particularly where students are required to approach an extract out of context. More than many other forms of broadcast TV, the understanding of drama relies on acknowledging a wide range of contextual questions:

- Where does the text come from, and how does it relate to its longer narrative?
- What generic or media language conventions does it draw on, and how does it relate to others of its genre?
- How is it shaped by its broadcast format, schedule slot, or platform?
- What production processes have been used in its construction and circulation?
- What functions does it serve for its audiences, and for its producers?

The big pedagogic dilemma for teachers of the OCR textual analysis paper in particular is how to acknowledge these crucial questions *without* detracting from the evidence of the text itself: there has been ongoing debate about how much background knowledge is required to understand the techniques and conventions through which particular types of representation are constructed in a decontextualised extract. The solution we have adopted is to select extracts which cover a range of popular drama formats, to provide light-touch context and support material, and to identify two or three **issues or debates** posed by each of our chosen extracts. Thus, they can be used in isolation, as part of a wider study, or as the starting point for more advanced A2 theoretical work.

Starting Points

As the field of TV drama is so broad and debates so complex, and the requirements of each specification so varied, you will want to supplement the activities in *Doing TV Drama* with your own material. The following suggestions for simple and economical ways into key areas may be helpful:

Key Area, Debate or Issue	Practical Starting Points
The breadth and diversity of the genre.	<p>Card-Sort Game</p> <p>Compile a list of all the TV drama titles available on Freeview over a given week; put on cut-up-able cards.</p> <p>In groups, students categorise them in as many different ways as possible (e.g. by genre, schedule, broadcaster, audience, country of origin etc). They may come up with 20+ – fertile ground for mapping the field.</p> <p>Broadcast Ratings</p> <p>Scrutinise position of TV drama in BARB ratings, presented weekly in <i>Broadcast</i> magazine by network, channel, genre, multichannel and audience share (you only need to buy one copy of <i>Broadcast</i> once!).</p>
Range of examples – especially when students claim not to watch TV.	<p>Appointment to View</p> <p>Negotiate a list of class preferences, timetabled over a specific period, and make each student responsible for researching, analysing and presenting a specific text, including selection of a representative 5-minute extract, which the class can use as practice textual analysis where relevant.</p> <p>These could be blogged where appropriate.</p> <p>Where possible, ensure technician or ICT department has recorded each text for student loan.</p>
Genre and sub-genre – problematising the concept of generic conventions, change and hybridity.	<p>The Tube Map Approach</p> <p>In groups, students brainstorm every example – (past, present, UK or international, series or serial etc) they can think of around a particular TV drama genre – e.g. crime, hospital, literary adaptation, etc.</p> <p>They write titles on post-it notes, categorise, and then attempt to organise them around the model of the London Tube map, where each 'line' might represent a variant, sub-genre, chronology, target audience or other form of grouping – endless possibilities.</p> <p>This is hard, but fun, and raises the issues. NB: it helps to start with intersecting examples, which could represent the mainline stations of the map. See notes in Unit 6: Realist Drama for more detail.</p>
Institutional contexts – not required for unseen analysis, but crucial for students' understanding of the role and function of TV drama to broadcasters (see Units 3 and 4).	<p>Trailers, Titles, Promos and Websites – Multiplatform Approaches</p> <p>While lengthy whole-episode or series screenings may be too time-consuming and diversionary (and are explicitly <i>not</i> required by OCR G322), understanding of TV drama is incomplete without exploring its significance in audience-building across a variety of platforms.</p>

