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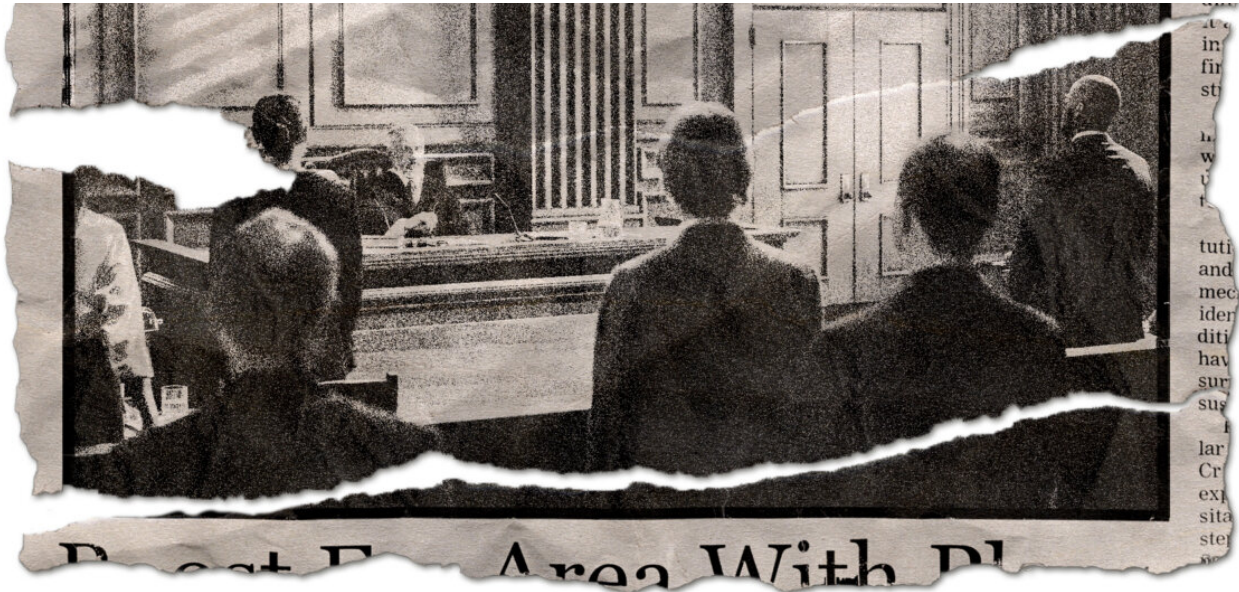
# In Thunder Bay, Court Reporting Is Quietly Disappearing

Is justice being served? Without journalists in courtrooms, we can't really know

**BY LINDA BESNER**

Updated 8:35, May. 21, 2026 | Published 6:30, May. 21, 2026

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**W**HEN LADY FANTASIA LAPREMIERE and Mz Molly Poppinz—or, to use the names by which they are known outside of Thunder Bay’s drag circles, John Forget and Felicia Crichton—first started getting messages about a hateful post circulating on Facebook in 2022, they thought the mature thing would be to ignore it. The post was on a page called “Real Thunder Bay Courthouse—Inside Edition” and featured headshots of Lady Fantasia and Mz Molly from a poster for a drag queen storytime event at the public library. “Apparently, our City Council is completely unaware of local drag queens who have been criminally charged with child pornography,” the post read. “Don’t ask yourself why drag queens need an audience of children.

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- Court reporting is critical to upholding due process and the presumption of innocence
- Canada has lost 566 local news outlets in less than twenty years, and court coverage has dropped 30 percent nationally
- In the absence of responsible journalism, there is a risk that false information about court proceedings will spread on social media

Thunder Bay is a mid-sized city of just over 100,000 people, but it can feel like a small town. The Thunder Bay region is also considered an area of news poverty. Its one daily newspaper, the *Chronicle-Journal*, currently has four reporters tasked with bringing local news to sixty communities over 1,200 square kilometres. The small local CBC station and Dougall Media, one of Canada's few remaining independent media companies, cover an area that's larger than France: from White River in the northeast to the Manitoba border, and from the northern shore of Lake Superior all the way up to Hudson Bay. Social media ends up being an important source of local news; Crichton's son came home from kindergarten asking what "grooming" meant. Crichton and Forget decided to sue the owner of "Real Thunder Bay Courthouse—Inside Edition" for libel.

