

As the Media World Changes, Don't Abandon Many of the Basics

NATIONAL ASSOCIATION FOR COURT MANAGEMENT

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Technology has not just changed the way information is gathered and disseminated – it has changed who's doing the gathering and disseminating. Today there are fewer newspapers but more people calling themselves reporters. This ongoing shift has resulted in courthouses responding to calls – and scrutiny – not just from television and newspaper reporters but from bloggers, citizen journalists, Twitterers, videographers, Facebook fans, YouTubers, and the list goes on.

How can courts effectively navigate all the news channels coming their way? How do courts determine who qualifies for media access to court proceedings? Does court staff need to respond to every blog that posts something about their court? Should the court post responses to citizen journalists on their websites? Does it even matter?

To help courts resolve these questions, veteran newspaper reporters offered their advice. Overwhelmingly, they said that as much as the media world has changed, much has stayed the same – namely some of the basics of newsgathering.

“Court records and proceedings are open to the public. That hasn't changed; just more people are seeking that access,” said a veteran Chicago newspaper reporter, whose company policy prevented him from being named. “Everyone has access to the same information – but they don't have access to the same people,” he said. “I know sources and have relationships with the court staff and judges. They know me, they know my work. So I have access to interviews that many bloggers and citizen journalists don't have. I do get some special dispensation because I'm here every day.”

This access is crucial to the reporter and to the court. It allows the court an outlet to explain processes, correct misperceptions, and inform the public about the actual work of the court.

For newspaper reporters, the Chicago legal reporter finds that these relationships are critical to their job because it keeps readers subscribing to newspapers for context, not just what is in a court record or what happened in court today. “We might get all the same information in the court hearing, but what determines the difference in the story are the interviews with the sources we have developed over the years. That’s going to help make the traditional journalists’ article more thorough.”

Mark Curriden, director of communications for Vinson & Elkins LLP and a former newspaper journalist who covered the courts for the Atlanta Constitution Journal and the Dallas Morning News, says he’s witnessed shrinking newsrooms but increased demand on courts to respond to the “new media.” One result is that reporters are not able to devote as much time to a story as they used to. Reporters are pushed to post information online as soon as they find it, and that leaves many reporters – especially citizen journalists – only coming to the courthouse when there’s a crisis.

He recommended putting all docket and court information online. “It really helps the accuracy of court coverage when courts have good websites. People really think of the Texas Supreme Court as being very open. That’s because they’ve got such a good website,” Curriden said. Courts with strong websites maintain a level of transparency and provide court staff an avenue in which to direct all “media calls.”

When it comes to responding to blogs, Curriden says, don’t rush. “Some courts have a tendency to overreact to negative blogs and feel compelled to respond publicly. Some blogs are just going to be biased and courts have to learn to deal with that. So often, only eight people are reading that blog, and there’s really nothing a court can do.”

“If the blog is factually incorrect, especially if it contradicts the public record, then the court should go on their website and correct the facts, but do not get into a back and forth with the blogger,” Curriden said.

Curriden and other reporters offer the following to improve interactions with reporters and to more effectively get the court’s information to the public:

- Identify the reporters who cover the courts.
- Build relationships with reporters.
- Reach out to them. Invite reporters to the court and walk them through what is available and where to find public information.
- Post all docket information online.
- Post all court rules – what’s allowed in the courtroom and what’s not, cell phone use, laptop rules, etc. – on the court website and on posters around the court. Include the consequences for not abiding by the court rules.

With respect to judges, Curriden offered the following: “Write more clearly.”

“I graduated No. 2 from my law school, and sometimes I read an opinion and ask ‘What are they saying?’ If judges would state, ‘Here’s the case, and here’s the conclusion,’ that would be a big help.”

Curriden advised courts to recognize that many credible legal blogs exist. “Courts can’t just ignore blogs; there are many good ones. Remember, not all media is created equal.”