Key Area, Debate or Issue	Practical Starting Points
Institutional contexts	<ul style="list-style-type: none"> • Trailers and Title Sequences offer highly condensed opportunities to practise analysis of technical aspects and representations. • Press previews, listings entries, press packs and production company websites are readily accessible and offer light-touch homework activities while developing independent research skills. • Both GCSE and AS specifications across all awarding bodies require coverage of cross-media marketing and the potential of ancillary online developments, mobisodes, interactive and non-linear web narratives, etc. • Forums, social network groups, virtual communities and newsletters around specific dramas raise issues which are particularly useful for more complex theoretical approaches at A2.
<p>Developing analytic skills – or, how to avoid death by technical textual analysis.</p> <p>Understanding impact of production processes and technologies (see Unit 4).</p>	<p>A Varied Diet</p> <p>Where students new to the subject are unfamiliar with moving-image analysis, these skills can be introduced in a variety of different ways to avoid mechanical exercises in feature-spotting and grammar-type terminology acquisition. Try:</p> <ul style="list-style-type: none"> • varying starting points – e.g. starting with a single still image, a prediction, a brief role-play, a bit of context or an issue to debate • staple 'reading' exercises such as playing a brief extract without sound, or with sound only; counting edits or effects (aka Technical Events Test); storyboarding a brief synopsis of action; sequencing or annotating screenshots; re-versioning extracts for different audiences, etc. • practical exercises – e.g. re-editing a short sequence; mash-ups or sweded versions of an extract; reconstructing a sequence with a digital stills camera.
Spec-related study skills (see Unit 1).	<p>Card Games</p> <p>Try re-usable cards which summarise key macro and micro features required in textual analysis, and key questions to raise around any extract. These are not definitive, or substitutes for explanation or classroom exposition, but aide-memoire-type summaries which can be circulated around small groups as prompts in relation to any TV drama example.</p> <p>Note-Taking Strategies</p> <p>This 'grey area' of moving-image analysis is often neglected, particularly in terms of unseen extracts, where students need recall skills to make detailed audio-visual observations and select appropriate references in relation to key concepts. Most students benefit from explicit teaching around the use of mindmaps, spider-diagrams, and visual ways of organising annotations which help them to make connections, draw inferences, link to representational ideas, use examples, etc to incorporate into genuinely analytical rather than simply descriptive writing.</p>

1. Reading TV Drama

An Unseen Extract

Contents

	Teachers' Notes	page 8
1.	Unseen Viewing Strategies to prepare for textual analysis.	page 11
2.	Analysing an 'Unseen' Drama Extract A three-part analysis of an extract from <i>Cutting It</i> with a breakdown of different issues to cover in a written textual analysis.	page 12
3.	From Detailed Description to 'Big Picture' Analysis Bullet point notes on the four areas of technical analysis required for unseen exploration.	page 14
4.	Doing Analysis via Practical Work Task 1: Director's Commentary Creating a still-image textual analysis with voiceover, using screenshots, and/or a slideshow program such as PicturePower 3, PowerPoint, Photostory or iMovie. Task 2: A Sweded Re-make of the <i>Cutting It</i> Extract Reconstructing a low-tech version of the <i>Cutting It</i> extract as a hands-on way into critical analysis. Task 3: The Text: A Two-Lesson Group Screenwriting Exercise Brief screenwriting task around a 60-second scenario in a range of drama genres.	page 18 page 18 page 19
	Resources Three sets of photocopiable cut-up-able cards, which could be used throughout the pack in different ways, covering: A: Macro Analysis – Key TV Drama Questions B: Micro Analysis – Technical Codes and Conventions C: TV Drama Genres – Key Features D: Transcribed Script – <i>Cutting It</i> Extract E: Series of Screenshots for <i>Cutting It</i> Extract These screenshots are also available as both a slideshow on the DVD and as individual jpeg images in the 'Cutting_It_Assets' folder. F: The Contexts, the Cast, the Curlers	page 22

Criminal Justice

2. Issue-Based Drama

Contents and Teachers' Notes

1. Before Watching – Definitions, Mindmaps and Predictions page 35
 - **Definitions and associations** of the title, and an audit of the sorts of narratives, themes, characters and issues it suggests.
 - **Narrative predictions:** annotating selected still images for visual cues as to content and perspective. These are distributed randomly so that students' ideas about possible narratives and identifications are partly influenced by the sequence of images they receive – a variation on the Kuleshov experiment in montage editing, which suggested that meanings are constructed by the viewer on the basis of their own emotional reactions to the juxtaposition of images.

2. Ben's Trial: the 'Justice' in *Criminal Justice* page 38
 - **The back story** to the extracts, and a brief role-play in which students take on the role of participants in the courtroom sequences, to analyse the ways their technical and performance aspects position the central character, Ben, as guilty or innocent.
 - **Commentary** from Kate Harwood, Controller of Series and Serials for the BBC and screenwriter Peter Moffat about the visual construction of these sequences.

3. Interrogating the Evidence page 40
 - **Close textual analysis** of the second courtroom extract, and the ways in which technical aspects represent both Ben himself and the legal process.

4. The Other Side of the Story: the 'Criminal' in *Criminal Justice* page 41
 - **Students discuss the implication** of the legal process on innocent defendants, and brainstorm media representations of prison life.
 - **Analysis of the prison extract**, an interview on the construction of the physical environment, and the screenwriter's commentary on the significance of the extract.
 - **Students review the extract in the light of different aspects of the text**, and make 60-second post-it note presentations to demonstrate what each feature adds to the representation of prison life.