Douglas Judson, the lawyer who represented them, had been concerned about the Facebook page for years. Its administrator saw himself as a citizen journalist and excoriated local media for "refusing" to report on arrests. The account posted the names of people brought up on charges at the Thunder Bay courthouse, often using belittling or derogatory language ("WANTED JUNKIE FOUND LYING ON THE ROAD BY TBPS OFFICERS"). The anonymous posts also broadcast photos dug up on social media and sometimes published the names and home addresses of sureties. The comment section swelled

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As the case made its way through court proceedings, a court order forced Meta to disclose that “Real Thunder Bay Courthouse—Inside Edition” was registered to a man named Brian Webster, who admitted to authoring the post. In 2025, a judge found Webster liable, calling his conduct “high-handed, spiteful, malicious, and oppressive.” She ordered Webster to pay \$380,000 in damages to Crichton and Forget, as well as Caitlin Hartlen, also a drag performer, and the Rainbow Alliance of Dryden and to reimburse their legal fees. Webster appealed the decision, and the case is still in litigation.

Thunder Bay is hardly alone in its paucity of news outlets. A 2025 update to a joint research project by Toronto Metropolitan University and the University of British Columbia found that Canada has lost 566 local news outlets in less than twenty years. The Canadian government currently counts only about 3,650 people working as journalists in Ontario, a number that sits somewhere between fishmongers and veterinarians. Research by Public Policy Forum found that between 2008 and 2017, coverage of court in particular dropped by 30 percent nationally. Some jurists may be tempted to quiet celebration; journalists can be a nuisance, and careless reporting can result in prejudicing prospective jury members or revealing the identities of anonymous witnesses.

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But courts need us. They depend on the media to fulfill their institutional *raison d'être*: “Justice should not only be done,” Lord Hewart, chief justice of England said in 1923, “but should manifestly and undoubtedly be seen to be done.” The secret trial is a mark of authoritarian regimes, and in the Canadian Charter of Rights and Freedoms, everyone is guaranteed a public trial. The scrutiny of the public gaze protects us from the enormous power of the state. This publicity is upheld by the open court principle, which allows anyone to walk into a courtroom and take a seat to watch the justice system at work. Anyone, that is, in theory; in practice, most people have neither time nor inclination to sit through slow legal processes and depend on reporters to fill them in.

At its best, responsible journalism about court cases serves to uphold due process and the presumption of innocence. As traditional media outlets fold or retreat from assigning full-time reporters to the court beat, it's this function of the open court principle that is under threat.

**T**HUNDER BAY'S MODERN courthouse stands in the hollowed-out historic shell of Fort William's downtown, surrounded by boarded-up businesses and nostalgic murals (one, a stone's throw away, shows the red brick gables of the old *Times Journal* building). I'm here to meet *Chronicle-Journal* writer Doug Diaczuk, who arrives wearing, without apparent irony, a newsboy cap. The security guards greet him familiarly; where once there was a gaggle of

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tomorrow, he'll need to cover the opening of a new medical clinic and the announcement of the blues festival lineup.

We walk over to the docket, a bulletin board hung with paper printouts of the day's cases, with courtroom numbers scribbled in pen. The online version, which Diaczuk checks every morning, is of limited usefulness because while it lists defendant names, case numbers, and (theoretical) start times, it doesn't say what the charges are. Diaczuk scans the printouts, which often cut off the words halfway through: dangerous operatio, assault with weapo, possession of weap. Diaczuk was here for a sentencing, which he heard about from Lundmark (with so many cases to cover, it's easier if the two of them sometimes compare notes on the docket). I had seen the resulting story in that morning's paper between a storm warning and a teddy bear drive: two men had pleaded guilty to manslaughter for beating twenty-one-year-old Ivan Achneepineskum to death in a motel room in 2022. All three were Indigenous: the perpetrators from Webequie First Nation and Kasabonika Lake First Nation, respectively, and the victim from Marten Falls First Nation. Diaczuk reported that one defence lawyer had argued for a reduced sentence for his client due to "significant Gladue factors."

"I don't know if people read that far down into the story," Diaczuk says ruefully, when I ask if he thinks his readers know what this reference means. Since the 1999 Supreme Court case *R. v. Gladue*, judges at sentencing have been legally obligated to consider Indigenous offenders' exposure to intergenerational trauma related to residential schooling, discrimination, and poverty. "People will think like, oh, Indigenous offenders get off easy, right?" Diaczuk has thought about sitting down to write a longer piece—an explainer—to help the public understand what Gladue reports are and why

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In 2020, funding from the federal Local Journalism Initiative allowed Dougall Media to hire Karen Edwards as a full-time court reporter for a year. Usually, in the courtrooms, “it was just me and Brian Webster.” Journalism school hadn’t provided much training for covering court: she says her three-year diploma at Durham College only offered one day in a courtroom. (Edwards is now a second-year law student.) Matt Prokopchuk, who worked at CBC Thunder Bay for a decade before leaving in 2019 and sometimes covered court, told me the same. In his four years in Carleton’s journalism program, he had only one court assignment. “We were taught that court is open,” he told me, “but I do remember feeling pretty self-conscious, like, ‘Should I be here?’”

On the paper docket, Diaczuk points out to me several cases next to which the word “ban” appears, meaning a publication ban is in effect. However, the sheet doesn’t specify the type of ban—there are different code numbers for different purposes. Some judges, Diaczuk tells me, make an effort to explain at the start of a proceeding the type of ban in place. Still, it’s unclear exactly what would or wouldn’t be covered by a ban, and it isn’t easy for him to call his paper’s lawyer and ask.

The stress of potentially running afoul of bans—an infraction that can carry a

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her eleven-year-old son whom she had stabbed to death. In another case, a girl went missing, and her family searched for her for years before two men finally admitted to helping dispose of her body. At the sentencing, the judge teared up. Diaczuk tried, for a while, to humanize homicide victims by using their first names, a practice he read about in Tamara Cherry's *The Trauma Beat: A Case for Re-thinking the Business of Bad News*. But it didn't fly with his editors.

While both Diaczuk and Webster try to be the eyes and ears of the public, neither the professional distance of traditional media nor the vitriol of social media could truly tell me what court in Thunder Bay is like. I spend a week visiting the courthouse's eerily quiet chambers. What strikes me is the moral complexity of what we call justice.

I watch an autistic child in a tie-dyed sweatshirt with a happy face on it testify that the foster mother she had been placed with, on a First Nation territory, a few hours from Thunder Bay, had hit her with a hairbrush and a light blue flip-flop. The Crown needs the girl to give clear and consistent answers to her questions, but the child answers in loops and non-sequiturs. "How did she hit you?" the Crown, a young blond woman, asks. "Because I wasn't listening," the child replies. After forty-five minutes, the child asks if she can take a break, and I find myself nodding emphatically as if it were up to me. When she returns, the defence lawyer tells her that his own son is autistic, too, and just a bit younger than she is. Were you unhappy about leaving your previous foster family? Silence. Did other foster kids at school tell you that, if you want to leave a foster home, you can make up a story? "Yeah," she says. It's hardly a smoking gun. But the Crown hasn't produced any physical evidence of injury. I walk out of the courtroom grateful not to be

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viewing thousands of online images of child pornography. “There really are no words to express the depth of shame I feel,” he says. The judge, who has a Bernadoodle cap of fizzy, light brown curls, accepts his apology. But the man has an addiction. The search terms police found on his devices include “eleven-year-old” and “eight-year-old daddy’s girl.” There were images of penetration; children were abused to produce these materials, the judge reminds us. The man, in his mid-fifties, hugs the people there with him, two women and a teenage boy before being led away in handcuffs to serve eighteen months in prison. Besides this group, I’m the only person sitting in the body of the court. It feels like a funeral, and I don’t know the bereaved well enough to share openly in their grief.

**T**HE PANDEMIC INITIALLY worked wonders for the open court principle. After March of 2020, courts rushed to move proceedings to virtual platforms. Observers could attend much more easily, and trial judges commented that some civil cases had drawn as many as eighty people—more than many physical courtrooms could fit. It can also be easier to understand what’s going on at a virtual hearing, because everyone speaks into a microphone, looks into a camera, and has a screen name (in Canadian courtrooms IRL, neither judges nor lawyers have nameplates). But with virtual court came a noticeable change in decorum; defendants and witnesses zoomed in from showers or barbershop chairs or ordered double-doubles on speaker. “We aren’t all on one big telephone soiree,” a Nova Scotia judge is quoted as saying in a 2022 report.

Then, last spring and summer, southern Ontario’s virtual courts were hit with a rash of Zoombombings. The target was mostly remand court, a scheduling court where, Windsor defence lawyer Patricia Brown told me, there might be

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access by the public: in April 2023, three Toronto-area men were convicted of recording and sharing videos on Instagram of witness testimony in a murder trial. In July of 2025, the attorney general's office in Ontario sent out a memo to court staff: the public were henceforth banned from virtual proceedings in the lower court. If people wanted to observe the workings of the justice system, they could do it where they had to show their faces.