5. Crime vs Justice page 43
 - **Students map the relationship**, contrasts and parallels between courtroom and prison extracts.

Issue-Based Drama

6. The 'Talkaboutability' of *Criminal Justice* page 43

- Students watch Harwood and Mot's analysis of the impact of the serial and discuss reasons for its controversial public reception, supported by a range of responses from the legal profession, press, and online forums.

7. A Production Task page 44

- Following a summary by Peter Mofatt of the new series of *Criminal Justice* on which he was working at the time of the interview, students devise a treatment for the new series, focusing on a female defendant.

Resources page 45

A: Responses to *Criminal Justice*

B: Post-Production: Creating a 'Sound-Scape' and Colour-grading

Issue-Based Drama: Criminal Justice

1. Before Watching

What is Criminal Justice?

1. In pairs, talk about what you understand by the term 'criminal justice', then read the definitions below:

Criminal justice is the branch of law that deals with disputes or actions involving criminal penalties. It regulates the conduct of individuals, defines crimes and provides punishment for criminal acts. (www.arwarbukarl.com.au/default.aspx)

Criminal justice *n.* The system of law enforcement, the bar, the judiciary, corrections, and probation that is directly involved in the apprehension, prosecution, defense, sentencing, incarceration, and supervision of those suspected of, or charged with, criminal offenses. (<http://www.answers.com/topic/criminal-justice>)

Criminal justice is the system of practices, and organisations, used by national and local governments, directed at maintaining social control, deterring and controlling crime, and sanctioning those who violate laws with criminal penalties. When processing the accused through the criminal justice system, government must keep within the framework of laws that protect individual rights. (http://en.wikipedia.org/wiki/Criminal_justice)

A 3-Minute Mindmap

What does *Criminal Justice* suggest to you as the title for a TV drama serial?

1. Use your own TV drama expertise and the definitions above to mindmap:
 - different ideas and themes suggested by the title
 - types of narrative you might expect the serial to deal with
 - the sorts of characters, relationships and perspectives you might find in a serial with this name.
2. Swap your mindmaps to see how your ideas compare, overlap, or differ.

Narrative Predictions: a Visual Card Game

In groups you are going to focus on a series of individual screenshots taken from a drama entitled *Criminal Justice*. You will have only two minutes to study and make notes on each screenshot before passing it on to the next group.

As you study each image, make brief notes on the characters, their relationships and the themes which seem to you to be represented in the drama. Don't worry about guessing an exact storyline but speculate about the possible narratives being developed.

1. Use the visual cues – framing, camera angle, lighting, contrast, etc – to annotate the image with some immediate ideas about the character(s), the location, and what might be happening in the narrative.
2. If the image seems familiar – i.e. you recognise a typical location, a character type or actor, or echoes of another drama you've seen – note down the associations it has for you.

Comparing Your Predictions

3. Share your responses to the images and the ideas they have provoked so far. Talk about the following:
 - the themes, characters and relationships predicted by each group
 - whether your predictions were affected by the order in which you encountered and discussed the images.



4. The Other Side of the Story: the 'Criminal' in Criminal Justice

You've analysed the representation of 'Justice' in *Criminal Justice* in the courtroom; but that's only half the story. When Ben's not being cross-examined in court, he's on remand in prison, treated as a criminal.

Peter Moat, Writer, *Criminal Justice* comments:

People forget that you can spend up to 18 months, sometimes as long as 2 years on remand, waiting for your trial and be acquitted, and there's nobody giving you anything back, nobody's going to say here's the 2 years that you've just missed out on, no one's going to give you any money, nobody's going to restore the things that you've lost. And most importantly, emotionally, mentally, everything that you've lost isn't going to be returned to you.

1. Before you watch a further clip, do a class brainstorm of images of prison you've seen in TV crime dramas, documentaries, news items, or films, and compile a list of the sorts of mise-en-scène, locations and characters you might expect to find in Ben's prison.

The Prison Extract (DVD)

1. **Watch the extract** focusing particularly on the following issues:
 - **The character types** – Freddie Graham, inmates, the prison officers. How are they represented in their appearance, behaviour and performance? And how far do they confirm or challenge your ideas about prisons and prisoners?
 - **The visual representation of the prison environment** – notice particularly the use of space, lighting and colour tones. (See Resource B on page 50.)
 - **The use of sound in this sequence** – how many different layers of sound do you notice, and what effect do they create? (Resource B on page 49 provides useful information on this.)
 - **The editing of this sequence** – camera movement, pace and point of view.

60-Second Presentation (DVD)

1. **Now watch the two interviews:** *The Look of the Prison* and *The Writer's Commentary on the Prison Sequence*. Draw on the points made in the following activity.

On page 42 different aspects of the drama have been singled out. These aspects all contribute to the types of representation constructed in this Prison Extract sequence. They range from the **construction of individual characters** to the performance of the actors (for example body language) to **non-verbal sound**, and from **technical features** (for example camera movement and lighting) to **abstract concepts such as justice**.

2. **Watch the Prison Extract again**, this time focusing on the particular aspect that you have been allocated.
3. On a post-it note, make at least three different points of the ways the aspect you have been focusing on contributes to the representation of prison life. Illustrate each point with a specific example from the sequence – e.g. a particular camera shot, line of dialogue, edit and so on.
4. Use your notes to **make a 60-second presentation** on this aspect of the drama and the way it constructs a perspective on prison life.
5. Make your 60-second presentations around the class. As you present, you could post each one on a noticeboard, so you can make comparisons, draw connections between them, and see how the different aspects of the drama each contributes to the representation of prison life.

Issue-Based Drama

Prison Officers	The character of Freddie Graham	Prison architecture
Body language	Colour and lighting	Non-verbal sound
Justice	Character types	Camera movement
Framing of shots	Point of view	Edits and pace
Realism	Casting and performance	Dialogue

5. Crime vs Justice

You've now got to grips with two different perspectives on *Criminal Justice* in two very different locations. But how do they relate to each other? Do they contrast with each other – or are there **similarities** or **parallels** between them?

1. Try mapping the relationship of the courtroom and prison scenes in the grid below. We've started it off for you.

Contrasts Between Court and Prison	Similarities or Parallels Between Court and Prison
<p>Dark lighting vs pale well-lit environment</p> <p>Brown colour tones vs cool blue-grey palette</p> <p>Rule of law vs 'street' justice</p>	<p>Judge // Freddie Graham</p> <p>Jury // Freddie's gang</p>

6. The 'Talkaboutability' of Criminal Justice



Criminal Justice attracted a very strong audience share for BBC1, with over five million viewers for each episode over five consecutive nights. It also generated huge controversy in the legal profession, and became a front page news story in its own right.

1. **Watch the [national DVD clip](#)** in which Peter Mount and Kate Harwood discuss reasons for the impact of the serial. Make notes about the different features that made it 'appointment to view' TV, including:
 - the writing process and structure of the serial
 - the 5-night scheduling of *Criminal Justice*
 - the role of the BBC iPlayer
 - debates about the legal system
 - media coverage.
2. Finally, you can read a selection of public responses to *Criminal Justice* in Resource A. These include:
 - the original letter of complaint from the Chair of the Bar Council published the day after the first episode was screened
 - the *Guardian* front page news article reporting on the controversy
 - an article published in *Guardian Society* by a former prisoner
 - a selection of online responses.

7. A Production Task

1. Read the comment below from Peter Moat.

I'm writing *Criminal Justice 2* – the same format, different characters, completely different story. The main character this time is a woman, and it's a completely different sort of crime that she's alleged to have committed, but I am very keen to look at a woman's experience of the criminal justice system. She has children, and I'm very interested in the family law side of things, on what happens to children and what Social Services do faced with the incarceration of these children's mother. So that's very interesting and very different, and great fun, and fascinating. Women's prisons are really appalling and, again, I think that's something that we need to talk about and think about. I'm not even sure that, in their current form, that they should exist actually. The majority of women are in prison for offences of non-violence, and the great majority of them are very damaged people, and prison life isn't going to make them better, it is going to make them worse, it is going to damage them more, is going to make them more likely to re-offend when they come out, is going to break up families, is going to break down relationships between those prisoners and their communities and, at the end of the day, is going to produce more crime.

2. In your group, brainstorm storyline ideas for the new serial, based on Moat's concerns.
3. Consider your range of potential characters, the balance between court and prison, and the narrative techniques you will use to dramatise the issues about women's experiences within the legal system.
4. Break your narrative up into five potential episodes, and develop each as a short single-paragraph treatment.
5. Sum up your pitch in a single sentence.
6. Take it in turns to make your pitch to the class, starting with a one-sentence summary, and explaining how your serial will unfold.