The limits of the open court principle are constantly being tested. Publication bans and sealing orders are themselves open to legal challenge; in 2021, lawyers for the *Toronto Star* won a precedent-setting Supreme Court victory against the heirs of Honey and Barry Sherman, the Toronto billionaires whose 2017 murder remains unsolved. The family wanted the details of the estate transfer to be sealed due to, as the decision carefully put it, "what they saw as the public's morbid interest." But there's the rub: the public's interest doesn't have to be classy. The decision underlined that "discomfort or embarrassment" are not enough to override the presumption of openness; instead, public knowledge of the details of a proceeding must threaten the dignity of a person's "biographical core." This description is perhaps intentionally vague, and courts largely interpret it to confer anonymity on victims of sexual assault as well as to allow stigmatized medical conditions to remain private.

Tess Layton, an Edmonton-based lawyer, told me that since she began practising ten years ago, she has seen a significant drop in both the number of challenges to publication bans and the diversity of challengers. Small and large outlets used to mount challenges; now, the only venues with the resources are heavy-hitters, like the CBC or CTV. Layton has also noticed a worrying upward trend in the number of bans and sealing orders that courts

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Even information that isn't under ban can be tricky to access: obtaining audio recordings, transcripts, or other documents related to court proceedings involves filling out complicated paperwork and, often, paying a fee. An open secret of the open court principle is the system's reliance on "practical obscurity"—the fact that finding information theoretically available to the public is, in practice, a pain in the neck. As Osgoode Hall Law School researcher Jon Khan and associate professor Sean Rehaag write: "Practical obscurity is premised on the idea that individuals are ultimately lazy; that they will lack the time or money to follow through with an onerous

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principle applies to many tribunals. Over a couple of months, I tour virtual hearings at the Federal Court, the Immigration and Refugee Board, and the Social Security Tribunal of Canada. In Federal Court, I am at first predictably bored: I've dropped into a land claim by Alberta's Louis Bull Band *in medias res*, and most of my laptop screen is taken up by columns of numbers, accompanied by a long-winded exegesis by a valuation adviser with a plummy British accent. As with any slow-moving television show, however, I get sucked in as the story takes shape: If the band had not sold parcels of land in the early twentieth century, how much would they have gained from it over the years?

When I log on to the SST hearing, I'm surprised to find myself in a tête-à-tête with the adjudicator. A ginger-mustached man with the conscientious air of a high school vice principal, he wants to make sure I understand that I can't report any identifying details. He also asks if he should introduce me to the appellant, when they come on, as media or simply as an observer. He tells me he's never had a journalist attend before. Taken aback, I venture that since, in open court, people walk in and sit down without explanation, maybe describing me as an observer would be the closest parallel? The appellant, a woman wrangling a toddler and a barking dog, accepts my presence without question. As she and the adjudicator work through the problem—the woman has been denied six weeks of unemployment benefits because Mitch (not his real name) at the hair salon (not her real job) was, by his own admission, new to payroll and confused about which code to punch in—I feel like I'm eavesdropping on a brunch conversation or, perhaps, a telephone soirée. Watching the woman have her day in court, I experience a rare surge of faith and optimism in the state of our democracy.

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defence go over the facts. Two young men got to chatting at a bus stop and ended up smoking weed in the basement of the one who lived nearby with his mother. There was a question of payment, and while the man whose house it was went out to pick up a few quick bucks by shovelling a neighbour's driveway, the other man stole a Playstation, an Xbox, and two knives from a collection. The first man saw the other man making off down the street and pursued him, wrestling him to the ground in a snowbank. The second man stabbed the first man in the arm. The first man stabbed the second man in the chest, and he died. The event was captured on the dashcam of someone driving by, and the Crown plays the footage of dark shapes moving against a white background.

Sitting behind me in the gallery are Diaczuk and a reporter from TBnewswatch. During breaks, they chat quietly, comparing notes about other upcoming hearings—and about the hamburger reviews their publications have been running this month in a city-wide charity burger battle. The *Chronicle-Journal* and TBnewswatch both run stories about the hearing within a few days, but they are not the first. An X account called Thunder Bay Courthouse posts the details of the robbery, the chase, and the death in the street. “The entire incident was captured on video, but local media refuse to show the video,” the post reads. “LOCAL MEDIA WAS PRESENT IN THE COURTROOM, BUT ARE NOTORIOUSLY SLOW & LAZY WHEN IT COMES TO REPORTING THE NEWS.”

*This article was supported by the Law Commission of Canada–Canadian Bar Association Journalism Fellowship for 2025.*

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Senior Editor, The Walrus

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