The second series of *Criminal Justice* is scheduled for broadcast at the end of 2009. Kate Harwood says:

What's sneaky about *Criminal Justice* is that it gives you a state of the nation piece that masquerades as a crime drama. A murder takes place in the first episode, raising a whole different set of questions to the first series.

By spring 2010, you will be able to compare your own pitches with the real thing.

8. Taking it Further

1. Together with the close analysis you've done, these case study resources should support your work on any of the following:
 - textual analysis and representation
 - the media and democracy
 - broadcast fiction
 - representations in the media
 - text, industry and audience.

Resource A: Responses to Criminal Justice

A1: The Bar Council – Representing the Legal Profession

The BBC's *Criminal Justice* serial is not the basis upon which one can draw any sound conclusions about our system of justice, as Marcel Berlins points out (June 30). The drama shows barristers acting in breach of their professional obligations. In episode two a QC encourages a client to provide a false defence to a court – a grave breach of professional conduct that would be grounds for the barrister to be struck off. The Bar Council is very concerned at this portrayal of a profession which works to the highest ethical standards. Peter Moffat, the writer, appears to have missed the real story. Publicly funded criminal defence practitioners continue to serve the public in the most difficult circumstances. Even though the system is chronically underfunded, they act to the highest standards. Counsel's first duty is to the court and to the interests of justice. Criminal justice is not a game and it is a travesty to suggest practitioners see it in that way.

Timothy Dutton QC, Chairman, Bar Council
Guardian letters, 2nd July 2008

A2: The Front Page News Story: The Guardian, 3rd July 2008

If the BBC was hoping its new drama about England's courts and prisons would ruffle a few wigs, the corporation can indulge in a leisurely moment of self-congratulation. *Criminal Justice*, which charts one young man's journey through the prison system, has provoked a terse exchange between the head of the Bar Council and the writer behind the thriller, which is drawing in almost 5 million viewers.

For the council, Timothy Dutton QC, has taken a dim view of the way barristers in the programme, particularly in the second episode, are portrayed as underhand, unprincipled and overly aggressive. The writer, Peter Moffat, says the Bar has to face the facts. And he's a trained criminal barrister too.

The exchange has taken place through letters to the *Guardian* sent in after the start of the series on Monday. Drawing on one scene, Dutton wrote: 'The BBC's *Criminal Justice* serial is not the basis upon which one can draw any sound conclusions about our system of justice.'

He added: 'Criminal justice is not a game and it is a travesty to suggest practitioners see it in that way.'

But Moffat disagreed with his learned friend – as he makes plain in a letter in today's paper. 'Timothy Dutton ... seeks to reassure us that defence practitioners 'act to the highest standards', he writes. 'Does this include the barrister disciplined recently for punching his opponent in court? Or the defence practitioner who sent documentary 'evidence' (in fact invented and drafted by himself) from an internet cafe in Oxford Street to his opponent?'

Like his adversary, Moffat is keen to dispel confusion over his stance. 'It is,' he says, 'about time the Bar faced the fact that like every other profession it has brilliant and fair-minded practitioners, those of average ability, and the violent, dishonest and stupid all working within it.'

Although the serial billed itself as 'a rollercoaster ride through the criminal justice system ... where the truth is optional and what counts is playing the game in order to come out on top', barristers were still put out by a scene which, they felt, unfairly depicted their world as a sleazy realm where unethical behaviour goes unremarked and unpunished.

Dutton's main objection arose from the second episode, in which a QC encourages

a client to provide a false defence to a court. Such behaviour, he wrote in his letter, represented 'a grave breach of professional conduct that would be grounds for the barrister to be struck off'.

He and his fellow barristers were annoyed that the drama had not made it plain that such an action was unethical.

'I have had concerns expressed to me because what isn't brought out in it is the fact that this is improper conduct,' he said yesterday afternoon. 'In a docu-drama, it's worth pointing out that this conduct is unethical. Every profession will have people who misconduct themselves, and if barristers have misconducted themselves, they would be disciplined.'

Moffat, though, remained unmoved. 'It is absolutely common practice for defendants to be prodded towards giving instructions which suit the best available defence,' he writes in his letter.

'We have an adversarial system. By definition we are not after the truth in any criminal trial. I'm grateful to Timothy Dutton for helping open up debate about professional ethics. He wants to see things in black and white. At the Bar, just as in life, standards are all too often a different colour – grey.' Over to his learned friend: 'The portrayal of that scene is not a grey area,' said Dutton. 'It is clearly unethical. There's nothing grey about it.'

Nor could the two agree over perhaps the legal profession's most pressing concern. '[Moffat] appears to have missed the real story,' Dutton wrote yesterday. 'Publicly funded criminal defence practitioners continue to serve the public in the most difficult circumstances. Even though the system is chronically underfunded, they act to the highest standards.'

'Leaving to one side whether this would make for interesting television drama,' replies the writer, 'it is certainly true that defence barristers at the junior end are badly underpaid for the work they do. This is potentially very bad news for ethical standards.'

Moffat, who practised law for six years, has become one of television's most sought-after writers. As well as creating *Kavanagh QC*, he wrote the short-lived legal drama set in Leeds, *North Square*.

But will that pedigree be sufficient to ensure that the nation's barristers stay tuned to *Criminal Justice*?

One, at least, had other plans yesterday. 'Regrettably, I'm working tonight,' said Dutton. 'But there will certainly be members of the Bar Council watching it.'

Guardian, 3rd July 2008

A3: The Prisoner's Response

CAPTIVE AUDIENCE

At last, a drama that gets prison life right. Erwin James explains why cons will be lapping up the BBC's *Criminal Justice*

George was a chronic nail-biter in his mid-30s, with dark ginger hair and heavy rings around his eyes. We were both on remand, in a big London prison. George started talking to me one morning at the tea urn. 'Have you seen the shrink yet?' he asked. I hadn't. 'He hasn't got a clue,' he said. Then he pushed his face close to mine and, firmly tapping his temple, added: 'Nobody – but nobody – can see in here.'

With often chilling accuracy, BBC1's new five-part thriller *Criminal Justice*, which starts next week, took me right back to the beginning of my own prison journey, back to those days with nail-biting George and his stale tobacco breath. Like the show's main character, Ben Coulter (played by Ben Whishaw), this was my first time in the adult prison system. Like Coulter, I was afraid, defensive and naïve.

George had been arrested close to the body of a man who had been bludgeoned to death. Spatters of the man's blood were found on George's clothes. 'I told them I found him like that,' George said and winked. 'Anyway, if I go down, I go down – fuck 'em.' From what I gleaned of him during the time we shared in that fetid little place, I was certain he was guilty. I was shocked to hear later, on the news, that George had been cleared. Just as some innocent people end up serving life, I reminded myself, so some perpetrators go free. And that can mean killers.

Criminal Justice, written by Peter Moffat, offers a similar scenario to George's, and it is the most realistic portrayal of life in prison I have ever seen. Coulter is the son of a cab driver. He lives an ordinary, happy-go-lucky life with mum and dad until he has one wild night he can't remember and is arrested near the scene of a murder. The weapon is found in his pocket, the blood of the young female victim on his clothes. It's a done deal as far as the police are concerned.

From what I remember of my time inside, the thriller should go down well among the prisoner population – the fiercest critics of dramatic renderings of their reality. We loved *Porridge* for its mostly accurate portrayal of prison life, albeit without the violence, and loathed *Bad Girls* for its over-the-top parodies. But it's the characters in *Criminal Justice* that really struck me.

Remanded in custody, the young ingenue Coulter is lucky: he makes a friend, an ageing, weary con called Hooch, played by Pete Postlethwaite. In reality, there is a Hooch on every prison landing in the country, men who have spent the best years of their lives inside, yet who appear to be undefeated. Appearances can be deceptive, of course, and nowhere more so than among men in captivity. The mastery of the psychological arena by such individuals – their absolute pragmatism – renders their true selves impenetrable, sometimes even to themselves.

But one thing they know for sure is that a prison landing is no easy place. Above all, what matters there is not how strong or how brave you are, but what sort of deal you cut to get by. In the world of men like Hooch, compromise reigns supreme. 'It's only the deal that matters here,' Hooch tells Coulter. 'Always make the deal, the contract.'

Like everybody who ends up in prison, Coulter is on a journey of sorts. Some days go his way, others do not. He bleeds a lot, cries a lot, learns a lot – about life and all its grime, about himself. As *Criminal Justice* shows, prison has huge value as a setting for self-discovery ...

Erwin James, Guardian, 26th June 2008

You can read a more detailed response from former prisoner, Erwin James on his blog (<http://www.erwinjames.co.uk/blog/>).